

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5435-01  
Bill No.: SB 791  
Subject: Crimes and Punishment  
Type: Original  
Date: January 3, 2018

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Bill Summary: This proposal provides that knowingly inciting another to commit suicide is involuntary manslaughter in the second degree.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                 | <b>FY 2019</b> | <b>FY 2020</b> | <b>FY 2021</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 2019</b> | <b>FY 2020</b> | <b>FY 2021</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 6 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2019</b> | <b>FY 2020</b> | <b>FY 2021</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 2019</b> | <b>FY 2020</b> | <b>FY 2021</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 2019</b> | <b>FY 2020</b> | <b>FY 2021</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

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

Officials from the **Department of Corrections (DOC)** state this bill proposes to create an additional offense pertaining to involuntary manslaughter. Knowingly inciting another person to commit suicide can result in a class E felony offense. This is a new crime and the impact to DOC is unknown.

For a class E felony, the department estimates one person will be sentenced to prison and 2 to probation. The average sentence for a nonviolent Class E offense is 3.4 years, of which 2.2 years will be served in prison while the remaining 1.2 years will be on parole. Probation sentences will be 3 years. The cumulative impact on DOC is 2 additional offenders in prison and 7 on field supervision by FY 2021.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that

ASSUMPTION (continued)

would be needed to cover the new caseload.

The DOC would assume this legislation will result in long term costs as indicated in the chart below:

|         | # to prison | Cost per year | Total Costs for <b>prison</b> |  | # to probation & parole | Cost per year | Total cost for <b>probation and parole</b> | Grand Total - Prison and Probation (includes and 2% inflation) |
|---------|-------------|---------------|-------------------------------|--|-------------------------|---------------|--|--|
| Year 1  | 1           | (\$6,206)     | (\$5,172)                     |  | 2                       | absorbed      | \$0  | (\$5,172)  |
| Year 2  | 2           | (\$6,206)     | (\$12,660)                    |  | 4                       | absorbed      | \$0  | (\$12,660)   |
| Year 3  | 2           | (\$6,206)     | (\$12,913)                    |  | 7                       | absorbed      | \$0  | (\$12,913)   |
| Year 4  | 2           | (\$6,206)     | (\$13,172)                    |  | 7                       | absorbed      | \$0  | (\$13,172)   |
| Year 5  | 2           | (\$6,206)     | (\$13,435)                    |  | 7                       | absorbed      | \$0  | (\$13,435)   |
| Year 6  | 2           | (\$6,206)     | (\$13,704)                    |  | 7                       | absorbed      | \$0  | (\$13,704)   |
| Year 7  | 2           | (\$6,206)     | (\$13,978)                    |  | 7                       | absorbed      | \$0  | (\$13,978)   |
| Year 8  | 2           | (\$6,206)     | (\$14,257)                    |  | 7                       | absorbed      | \$0  | (\$14,257)   |
| Year 9  | 2           | (\$6,206)     | (\$14,543)                    |  | 7                       | absorbed      | \$0  | (\$14,543)   |
| Year 10 | 2           | (\$6,206)     | (\$14,833)                    |  | 7                       | absorbed      | \$0  | (\$14,833)   |

**Oversight** assumes the DOC could absorb the minimal number of anticipated new prisoners within their current appropriation levels.

For the purpose of this proposed legislation, officials from 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 knowingly inciting another person to commit self murder, a new class E 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 (continued)

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

| <u>FISCAL IMPACT - State Government</u> | FY 2019<br>(10 Mo.) | FY 2020    | FY 2021    |
|---|---------------------|------------|------------|
|   | <u>\$0</u>          | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2019<br>(10 Mo.) | FY 2020    | FY 2021    |
|---|---------------------|------------|------------|
|   | <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.

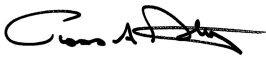
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Office of the State Courts Administrator

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director  
January 3, 2018