

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4405-01
Bill No.: SB 612
Subject: Crimes and Punishment; Immigration
Type: Original
Date: December 16, 2015

Bill Summary: This proposal modifies the law relating to the offense of illegal reentry.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$5,113)	(\$12,515)	(\$32,873)
Total Estimated Net Effect on General Revenue	(\$5,113)	(\$12,515)	(\$32,873)

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 5 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 Corrections (DOC)** state the bill creates the offense of illegal reentry if a person who has been deported under the provisions of 8 U.S.C. Section 1326 returns to the state of Missouri. The offense is a class B felony. The enforcement of immigration laws is a federal responsibility and US law may take precedence over a state statute. The department has no information on the number of deported persons who have returned to Missouri without valid immigration documents.

DOC estimates that one person per year will return and will be sentenced to prison. The average sentence for a nonviolent Class B offense is 7 years and the expected time served is 50% of the sentence, or 3.5 years. The offense is parole eligible and will serve 3.5 years on parole, unless the offender is detained by the US Citizenship and Immigration Services.

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 cost of \$5,113 in FY 2017 (one offender in prison), \$12,515 in FY 2018 (2 offenders in prison), and \$19,149 in FY 2019 (three offenders in prison). Long term forecasts from DOC project 3.5 persons in prison with 3.5 persons on probation/parole.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

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 charged with the proposed new crime of illegal reentry, a new Class B felony.

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.

ASSUMPTION

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

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs - DOC - incarceration and/or supervision of offenders of illegal reentry</u>	<u>(\$5,113)</u>	<u>(\$12,515)</u>	<u>(\$32,873)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$5,113)</u>	<u>(\$12,515)</u>	<u>(\$32,873)</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

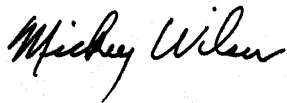
This act creates the crime of illegal reentry. An illegal alien commits the crime of illegal reentry if he or she has been removed from the United States under federal law.

Illegal reentry is punishable as a Class B felony.

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
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator



Mickey Wilson, CPA
Director
December 16, 2015

Ross Strobe
Assistant Director
December 16, 2015