

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0811-03
Bill No.: SB 214
Subject: Children and Minors; Crimes and Punishment; Criminal Procedure; Domestic Relations; Health Care Professionals; Public Safety Department; Sexual Offenses; Victims of Crime
Type: Original
Date: March 8, 2013

Bill Summary: This modifies provisions relating to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund*	\$0	\$0	\$0

* Potential fiscal impact to the Department of Corrections is beyond the time period (scope) reflected in this fiscal note.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> 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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender** assume no impact from this proposal. While this would increase the punishments associated with certain sex crimes, it would not convert any misdemeanors into felonies, or vice versa, and therefore would not have any impact under their protocol since all felony sex cases have the same weight, no matter the degree of felony.

Officials from the **Department of Social Services (DSS)** state sections 566.030 to 566.101 of the proposal renames and redefines several crimes dealing with sexual assault.

Old Name	New Name
Forcible Rape	Rape in the First Degree
Sexual Assault	Rape in the Second Degree
Forcible Sodomy	Sodomy in the First Degree
Deviate Sexual Assault	Sodomy in the Second Degree
Sexual Abuse	Sexual Abuse in the First Degree
Sexual Abuse in the First Degree	Sexual Abuse in the Second Degree
Sexual Misconduct in the First Degree	Sexual Abuse in the Second Degree
Sexual Misconduct in the Second Degree	Sexual Misconduct in the First Degree
Sexual Misconduct in the Third Degree	Sexual Misconduct in the Second Degree

The penalties for each crime remain basically the same. The rest of the bill consists of the necessary statutory revisions to bring related statutory sections into alignment with the new nomenclature.

There is no fiscal impact to the Department of Social Services. Although the names of the offenses are different, there is no change to DSS's responsibilities. For instance, it would still be the Division of Youth Services' (DYS) responsibility under Section 160.261 to report acts of school violence in DYS facilities to the appropriate law enforcement agency. The same is true of Section 211.447, which allows the court to terminate the parental rights of the biological father when the child was conceived as a result of forcible (now first degree) rape.

In response to a similar proposal from this year (HB 280), officials from the **Department of Corrections (DOC)** stated passage of this proposal would result in certain sex offenders sentenced to DOC for longer incarceration periods and for serving sentences consecutively instead of concurrently. These years of incarceration would be served in addition to their current sentence and fiscal impact would occur after the scope of this fiscal note.

ASSUMPTION (continued)

If persons are sentenced to the custody of the DOC for longer terms due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate).

In summary, supervision by the DOC through incarceration would result in additional costs to the department and the exact fiscal impact is unknown, but it will be past the scope of this fiscal note.

Officials at the **Department of Elementary and Secondary Education** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Officials at the **Office of Prosecution Services, Department of Insurance, Financial Institutions and Professional Registration, Department of Mental Health, Missouri Highway Patrol** and the **Office of State Courts Administrator** each assume there is no fiscal impact to their organization from this proposal.

<u>FISCAL IMPACT - State Government</u> *	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

*Potential fiscal impact to the Department of Corrections is beyond the time period (scope) reflected in this note.

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation modifies provisions relating to crime.

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 Elementary and Secondary Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Mental Health
Department of Social Services
Missouri Highway Patrol
Office of State Courts Administrator
Office of the State Public Defender
Department of Corrections



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