

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4162-02
Bill No.: Truly Agreed To and Finally Passed HCS for HB 1562
Subject: Crimes and Punishment; Children and Minors
Type: Original
Date: June 7, 2016

Bill Summary: This proposal modifies provisions related to victims of crime offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$8,788)	(\$19,508)	(\$26,780)
Total Estimated Net Effect on General Revenue	(\$8,788)	(\$19,508)	(\$26,780)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> 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 **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Department of Health and Senior Services**, the **Department of Mental Health**, and the **Department of Social Services** each assume the proposal would not fiscally impact their respective agencies.

In response to previous versions of the proposal, officials from the **Office of the Secretary of State** assumed no fiscal impact.

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.

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

Officials from the **Department of Corrections (DOC)** state Sections 510.035, 545.950, & 595.225, RSMo, set new criteria for aural and visual records and were previously seen in a response to FY16 FN 4336-10N. As there are no new supervised offenses created by this legislation, there will be no impact to the DOC..

Section 565.225, RSMo, clarifies the offense 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.

ASSUMPTION (continued)

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 offenders would serve an average of 12 months in prison and three years on parole. The impact for the class D felony is shown below with a maximum of 1.5 in prison and 8 in the field.

	FY 2017	FY 2018	FY 2019	FY 2020
Admissions	1	1	1	1
Probations	2	2	2	2
Impact				
Prison	1	1.5	1.5	1.5
Field	2	4.5	7.5	8

Sections 589.660 & 589.663, RSMo, were also added to address concerns about human trafficking and have previously received a response in FY16 FN 6496-03N. This should have no impact to the DOC.

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.

In summary, DOC assumes a cost of \$8,788 in FY 2017, \$19,508 in FY 2018, and \$26,780 in FY 2019.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs - DOC - §565.225</u>			
Increased costs of incarceration / supervision of offenders	<u>(\$8,788)</u>	<u>(\$19,508)</u>	<u>(\$26,780)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$8,788)</u>	<u>(\$16,508)</u>	<u>(\$26,780)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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

Beginning in 2017, as a result of SB 491 (2014), aggravated stalking will be known as stalking in the first degree. This bill also adds the act of knowingly accessing, or attempting to access, the address of a participant of the address confidentiality program to the elements of first degree stalking.

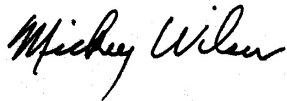
This bill adds knowingly advertising a specified minor to participate in a commercial sex act, performance, or the production of explicit sexual material to the offenses of: sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, sexual trafficking of a child, and sexual trafficking of a child under the age of 12.

The bill adds the advertising element to the offense of trafficking for the purpose of sexual exploitation.

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
Attorney General's Office
Office of the Secretary of State



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