COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4162-02
Bill No.: HCS for HB 1562 with SA1, SA2, SA3, SA4, SA5, and SA6
Subject: Crimes and Punishment; Children and Minors
Type: Original
Date: April 19, 2016

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Bill Summary: This proposal relates to victims of crimes.

**FISCAL SUMMARY**

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|---|---|---|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| **Total Estimated Net Effect on General Revenue** | **$0** | **$0** | **$0** |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|---|---|---|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| | | | |
| **Total Estimated Net Effect on Other 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 2017 | FY 2018 | FY 2019 |
| | | | |
| | | | |
| **Total Estimated Net Effect on All Federal Funds** | **$0** | **$0** | **$0** |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|---|---|---|
| FUND AFFECTED | FY 2017 | FY 2018 | FY 2019 |
| | | | |
| | | | |
| **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 2017 | FY 2018 | FY 2019 |
| **Local Government** | **$0** | **$0** | **$0** |

## FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services**, **Office of the State Courts Administrator**, **Department of Corrections**, and the **Department of Public Safety - Missouri Highway Patrol** 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 are faced with 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.

Senate Amendments 1, 4 and 6:

Senate Amendments 1, 4 and 6 appear to change the title of the bill. **Oversight** assumes these amendments would not create a fiscal impact.

Senate Amendment 2:

In response to a similar proposal from this year (SB 971), officials from the **Department of Corrections**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Public Defender**, the **Office of Prosecution Services** and the **Office of the State Courts Administrator** each assumed there is no fiscal impact from this proposal to their respective agencies.

Senate Amendment 3:

In response to a similar proposal from this year (SB 888), officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal to their organization.

ASSUMPTION (continued)

Senate Amendment 5:

In response to a similar proposal from this year (SB 886), officials from the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the Secretary of State**, and the **Office of Prosecution Services** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal from this year (SB 886), officials at the **Office of State Public Defender (SPD)** stated they could not assume that existing staff will provide effective representation for any new cases arising where indigent persons are faced with the expanded definition of aggravated stalking to include accessing or attempting to access addresses for confidentiality programs.

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.

In response to a similar proposal from this year (SB 886), officials from the **Department of Corrections (DOC)** stated the bill adds: (6) At any time during the course of conduct, the other person is a participant of the address confidentiality program under sections 589.660 to 589.681, and the person disturbing the other person knowingly accesses or attempts to access the address of the other person.

The amendment may add to the number of offenders convicted of the Class D offense of aggravated or first degree stalking (565.225). In FY 2015 the DOC received 30 offenders for a prison sentence and 34 for probation or 120 day shock probation. The offenders serving a prison sentence are expected to serve 12 months in prison and then three years on parole.

The DOC estimates that one additional offender will be convicted of the offense and so the prison population will increase by one offender per year and the parole population will increase by 3.

The FY15 average cost of supervision is $6.04 per offender per day or an annual cost of $2,205 per offender. The DOC cost of incarceration is $16.809 per day or an annual cost of $6,135 per offender.

ASSUMPTION (continued)

The DOC assumes a cost of $6,950 in FY 2017 (1 offender in prison and 1 on probation), $10,756 in FY 2018 (1 offender in prison and 2 on probation), and $13,265 in FY 2019 (1 offender on prison and 3 on probation).

**Oversight** assumes the amounts assumed by DOC could be absorbed within their existing appropriation, and therefore will not reflect a fiscal impact to the state from this amendment.

| FISCAL IMPACT - State Government | FY 2017 (10 Mo.) | FY 2018 | FY 2019 |
|---|---|---|---|
| | **$0** | **$0** | **$0** |

| FISCAL IMPACT - Local Government | FY 2017 (10 Mo.) | FY 2018 | FY 2019 |
|---|---|---|---|
| | **$0** | **$0** | **$0** |

FISCAL IMPACT - Small Business

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

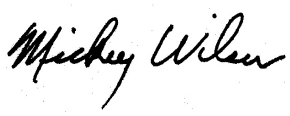
FISCAL DESCRIPTION

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 Public Defender
Department of Corrections
Office of the State Courts Administrator
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Office of the Secretary of State



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