

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1470-01
Bill No.: SB 418
Subject: Crimes and Punishment; Department of Corrections
Type: Original
Date: March 10, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other 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 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those few cases arising where indigent persons were charged with endangering corrections personnel. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume this bill creates endangerment of corrections personnel. Penalty provisions are increased from a class A misdemeanor to a class D or B felony, dependent on criteria defined within the bill.

DOC assumes this bill, with its tougher penalties, will act as a deterrent for offenders who have chosen to throw body fluids on DOC employees in the past. The State of New York's Department of Corrections saw cases for exposure fall from 130 per year to 14.7 after implementing similar legislation. Most of this type of behavior occurs in administrative segregation (a.k.a. Ad Seg or lock-down) and involves long-term offenders. Any additional time they could be charged with under the auspice of this new proposal is beyond the scope of this fiscal note. However, it is believed that the occasional "thrower" who has a chance of parole and is aware that additional charges would hinder such will choose not to offend further in most cases.

Passage of this bill would greatly enhance the morale of staff who see the current class A misdemeanor as having little or no deterrent value at all for incarcerated offenders who choose to participate in this criminal behavior. This morale-building effect is especially relevant when taking into account that exposure includes the chance of contracting a life-threatening disease and is a reality that correctional personnel face daily in the line of duty.

Since any additional time served would be beyond the scope of this fiscal note, DOC assumes no fiscal impact during this time period.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<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.

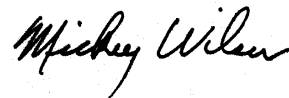
DESCRIPTION

The proposed legislation would create the crime of endangerment of corrections personnel, a class D felony. The proposal would make it a class B felony to put an employee of the Department of Corrections, or a person assigned to work in a jail, prison, or correctional facility in danger of contracting HIV, Hepatitis B, or Hepatitis C through the endangerment of corrections personnel. The proposal would also make it a class A misdemeanor to cause or attempt to cause an employee of the Department of Corrections, or a person assigned to work in a jail, prison, or correctional facility to come into contact with an unidentified substance.

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

Office of State Courts Administrator
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender



Mickey Wilson, CPA

L.R. No. 1470-01
Bill No. SB 418
Page 5 of 5
March 10, 2003

Director
March 10, 2003

BLG:LR:OD (12/02)