

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0311-01
Bill No.: SB 93
Subject: Crimes and Punishment; Department of Corrections; Prisons and Jails
Type: Original
Date: January 21, 2005

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health, Department of Social Services,** and the **Department of Public Safety** – divisions of **Missouri State Highway Patrol** and **Director’s Office** assume the proposed legislation would have no fiscal impact on their agencies.

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 the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with the crime of endangering a corrections employee. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD 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 the proposed legislation creates the crime of endangering a corrections employee. Penalty provisions range from a class A misdemeanor through a class B felony, depending on circumstances.

DOC assumes this proposal, 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. DOC assumes assume the proposal would have no fiscal impact on their agency.

| <u>FISCAL IMPACT - State Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
|---|---------------------|------------|------------|
| | <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 endangering a corrections employee. An offender or prisoner would commit the crime if he or she attempted to cause or knowingly cause a corrections employee to come into contact with blood, seminal fluid, urine, feces, or saliva. Endangering a corrections employee would be a class D felony unless the substances is unidentified, in which case it would be a class A misdemeanor. If the offender or prisoner is knowingly infected with HIV, hepatitis B, or hepatitis C and commits the crime of endangering a corrections employee, it would be a class B felony. The proposal would also remove inmates and correctional facilities from the provisions of Section 565.092, RSMo.

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 Mental Health
Department of Corrections
Department of Social Services
Department of Public Safety
 – Director's Office
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender



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