

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0256-01
Bill No.: SB 52
Subject: Victims of Crime; Firearms and Weapons; Law Enforcement Officers and Agencies; Highway Patrol
Type: Original
Date: January 26, 2009

Bill Summary: The proposal modifies various provisions relating to domestic violence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol, Boone County Sheriff’s Department, and the Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would expand the number of persons eligible to file a petition for order of protection. Currently, in order to qualify for an order of protection, the petitioner must be a family or household member of the respondent or an adult who has been the victim of stalking. The proposed legislation would change the definition of a “family or household member” to include “an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the victim.”

Under §455.025, RSMo, court clerks must provide assistance with adult abuse forms and procedures. This is very time consuming. There could be a significant increase in the number of cases filed. However, CTS has no way of estimating that increase. Any significant increase would be reflected in future budget requests.

Officials from the **Department of Corrections (DOC)** assume the bill proposes modification to various provisions relating to domestic violence. The proposal also creates a new class D felony when a perpetrator possesses a firearm and they have a restraining order against them in defined situations, or prior convictions of domestic assault exist. The penalty provision component of this bill, resulting in potential fiscal impact for DOC, is for a class D felony. Statistics indicate an average time served for an offender sentenced with a class D felony is 15 months or 1.25 years.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. The following table indicates data on current crimes and orders of protection:

ASSUMPTION (continued)

Offense	FY06	FY07	FY08
Office of State Courts Administrator Tracked Charges Filed in MO for Violation of Order of Protection Adult/Child	2,702	2,432	2,430
New Probation/Incarcerations for Misdemeanor Crime of Domestic Assault (§565.074, RSMo)	547	494	441

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY08 average of \$15.64 per offender, per day or an annual cost of \$5,709 per inmate) or through supervision provided by the Board of Probation and Parole (FY08 average of \$2.47 per offender, per day or an annual cost of \$902 per offender).

At this time, the DOC is unable to determine the exact number of people who would be convicted under the provisions of this bill and whether or not additional inmate beds may be required as a consequence of passage of this proposal. The cumulative effect of various new legislation, if adopted as statute may require institutional facility expansion.

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Oversight assumes, based upon the number of charges filed for violations of orders of protection and the number of new probation/incarcerations for domestic assault during fiscal years 2006 through 2008, the additional costs to the Department of Corrections could exceed \$100,000 per fiscal year. Eighteen (18) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually and the historic information provided indicates the proposal could result in more than eighteen new incarcerations annually.

Officials from the **Office of Prosecution Services** responded to Oversight's request but did not provide a fiscal impact statement.

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

ASSUMPTION (continued)

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the Greene County Sheriff’s Department, St. Louis County Police Department, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight’s request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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GENERAL REVENUE FUND

Costs – Department of Corrections
(DOC)

Incarceration/probation costs	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
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**ESTIMATED NET EFFECT ON
GENERAL REVENUE FUND**

	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation makes it unlawful for certain persons to possess a firearm. Such persons include those who are subject to a court order that:

1. Was issued after a hearing of which the person had notice;
2. Restrains a person from harassing, stalking, or threatening a family or household member or his or her child; and
3. Includes a finding that such person represents a credible threat to the safety of the family or household member or child or has been convicted of a misdemeanor crime of domestic assault.

A violation of this provision is a class D felony.

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

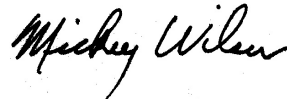
SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Public Safety
– Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department
Springfield Police Department

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NOT RESPONDING

**Greene County Sheriff's Department
St. Louis County Police Department
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department**



Mickey Wilson, CPA
Director
January 26, 2009