

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2587H.02I
 Bill No.: HB 1321
 Subject: Crimes and Punishment; Public Safety, Department of; Boards, Commissions, Committees, and Councils
 Type: Original
 Date: April 12, 2021

Bill Summary: This proposal establishes the Violent Crime Commission and the Violent Crime Commission Fund.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

***Oversight** assumes the fiscal impact to the General Revenue Fund (potential appropriation to fund the Violent Crime Commission Fund) may reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Violent Crime Commission Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

*Revenue and expenses assumed to net to zero.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Violent Crime Commission Fund	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	More than or Less than \$285,775	More than or Less than \$285,775	More than or Less than \$285,775

FISCAL ANALYSIS

ASSUMPTION

§§513.651 and 650.625 – Violent Crime Commission and Violent Crime Commission Fund

Officials from the **Department of Public Safety - Office of the Director (DPS)** state §650.625 establishes a new commission within the DPS. In order to manage and administer the “Violent Crime Commission” and its ongoing duties and responsibilities, the DPS will require the additional services of a one (1) FTE Executive Director and one (1) FTE Grant Specialist.

Additionally, DPS states the language in §650.625.2 establishes a new fund to support the grants awarded by the “Violent Crime Commission”. In order to manage the new fund, the DPS is requesting one (1) FTE Program Specialist position.

Oversight notes provisions of 650.625 establish the Violent Crime Commission and it appears the only duty of the Commission is to establish a grant program to distribute funds to local law enforcement agencies for the purpose of preventing, investigating, and solving violent crimes. Therefore, Oversight assumes DPS would only need one FTE Grant Specialist to oversee the distribution of funds and any other duties could be absorbed by existing staff.

Additionally, the provisions provide for the creation of a Violent Crime Commission Fund and not more than three percent of the moneys in the fund shall be used to pay the administrative costs of the grant program. With an estimated revenue of \$294,613 (see Table 1), approximately \$8,838 ($\$294,613 * .03$) will be available for administrative costs. Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. Oversight assumes all appropriated moneys, if any, will be expended in the same year. Oversight also assumes an unknown income to the Violent Crime Commission Fund from gifts, grants, bequests, or contributions. For fiscal note purposes, Oversight assumes the grants and administrative costs provided under this proposal will equal income and net to zero.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the Patrol cannot assume a definite fiscal impact. MHP states this bill removes an agency's ability to use forfeiture funds at its own discretion. Instead, the funds are placed into a commission and sent to local law enforcement agencies. The Patrol does not qualify as a local agency under Missouri law and will likely be ineligible from receiving monies that Patrol personnel seized pursuant to the forfeiture statute. If that happens, the Patrol would lose the ability to purchase law enforcement equipment and supplies for which it currently has an annual \$400,000 appropriation from this fund.

Officials from the **Department of Public Safety - Missouri National Guard (MNG)** state assuming current federal forfeitures continue and state and local agencies do not choose to divert monies to this fund, there would be no fiscal impact to MNG.

Oversight notes the provisions of section 513.651 state the moneys acquired by law enforcement agencies pursuant to sections 513.647 and 513.649 may be deposited into the Missouri Violent Crime Commission to assist local law enforcement agencies with the investigation of criminal activity and violent crime prevention and enforcement. Because the provisions of §513.651 are permissive, Oversight assumes the current federal forfeitures will continue and will have no fiscal impact on the MHP and MNG.

Oversight notes the provisions of this bill state in all criminal cases involving any violation of the traffic laws of this state, including infractions, a surcharge shall be assessed in the amount of one dollar. From information provided by the Office of the State Courts Administrator's Annual Judicial and Statistical Report-Table 1, the following numbers represent disposed cases for criminal traffic and traffic violations received through the Fine Collection Center from 2017 to 2019.

Table 1

	2017	2018	2019
Criminal Traffic	116,983	103,889	104,120
Fine Collection Center-Traffic	216,395	196,407	146,044
Total Cases	333,378	300,296	250,164
3 Year Average Collections = \$294,613			

Source: OSCA Annual Judicial and Statistical Report

For fiscal note purpose, Oversight will use the average number of cases over the three year period of 294,613 $(333,378 + 300,296 + 250,164)/3$. With an assessed surcharge of \$1 per case, Oversight will reflect an income of \$294,613 to the Violent Crime Commission Fund.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

Officials from the **Office of the Secretary of State (SOS)** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that

collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Missouri House of Representatives**, the **Missouri Office of Prosecution Services**, the **Missouri Senate**, the **Office of the State Courts Administrator**, the **Office of the State Treasurer**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Transfer Out – appropriation to the Violent Crime Commission Fund</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<u>FISCAL IMPACT – State Government (cont.)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
VIOLENT CRIME COMMISSION FUND			
<u>Transfer In – appropriation from General Revenue</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Income – Gifts, grants, bequests, or contributions</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Income – moneys acquired by law enforcement agencies by seizure – §513.651</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Revenue - \$1 Assessed surcharge on all traffic laws</u>	\$294,613	\$294,613	\$294,613
<u>Costs – DPS (§650.625) Administer Violent Crime Commission</u>			

Personal services	(\$38,476)	(\$46,633)	(\$47,099)
Fringe benefits	(\$22,936)	(\$25,689)	(\$25,846)
Equipment and expense	(\$3,348)	(\$871)	(\$893)
Total Costs – DPS	(\$64,760)	(\$73,193)	(\$73,838)
FTE Change – DPS	1 FTE	1 FTE	1 FTE
Costs – DPS - Grants to Local Law Enforcement	<u>Could exceed</u> (\$285,775)	<u>Could exceed</u> (\$285,775)	<u>Could exceed</u> (\$285,775)
ESTIMATED NET EFFECT ON THE VIOLENT CRIME COMMISSION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change to the Violent Crime Commission Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL LAW ENFORCEMENT AGENCIES			
<u>Loss</u> – potential loss of seized assets – potentially going to Violent Crime Commission Fund	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Income</u> – Grants from DPS from the Violent Crime Commission Fund	<u>Could exceed</u> \$285,775	<u>Could exceed</u> \$285,775	<u>Could exceed</u> \$285,775
ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT AGENCIES	More than or Less than <u>\$285,775</u>	More than or Less than <u>\$285,775</u>	More than or Less than <u>\$285,775</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

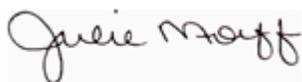
This bill creates the "Violent Crime Commission", within the Department of Public Safety, and the "Violent Crime Commission Fund". The bill specifies who will serve as members of the Violent Crime Commission and the duties of the Commission. Two of the members will have experience as criminal investigators, homicide detectives, or forensic experts, one shall be designated by the Speaker of the House of Representatives and the other designated by the President Pro Tem. One of the duties of the Commission is to establish a grant program to distribute funds to local law enforcement agencies for the purpose of preventing, investigating, and solving violent crimes.

The bill also specifies that money acquired by law enforcement agencies from asset forfeiture may be deposited into the Violent Crime Commission Fund, and the \$1 surcharge increase in all criminal cases involving a violation of the traffic laws of the state will be deposited into the Commission Fund.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Joint Committee on Administrative Rules
Missouri House of Representatives
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Missouri Senate
Office of the Secretary of State
Office of the State Treasurer
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department



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April 12, 2021



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April 12, 2021