

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1851H.02P  
Bill No.: Perfected HCS for HB 825  
Subject: Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: April 14, 2021

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Bill Summary: This proposal modifies provisions concerning package delivery.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	(\$6,463)	(\$15,822)	(\$16,139)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$6,463)</b>	<b>(\$15,822)</b>	<b>(\$16,139)</b>

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

Numbers within parentheses: () indicate costs or losses.

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

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

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

**§570.212 – Mail theft**

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed this bill creates one new class A misdemeanor offense and one new class E felony offense. The misdemeanor offense does not fall under the purview of DOC.

For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$7,756)	(\$6,463)	2	absorbed	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	absorbed	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	absorbed	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	absorbed	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	absorbed	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	absorbed	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	absorbed	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	absorbed	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	absorbed	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	absorbed	\$0	(\$18,538)

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.

In response to a previous version, the **Office of the State Public Defender (SPD)** stated they 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 mail theft under Section 570.012. 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 the proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to a previous version, officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Courts Administrator**, the **Columbia Police Department**, the **Crestwood Police Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation (HB 464), officials from the **Ellisville Police Department** and the **Springfield Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation (HB 675), officials from the **El Dorado Springs Police Department** responded to the legislation but did not provide a fiscal impact.

In response to similar legislation (HB 675), officials from the **Tipton Police Department** assumed the proposal will have no fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment (HA) 2:

§304.900 – Personal delivery devices

In response to similar legislation from 2021 (HCS HB 592), officials from the **Department of Commerce and Insurance, Department of Revenue, Missouri Department of Transportation** and **Missouri Highway Patrol** each assumed 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.

In response to similar legislation from 2021 (HB 592), officials from the **City of St. Louis** and **City of Tipton** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HCS HB 592), officials from the **City of Kansas City, City of Corder, City of Hughesville** and **City of Claycomo** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HCS HB 592), officials from the **City of Springfield** stated they anticipate a possible negative impact from this bill due to wear and tear on sidewalks and the possible cost of defending lawsuits if a pedestrian or property is damaged on City sidewalks. While this draft of the bill requires insurance of \$100,000, damages could easily exceed that for personal injury.

**Oversight** assumes the proposal would not have a direct fiscal impact to local political subdivisions.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities and 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
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DOC p. 3-4 (\$570.212) Increased incarceration costs</u>	<u>(\$6,463)</u>	<u>(\$15,822)</u>	<u>(\$16,139)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$6,463)</u></b>	<b><u>(\$15,822)</u></b>	<b><u>(\$16,139)</u></b>

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

FISCAL IMPACT – Small Business

Small delivery businesses could be impacted by this proposal.

FISCAL DESCRIPTION

OFFENSE OF MAIL THEFT (Section 570.212)

This act provides that a person commits the offense of mail theft if the person intentionally appropriates mail from another person's mailbox or premises without consent of the addressee and with intent to deprive such addressee of the mail. This offense shall be a Class A misdemeanor for the first offense and a Class E felony for any second or subsequent offense.

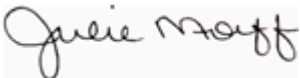
This act shall not prohibit such person from being charged with another crime in relation to mail obtained in violation of this act.

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 Commerce and Insurance

Department of Corrections  
Department of Public Safety - Missouri Highway Patrol  
Department of Revenue  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
Columbia Police Department  
Crestwood Police Department  
El Dorado Springs Police Department  
Ellisville Police Department  
Kansas City Police Department  
Springfield Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Tipton Police Department  
City of Kansas City  
City of Springfield  
City of St. Louis  
City of Tipton  
City of Corder  
City of Hughesville  
City of Claycomo



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