

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1010H.01I
Bill No.: HB 259
Subject: Crimes and Punishment; Criminal Procedure; Courts; Sexual Offenses
Type: Original
Date: January 21, 2021

Bill Summary: This proposal modifies provisions relating to sexual offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$19,390)	(\$47,467)	(\$72,624)
Total Estimated Net Effect on General Revenue	(\$19,390)	(\$47,467)	(\$72,624)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

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
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§566.010 and 566.086 – Sexual offenses

Officials from the **Department of Corrections (DOC)** state this bill pertains to sexual contact and the offense of sexual contact with a student. These actions are considered class E felony offenses; therefore, the intent of the bill is to create a new sex or child abuse related class E felony offense.

For each new sex or child abuse related class E felony, the department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years, of which 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years.

The cumulative impact on the department is estimated to be 9 additional offenders in prison and 9 on field supervision by FY2024 with a net population change of 18 offenders.

	# 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 2% inflation)
Year 1	3	(\$7,756)	(\$19,390)	3	absorbed	\$0	(\$19,390)
Year 2	6	(\$7,756)	(\$47,467)	6	absorbed	\$0	(\$47,467)
Year 3	9	(\$7,756)	(\$72,624)	9	absorbed	\$0	(\$72,624)
Year 4	9	(\$7,756)	(\$74,077)	14	absorbed	\$0	(\$74,077)
Year 5	9	(\$7,756)	(\$75,558)	17	absorbed	\$0	(\$75,558)
Year 6	9	(\$7,756)	(\$77,069)	17	absorbed	\$0	(\$77,069)
Year 7	9	(\$7,756)	(\$78,611)	17	absorbed	\$0	(\$78,611)
Year 8	9	(\$7,756)	(\$80,183)	17	absorbed	\$0	(\$80,183)
Year 9	9	(\$7,756)	(\$81,787)	17	absorbed	\$0	(\$81,787)
Year 10	9	(\$7,756)	(\$83,422)	17	absorbed	\$0	(\$83,422)

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 sexual offenses under Chapter 566. 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 **Department of Elementary and Secondary Education**, the **Department of Public Safety – Missouri Highway Patrol**, 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**, the **Springfield Police Department**, the **St. Louis County Police Department**, and the **High Point R-III School District** 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 and schools 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
GENERAL REVENUE FUND			
<u>Costs – DOC</u> (§§566.010 and 566.086) Increased incarceration costs	<u>(\$19,390)</u>	<u>(\$47,467)</u>	<u>(\$72,624)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$19,390)</u>	<u>(\$47,467)</u>	<u>(\$72,624)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

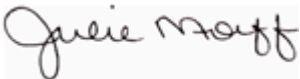
FISCAL DESCRIPTION

This bill changes the definition of "sexual contact" and it adds a coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association to the list of those who can be charged with committing the offense of sexual contact with a student.

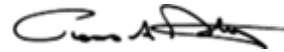
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Elementary and Secondary Education
Department of Public Safety –
 Missouri Highway Patrol
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
Springfield Police Department
St. Louis County Police Department
High Point R-III School District



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January 21, 2021



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