

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5266-01  
Bill No.: SB 886  
Subject: Crimes and Punishment; Secretary of State  
Type: Original  
Date: February 1, 2016

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Bill Summary: This proposal adds an element to the crime of aggravated or first degree stalking.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to a similar proposal from 2015 (SB 212), officials from the **Office of the Secretary of State** and the **Department of Public Safety - Missouri Highway Patrol** each assumed this proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** and the **Office of Prosecution Services** 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 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 2015 (SB 212), officials from the **Department of Corrections (DOC)** stated 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

ASSUMPTION (continued)

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 felony. Based upon historical data, we assume that approximately one offender per year would be sentenced to incarceration and 2 offenders in year one, 5 offenders in year two, 8 offenders in year three, and 9 offenders in year four and beyond would be sentenced to supervision under this new legislation. The average length of incarceration is 12 months and average length of supervision is 3 years. Full implementation of this legislation would occur in year 4.

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

In summary, the DOC assumed an additional cost of \$9,176 in the first year (1 in prison and 2 on probation), \$18,737 in the second year (1 in prison and 5 on probation), and \$26,768 in the third year (1 in prison and 8 on probation).

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

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</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.

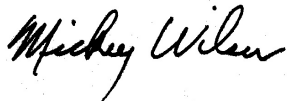
FISCAL DESCRIPTION

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

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



Mickey Wilson, CPA  
Director  
February 1, 2016

Ross Strobe  
Assistant Director  
February 1, 2016