

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0176-02
Bill No.: SCS for HB 152 with SA1 and SA2
Subject: Crimes and Punishment; Children and Minors
Type: Original
Date: April 29, 2015

Bill Summary: This proposal expands the crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons face the enhanced crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections (DOC)** state this bill expands the crime of sexual trafficking of a child to include advertising a child participating in a commercial sexual act.

Four statutes are amended: 566.210 - Sexual trafficking of a child 1st degree, 566.211 - Sexual trafficking of a child 2nd degree, 566.212 - Sexual trafficking of a child and 566.210 - Sexual trafficking of a child under 12.

The effect of the additional wording on conviction rates is not known but a count of the prison admissions that the DOC has received for these four offenses in the last four years found only one admission for sexual trafficking of a child and the offender was convicted of the attempt of the offense and sentenced to the Sex Offender Assessment Unit and released to probation after 120 days.

Because of the low number of admissions, it is expected that the additional wording will not result in a significant increase in prison admissions. The prediction is that the DOC will receive one new admission per year and the offenders will be sentenced to a class A felony with a sentence of 10 years and will serve 7 years in prison and 3 years on parole. Offenders sentenced for these offenses will be required to complete the Missouri Sex Offender Program and such offenders are normally released on the conditional release date (67% of sentence). The impact

ASSUMPTION (continued)

after 10 years is an increase in the prison population of 7 and an increase in the field population of 3.

The penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class A felony. Based upon historical data, we assume that approximately 1 offender per year would be sentenced to incarceration under this new legislation with a cumulative effect of a total of 7 offenders by year 7. Offenders sentenced as a result of this legislation will not be eligible for supervision until year 8 and an additional offender would be eligible for each year thereafter.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

In summary, DOC assumes an additional cost of \$5,088 in FY 2016, \$12,454 in FY 2017, \$19,055 in FY 2018, and up to \$59,892 in FY 2025.

Oversight assumes the DOC could absorb these amounts within their current appropriation levels and will not reflect an additional fiscal impact from this proposal.

Senate Amendment 1:

In response to a similar proposal from this year (SB 211), officials from the **Office of the Secretary of State (SOS)** assumed the proposal will have a fiscal impact of less than \$2,500 on their organization.

Oversight assumes the SOS is provided with core funding to handle a certain amount of activity each year. Oversight assumes the SOS could absorb the costs related to this proposal.

Senate Amendment 2:

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO states they may seek additional appropriations if the proposal results in a significant increase in cases.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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.

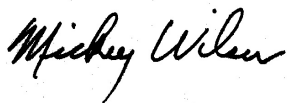
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Public Safety
Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Department of Corrections
Attorney General's Office



Mickey Wilson, CPA
Director

Ross Strobe
Assistant Director

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