

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1679-01
Bill No.: SB 347
Subject: Children and Minors; Crimes and Punishment; Domestic Relations; Family Services Division
Type: Original
Date: April 15, 2013

Bill Summary: This proposal makes the offense of nonsupport an infraction rather than a class A misdemeanor or class D felony.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	Unknown greater than \$100,000	Unknown greater than \$100,000	Unknown greater than \$100,000
Total Estimated Net Effect on General Revenue Fund	Unknown greater than \$100,000	Unknown greater than \$100,000	Unknown greater than \$100,000

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 from the **Department of Corrections (DOC)** state that the penalty provision component of this proposal resulting in potential fiscal impact for DOC, is for an infraction rather than a previous class A misdemeanor or class D felony. In FY12, the DOC received 193 term-sentenced offenders for the crime of non-support. The average term served was 6 months. The DOC cannot predict the number of avoided commitments which may result from the offense reduction outlined in this proposal. A decrease in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If persons are no longer sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will save a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4,960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, it is estimated that potential cost avoidance will be in excess of \$100,000 per year.

Officials from the **Office of the State Public Defender (SPD)** state that their system is currently operating with too many cases and too few attorneys. If this proposal should pass the attorney shortage of 71 would be reduced by 17.

In FY12, the SPD provided representation in 2,082 criminal non-support cases. Of the 2,082 cases 1,969 were felonies and 833 were misdemeanors. It requires a minimum of 14 hours of attorney time for felony cases and 5 for misdemeanors. This calculates to 31,731 attorney hours. If each attorney has 1,849 hours available each year for case work, then 17 attorneys would be available to meet other caseload demands.

Officials from the **Department of Social Services - Family Support Division (FSD)** assume that changing the nonsupport penalty to an infraction would reduce child support collections resulting from judicial enforcement. However, the impact to collections is unknown. Therefore, estimated fiscal impact to the department is unknown.

Officials from the **Office of the State Courts Administrator** and **Department of Public Safety - Missouri Highway Patrol** each assume the current proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Loss - FSD</u>			
Reduction in child support collection resulting from judicial enforcement.	(Unknown)	(Unknown)	(Unknown)
<u>Savings - FSD</u>			
Reduced child support distribution to custodial parents	Unknown	Unknown	Unknown
<u>Savings - DOC</u>			
Reduction of costs for incarceration or supervision of offenders.	Unknown greater than <u>\$100,000</u>	Unknown greater than <u>\$100,000</u>	Unknown greater than <u>\$100,000</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Unknown greater than \$100,000</u>	<u>Unknown greater than \$100,000</u>	<u>Unknown greater than \$100,000</u>
<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

Under current law, criminal nonsupport is a Class A misdemeanor unless the total arrearage exceeds 12 monthly payments, in which case it is a Class D felony.

This proposal makes all offenses of nonsupport punishable as infractions. An infraction carries a penalty of a fine of up to \$200.

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

RS:LR:OD

SOURCES OF INFORMATION

Department of Corrections
Office of the State Public Defender
Department of Social Services
Missouri Highway Patrol
Office of the State Courts Administrator

Not Responding

Office of Prosecution Services



Ross Strope
Acting Director
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