

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0982-01
Bill No.: Perfected HB 254
Subject: Crimes and Punishment
Type: Original
Date: April 8, 2015

Bill Summary: This proposal modifies provisions relating to the physical taking or attempted physical taking of property owned or in the custody of a financial institution.

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)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Could exceed \$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 this bill proposes to repeal and replace sections 570.010 and 570.030, RSMo to include provisions relating to the physical taking or attempted physical taking of property owned or in the custody of a financial institution. Section 570.030 includes an addition of a class B felony for cases where "property appropriated or attempted to be appropriated is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property." The addition of financial institutions to this section only addresses the particular owner/custodian of the property with no further specification of the offense or value limit beyond what is already addressed in the statute.

In cases where stealing is more than \$25,000, there would be no change if this bill is enacted as those cases will already fall under class B felony provisions. However, since changes to this bill cover property in general with no monetary limit, we can assume that some percentage of current class C felonies, and even some misdemeanors, would become newly charged as class B felonies solely on the basis that the property was in ownership/custody of a financial institution.

Review of other class B charges associated with section 570.030 provides insight on what may be expected for time under DOC supervision if this bill is enacted. In FY '14 there were 27 new admissions for which the average sentence was 6.8 years and time served was 21 months. In addition there were 50 probation sentences. Given that the proposed modification represents specific conditions, only a portion of class C offenses will be diverted to class B.

There are 21 class C felony offenses on the statute books for stealing that do not use a value limit. In FY '14 not all the offenses had a new admission but, in total, there were 240 new admissions and 394 probations. Expressed as an average per offense, there were 11 new admissions and 19 probations. The average prison sentence was 4.7 years and the average time served was 14 months.

Based upon historical data, we assume that approximately 0 offenders in FY '16, 5 offenders in FY '17, and 6 offenders in FY '18 and beyond would be sentenced to incarceration under this new legislation. Also based upon historical data, we assume that approximately 9 offenders in FY'16, 18 offenders in FY '17, 27 offenders in FY '18, 64 offenders in FY '19, and 93 offenders in FY'20 and beyond would be sentenced to supervision under this new legislation. The FY '14 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.

ASSUMPTION (continued)

In summary, DOC would assume a cost of \$18,398 in year one, \$76,173 in year two, \$107,017 in year three, \$205,541 in year four, and \$286,785 in year five.

Oversight assumes the DOC would incur costs of under \$100,000 from this proposal for the first two fiscal years, and then could exceed \$100,000 in the fiscal years beyond.

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 face with the enhanced penalties for appropriating or attempting to appropriate property that is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person or deprive the owner or custodian of the property would be a new class B felony.

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 **Department of Insurance, Financial Institutions and Professional Registration, 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</u> - Department of Corrections - incarceration / supervision of offenders	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Could exceed <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

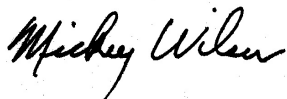
This proposal changes the laws regarding the crime of stealing to include the appropriating or attempted appropriation of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property.

The offense is a class B felony.

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 Prosecution Services
Office of the State Courts Administrator
Department of Corrections
Office of the State Public Defender
Department of Insurance, Financial Institutions and Professional Registration



Mickey Wilson, CPA
Director
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Ross Strope
Assistant Director
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