

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0683-01
Bill No.: HB 167
Subject: Children and Minors; Crimes and Punishment; Criminal Procedure
Type: Original
Date: January 9, 2015

Bill Summary: This proposal removes the statute of limitations for certain actions to recover damages regarding child abuse and sexual offenses committed against a child and allows prosecutions for child abuse to be commenced at any time.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Under \$100,000)	(Under \$100,000)	(Under \$100,000)
Total Estimated Net Effect on General Revenue	(Under \$100,000)	(Under \$100,000)	(Under \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this bill proposes to remove the statute of limitations for certain actions to recover damages regarding child abuse and sexual offenses committed against a child and allows prosecutions for child abuse to be commenced at any time.

The bill also proposes to extend the statute of limitations from 30 years to no limit for sexual offenses against children. An examination of sentencing records for sex offenses that had no limit on bringing charges found only one sentence that was over 30 years. No impact is expected from the changes to sexual offenses against children.

The change in the statute of limitations for child abuse will remove the three year limit that applies to all felonies in Section 556.036. The examination of the number of sex offenses that had 30 or more years from the date of the offenses indicated that approximately 12% were brought after the three year limit would have expired. This means there could be an increase in the number of offenders convicted of child abuse offenses if child abuse cases have a similar pattern of suppression of allegations until the victim is an adult. It may be that the percentage increase in less serious class C cases will be lower but the sentencing analysis did not indicate such a trend.

In FY14 there were:

1. Nine new admissions for class A or B felony offenses for child abuse and so there is an estimated additional one offender per year who will serve an estimated 12 years before parole and three years on conditional release.
2. 24 new admissions for class C felony child abuse. It is projected that there will be an additional two offenders per year and they will serve four years in prison and two years on parole.

The penalty provision component of this bill resulting in potential fiscal impact for DOC includes Class A, B and C felonies. Based upon historical data, DOC assumes that approximately 1 additional offender per year will be sentenced to a Class A and/or B felony. Based upon historical data, DOC assumes approximately 2 offenders per year for years 1 through 4 for a total of 8 offenders in year 5 and beyond will be sentenced to a Class C felony under this new legislation

ASSUMPTION (continued)

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

DOC assumes a cost resulting from this proposal of \$15,263 in FY 2016 (3 in prison), \$37,363 in FY 2017 (6 in prison), and \$57,165 in FY 2018 (9 in prison). DOC's cost estimate for FY 2025 is \$148,968 (18 in prison and 6 on probation).

Oversight will reflect a cost of "Under \$100,000" for the three years of this fiscal note.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons faced with charges of child abuse and sexual offenses committed against a child after the current statute of limitations has expired 10 years and 30 years respectively.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Increased incarceration/probation costs from removal of statute of limitations	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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 changes the statute of limitations for certain offenses. In its main provisions, the bill specifies:

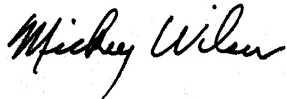
- (1) Prosecutions for unlawful sexual offenses involving a person 18 years of age or under may be commenced at any time. Currently, such prosecutions must be commenced within 30 years after victim reaches the age of 18; and
- (2) Prosecutions for child abuse may be commenced at any time.

This bill also changes these provisions in the newly revised criminal code that takes effect January 1, 2017.

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
Attorney General's Office
Office of the State Courts Administrator
Office of Prosecution Services
Department of Corrections
Office of the State Public Defender



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Director
January 9, 2015

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