

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0343-03
Bill No.: SCS for SB Nos. 112, 212, 143 & 234
Subject: Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: April 2, 2015

Bill Summary: This proposal modifies provisions related to criminal offenses.

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 Corrections (DOC)** state this version of the bill combines previously filed bills. The bill re-classifies D and C felonies to E and D in order to align with the 2014 criminal code. It also incorporates the newly amended aggravated stalking provisions contained within SB 212. This fiscal note is similar to fiscal notes 0343-01 and 0255-01. The 0343-01 and 0255-01 responses apply:

FN 0343-01N SB 112 pertains to revisions to the criminal code - the bill contains the required amendment of the felony class of statutes not already amended in the 2014 criminal code that will be enacted in January 2017. The amendments are necessary because the increase in the number of felony classes in the 2014 criminal code required all felony D and C felonies in the old code to be re-classified as E or D. These changes will have no impact on the Department.

0255-01, SB212 - adds an element to the crime of aggravated or first degree stalking - this bill proposes to add a sixth element to the existing aggravated stalking statute. An individual accessing or attempting to access an address of a participant in the address confidentiality program and harasses or follows with the intent of harassing another person is guilty of aggravated stalking.

There were 35 new admissions for the class D felony of aggravated stalking in FY14. Twenty two were probation cases, three were 120 day admissions and ten served a term sentence averaging 24 months. There were no new admissions for the class C felony of aggravated stalking (previous) in FY14, to include term sentences or probation cases. Broadening the definition of this statute may lead to more convictions. The majority can still expect to receive probation for these violations.

The penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class D. For a new class D felony it is assumed that 3 offenders per year would be sentenced for the offense, one to prison and 2 to probation. Probationers would serve an average of 3 years and an offender would serve an average of 12 months in prison and three years on parole. The impact for the class D felony is one additional offender in prison and nine on supervision. Full implementation of this legislation would occur in year 4.

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.

ASSUMPTION (continued)

In summary, the DOC assumes an additional cost of \$9,176 in FY 2016 (1 in prison and 2 on probation), \$18,737 in FY 2017 (1 in prison and 5 on probation), and \$26,768 in FY 2018 (1 in prison and 8 on probation).

Oversight assumes the DOC could absorb these potential additional offenders within their current appropriation levels.

Officials from the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Public Safety (Missouri Highway Patrol and Capitol Police)**, the **Department of Agriculture, Department of Revenue, Missouri Department of Conservation, Department of Mental Health**, the **Office of Prosecution Services**, and the **Department of Health and Senior Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

According to officials from the **Office of the Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<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.

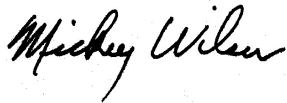
FISCAL DESCRIPTION

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 Corrections
Office of Prosecution Services
Office of the State Public Defender
Department of Public Safety
Office of the State Courts Administrator
Attorney General's Office
Department of Revenue
Department of Health and Senior Services
Department of Mental Health
Department of Insurance, Financial Institutions and Professional Registration
Office of the Secretary of State
Department of Agriculture
Missouri Department of Conservation



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April 2, 2015

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