

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0935-01
Bill No.: HB 211
Subject: Crimes and Punishment; Children and Minors
Type: Original
Date: January 20, 2015

Bill Summary: This proposal establishes Carrie's Law that creates the crime of sexual exploitation by a person of higher authority.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$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 5 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 the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a Class A misdemeanor. Based upon historical data, we assume that approximately 11 offenders would be sentenced to probation under this new legislation. We assume that all of the offenders would be incarcerated. The average probation time served for these types of sex offenses is 24 months. The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC would assume costs in the range of \$0 to \$22,486 in FY 2016, \$0 to \$55,045 in FY 2017 and \$0 to \$84,219 in FY 2017.

Oversight will reflect a cost of under \$100,000 for each year for the Department of Corrections.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

In response to a similar proposal from this year (HB 208), officials at the **Office of State Public Defender (SPD)** stated for the purpose of this proposed legislation, the SPD cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of sexual exploitation by a person of higher authority which would be a new class B misdemeanor.

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 **Office of the State Courts Administrator** and the **Department of Public Safety - Missouri Highway Patrol** 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 FUND

<u>Costs - Department of Corrections</u>			
Incarceration / Supervision expenses	(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 proposal establishes Carrie's Law that creates the crime of sexual exploitation by a person of higher authority, a class B misdemeanor with specified exceptions when it is a class A misdemeanor. A person commits the crime if he or she holds himself or herself out to be in any higher authority than the victim whether the authority is related to a professional license or is recognized or upheld as an authority figure within the scope of his or her relationship with a specific group or body of individuals or constituencies and engages in sexual conduct with another person who is not his or her spouse and the sexual conduct occurred following a documented pattern of efforts to seduce the victim over a period of time and during the course of a meeting in which the victim sought or received instruction, counseling, advice, therapy, aid, or comfort from the person or within 120 days after the meeting has ended; or during a period of time in which the victim was meeting on an ongoing basis with the person of higher authority to seek or receive instruction, counseling, advice, therapy, aid, or comfort; or while the person was in a position of trust or authority over the victim and used that position of trust or authority to engage in the sexual conduct.

FISCAL DESCRIPTION (continued)

Consent by the victim is not a defense under these provisions.

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
Office of the State Courts Administrator
Office of Prosecution Services
Department of Corrections
Office of the State Public Defender



Mickey Wilson, CPA
Director
January 20, 2015

Ross Strope
Assistant Director
January 20, 2015