

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0147-03
Bill No.: Perfected SCS for SB 60
Subject: Crimes and Punishment, Domestic Relations, Housing, Landlords and Tenants,
Sexual Offenses
Type: Original
Date: April 15, 2019

Bill Summary: This proposal modifies provisions relating to victims of certain crimes.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety-Missouri State Highway Patrol, Department of Public Safety-Capitol Police, Department of Mental Health, Department of Labor and Industrial Relations, Office of State Courts Administrator, and Department of Social Services** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Springfield Police Department** and **Joplin Police Department** assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, Officials from the **St. Louis County Police Department, Boone County Sheriff's Department, and St. Louis County Department of Justice** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

Senate Amendment 1

§567.050 - Prostitution

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed enhanced penalties for promoting prostitution if sex trafficking is involved, then the offense would be a new class A felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In FY 2018, SPD's Trial Division opened one (1) felony promoting prostitution case.

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.

ASSUMPTION (continued)

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing appropriation and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

Oversight notes that the **Attorney General's Office, Department of Corrections, Department of Elementary and Secondary Education, Department of Public Safety - Missouri State Highway Patrol, Office of Administration, Office of State Courts Administrator, Office of Secretary of State, Department of Social Services, Department of Labor and Industrial Relations, and Department of Mental Health** each have stated the proposal would not have a direct fiscal impact on their organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however other local law enforcement agencies were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

ASSUMPTION (continued)

Senate Amendment 3

Oversight assumes Senate Amendment 3 will have no fiscal impact on the state or local governments.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost</u> - SPD (\$567.050) (SA 1)			
Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Certain small business landlords could be impacted by this proposal.

FISCAL DESCRIPTION

This act provides that, with certain exceptions, a person who is, has been, or is in imminent danger of becoming a victim of domestic violence, sexual assault, or stalking shall not be denied tenancy, evicted from the premises, or in violation of a lease agreement on the basis of, or as a direct result of being such a victim. The tenant has an affirmative defense, in certain actions brought by the landlord, that the tenant who vacated the premise was a victim or was in imminent danger of becoming a victim of sexual assault, domestic violence or stalking. Additionally, this act provides a list of acceptable evidence that the landlord must accept as proof that the lessee or tenant was or was going to be a victim of sexual assault, domestic violence, or stalking. This list of acceptable evidence includes certain notarized documents. Finally, this act allows a landlord to

FISCAL DESCRIPTION (continued)

impose a reasonable termination fee on such a tenant or lessee who wants to terminate the lease before the expiration date. These provisions shall only apply to residential properties.

Also, this act modifies the offense of promoting prostitution in the first degree. A person may be found guilty of such offense if he or she owns, manages, or operates an interactive computer service with the intent to promote or facilitate the prostitution of another. Such offense shall be a Class A felony if the person, in addition to operating an interactive computer service with the intent to promote prostitution while using a facility affecting commerce, acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation. A person injured by such actions may recover civil damages and restitution.

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 State Public Defender
Office of Prosecution Services
Attorney General's Office
Department of Elementary and Secondary Education
Office of Administration
Office of the Secretary of State
Department of Public Safety-Missouri State Highway Patrol
Department of Mental Health
Department of Labor and Industrial Relations
Office of State Courts Administrator
Department of Public Safety-Capitol Police
Department of Social Services
Springfield Police Department
Joplin Police Department
St. Louis County Police Department
Boone County Sheriff's Department
St. Louis County Department of Justice Services



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