

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0455S.02I  
 Bill No.: SB 250  
 Subject: Sexual Offenses; Conservation, Department of  
 Type: Original  
 Date: January 20, 2021

Bill Summary: This proposal adds Department of Conservation nature or education centers to the list of properties registered sex offenders may not be present within 500 feet.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	\$0 to (\$25,853)	\$0 to (\$63,289)	\$0 to (\$88,763)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (\$25,853)</b>	<b>\$0 to (\$63,289)</b>	<b>\$0 to (\$88,763)</b>

\*Estimated Department of Corrections expense for incarcerating 0 or 4, 8, and 11 prisoners, respectively, convicted of this new crime.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 \$250,000 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 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Missouri Department of Conservation, Missouri Highway Patrol** and **Missouri Office of Prosecution Services** each assume 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 in the fiscal note for these agencies.

Officials from the **Department of Corrections (DOC)** assume the following regarding this proposal:

This proposal creates a new class E non-violent felony and a new non-violent class D felony for any sex offender, present or loitering within 500 feet of Missouri Department of Conservation nature or education center properties.

For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

For each new nonviolent class D felony, the department estimates three people will be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years of which, 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2026.

The combined cumulative impact is 11 new prison admissions and 29 new offenders in the field with a net population change of 40 offenders by FY 2026.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Total cost for <b>probation and parole</b>
Year 1	4	(\$7,756)	(\$25,853)	7	(\$25,853)
Year 2	8	(\$7,756)	(\$63,289)	14	(\$63,289)
Year 3	11	(\$7,756)	(\$88,763)	23	(\$88,763)
Year 4	11	(\$7,756)	(\$90,538)	26	(\$90,538)
Year 5	11	(\$7,756)	(\$92,349)	29	(\$92,349)
Year 6	11	(\$7,756)	(\$94,196)	29	(\$94,196)
Year 7	11	(\$7,756)	(\$96,080)	29	(\$96,080)
Year 8	11	(\$7,756)	(\$98,001)	29	(\$98,001)
Year 9	11	(\$7,756)	(\$99,961)	29	(\$99,961)
Year 10	11	(\$7,756)	(\$101,961)	29	(\$101,961)

Note: 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 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

**Oversight** does not have any information to the contrary in regards to DOC's assumptions; therefore, Oversight will range DOC's costs on the fiscal note from \$0 to the estimates above.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) concerning the presence of registered sex offenders in proximity to certain areas, which are classified as felonies, Section 566.150, RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
Cost - DOC - potential increase in the number of offenders under supervision	<u>\$0 to (\$25,853)</u>	<u>\$0 to (\$63,289)</u>	<u>\$0 to (\$88,763)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<u><b>\$0 to (\$25,853)</b></u>	<u><b>\$0 to (\$63,289)</b></u>	<u><b>\$0 to (\$88,763)</b></u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

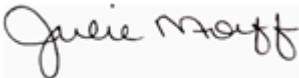
Under current law, registered sex offenders shall not knowingly be present in or loiter within 500 feet of real property comprising any public park with a playground, a public swimming pool or any museum that hold itself out to the public as entertaining or educating children.

This act adds the Department of Conservation nature or education centers to the list of properties, unless the registered sex offender is the parent of a child participating in an educational program of the Department of Conservation and has permission to be on the property.

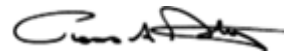
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Department of Conservation  
Missouri Highway Patrol  
Office of the State Public Defender  
Missouri Office of Prosecution Services  
Department of Corrections



Julie Morff  
Director  
January 20, 2021



Ross Strope  
Assistant Director  
January 20, 2021