

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5799-01
Bill No.: HB 2061
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Emergencies
Type: Original
Date: February 7, 2018

Bill Summary: This proposal establishes the offense of causing a false emergency response and establishes civil liability for damages resulting therefrom.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Office of Prosecution Services** each assume the proposal would not create a fiscal impact.

Officials from the **Department of Corrections (DOC)** state this bill amends RSMo chapters 537 and 575 by adding two new sections regarding false emergency responses and penalty provisions. It creates two misdemeanors not supervised by the DOC and two felonies that would be supervised by the DOC.

The bill makes filing a false emergency a crime, an E felony if it results in injury or a D felony if it results in a death. The offense is currently included in the offense of making a false report, a misdemeanor, and the Office of the State Courts Administrator reported 144 convictions in FY17. The department does not know how many of the convictions were related to false emergency calls or how many resulted in injuries, but because of the sizable number the department is using the standard response for a non-violent class E felony.

In the first year we expect a total population change of three, with one to prison and two to supervision. In the second year, we expect a total population change of six, with two to prison and four to supervision. In the third year the total population is expected to increase by nine, with 2 going to prison, and seven on supervision. In the following years the population is expected to increase by 9 with 2 in prison and 7 on supervision.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

ASSUMPTION (continued)

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

DOC would assume this legislation will result in long term cost as indicated in the chart below.

	# to prison	Cost per year	Total Costs for prison		# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	1	(\$6,206)	(\$5,172)		2	absorbed	\$0	(\$5,172)
Year 2	2	(\$6,206)	(\$12,660)		4	absorbed	\$0	(\$12,660)
Year 3	2	(\$6,206)	(\$12,913)		7	absorbed	\$0	(\$12,913)
Year 4	2	(\$6,206)	(\$13,172)		7	absorbed	\$0	(\$13,172)
Year 5	2	(\$6,206)	(\$13,435)		7	absorbed	\$0	(\$13,435)
Year 6	2	(\$6,206)	(\$13,704)		7	absorbed	\$0	(\$13,704)
Year 7	2	(\$6,206)	(\$13,978)		7	absorbed	\$0	(\$13,978)
Year 8	2	(\$6,206)	(\$14,257)		7	absorbed	\$0	(\$14,257)
Year 9	2	(\$6,206)	(\$14,543)		7	absorbed	\$0	(\$14,543)
Year 10	2	(\$6,206)	(\$14,833)		7	absorbed	\$0	(\$14,833)

Oversight assumes the impact estimated by DOC to not be material and will not reflect it in the fiscal note.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (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 causing a false emergency response - an escalating offense depending on the result of the false emergency.

ASSUMPTION (continued)

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** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

The proposed legislation appears to have no direct fiscal impact.

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

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SOURCES OF INFORMATION

Office of the Attorney General
Department of Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
February 7, 2018