

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0593H.01I
 Bill No.: HB 291
 Subject: Crimes and Punishment; Criminal Procedure
 Type: Original
 Date: February 1, 2021

Bill Summary: This proposal modifies the offense of making a false report.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2029)
General Revenue	(\$45,243)	(\$110,756)	(\$169,456)	(\$349,541)
Total Estimated Net Effect on General Revenue	(\$45,243)	(\$110,756)	(\$169,456)	(\$349,541)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2029)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2029)
General Revenue	0 FTE	0 FTE	0 FTE	1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	0 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2029)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§575.080 – Offense of making a false report

Officials from the **Department of Corrections (DOC)** state this bill modifies the offense of making a false report.

Those under the age of 18 will have no impact to DOC. However, the department will use a standard B and C felony response to estimate a fiscal impact for those over the age of 18.

For each new class C felony, the Department estimates four people will be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the Department is estimated to be 15 additional offenders in prison and 31 additional offenders on field supervision by FY 2028.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

For each new class B felony, the Department estimates three people will be sentenced to prison and four to probation. The average sentence for a class B felony offense is 8.7 years, of which 5.1 years will be served in prison with 3.4 years to first release. The remaining 3.6 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the Department is estimated to be 15 additional offenders in prison and 23 additional offenders on field supervision by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	4	4	4	4	4	4	4	4	4	4
Cumulative Populations										
Prison	3	6	9	12	15	15	15	15	15	15
Parole						3	6	9	11	11
Probation	4	8	12	12	12	12	12	12	12	12
Impact										
Prison Population	3	6	9	12	15	15	15	15	15	15
Field Population	4	8	12	12	12	15	18	21	23	23
Population Change	7	14	21	24	27	30	33	36	38	38

Thus, the combined cumulative impact is estimated to be 30 additional offenders in prison and 52 additional offenders on field supervision by FY 2029, with a net population change of 82 new offenders.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	7	7	7	7	7	7	7	7	7	7
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	7	14	21	27	30	30	30	30	30	30
Parole				1	5	12	19	22	24	24
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	7	14	21	27	30	30	30	30	30	30
Field Population	10	20	30	31	35	42	49	52	54	54
Population Change	17	34	51	58	65	72	79	82	84	84

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	7	(\$7,756)	(\$45,243)	0	\$0	10	(\$45,243)
Year 2	14	(\$7,756)	(\$110,756)	0	\$0	20	(\$110,756)
Year 3	21	(\$7,756)	(\$169,456)	0	\$0	30	(\$169,456)
Year 4	27	(\$7,756)	(\$222,230)	0	\$0	31	(\$222,230)
Year 5	30	(\$7,756)	(\$251,860)	0	\$0	35	(\$251,860)
Year 6	30	(\$7,756)	(\$256,898)	0	\$0	42	(\$256,898)
Year 7	30	(\$7,756)	(\$262,035)	0	\$0	49	(\$262,035)
Year 8	30	(\$7,756)	(\$267,276)	1	(\$82,265)	52	(\$349,541)
Year 9	30	(\$7,756)	(\$272,622)	1	(\$73,284)	54	(\$345,906)
Year 10	30	(\$7,756)	(\$278,074)	1	(\$74,080)	54	(\$352,154)

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 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) concerning providing making a false report under Section 575.080 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City 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	Fully Implemented (FY 2029)
GENERAL REVENUE FUND				
<u>Costs – DOC (\$575.080)</u> Increase in P&P officers				
Personal service	\$0	\$0	\$0	(\$41,548)
Fringe benefit	\$0	\$0	\$0	(\$26,824)
Expense and equipment	\$0	\$0	\$0	(\$13,893)
<u>Total Costs – DOC</u>	\$0	\$0	\$0	(\$82,265)
FTE Change – DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Costs – DOC Increased incarceration costs</u>	(\$45,243)	(\$110,756)	(\$169,456)	(\$267,276)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(\$45,243)	(\$110,756)	(\$169,456)	(\$349,541)
Estimated Net FTE Change for the General Revenue Fund	0 FTE	0 FTE	0 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2029)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill specifies that a person commits the offense of making a false report if he or she knowingly makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official, or volunteer with reckless disregard of causing bodily harm to any person as a direct result of an emergency response.

The offense of making a false report is a class B misdemeanor if the report is a false report of a misdemeanor offense, and it is class C felony if the report is a false report of a felony offense. The offense is a class B felony if the report results in death or grievous bodily injury as a proximate result of lawful conduct arising out of the response. A person under 18 years old who violates this section is guilty of an infraction for the first offense and a class C misdemeanor for a second or subsequent violation. The minor must appear before a juvenile court or, in lieu, complete 30 hours of community service or pay a fine not to exceed \$250.

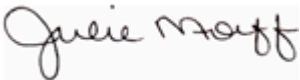
This legislation does not impose liability on a person who contacts law enforcement to report unlawful conduct or conflict with the Communication Decency Act or the Civil Rights Act.

A person who is a victim of the offense may bring a civil action against the person who made the false report and may recover damages or other equitable relief, as well as reasonable attorneys' fees.

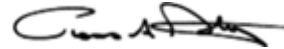
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department



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