

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0456S.02P  
Bill No.: Perfected SCS for SB 91  
Subject: Crimes and Punishment, Children and Minors, and Sexual Offenses  
Type: Original  
Date: March 22, 2021

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Bill Summary: This proposal prohibits certain offenders of sex crimes from being near certain properties.

**FISCAL SUMMARY**

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

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>       |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2022    | FY 2023    | FY 2024    |
|  |            |            |            |
|  |            |            |            |
| <b>Total Estimated Net Effect on Other State Funds</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 or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full 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**

#### **§566.150 - Offenders of sex crimes not to be near facilities used by children**

Officials from the **Department of Corrections (DOC)** state 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 DOC estimates one person could 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 DOC is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

#### **Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)**

|   | FY2022   | FY2023   | FY2024   | FY2025   | FY2026   | FY2027   | FY2028   | FY2029   | FY2030   | FY2031   |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| <b>New Admissions</b>                           |          |          |          |          |          |          |          |          |          |          |
| Current Law                                     | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| After Legislation                               | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| <b>Probation</b>                                |          |          |          |          |          |          |          |          |          |          |
| Current Law                                     | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| After Legislation                               | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Change (After Legislation - Current Law)</b> |          |          |          |          |          |          |          |          |          |          |
| Admissions                                      | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probations                                      | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Cumulative Populations</b>                   |          |          |          |          |          |          |          |          |          |          |
| Prison  | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Parole  |          |          | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probation                                       | 2        | 4        | 6        | 6        | 6        | 6        | 6        | 6        | 6        | 6        |
| <b>Impact</b>                                   |          |          |          |          |          |          |          |          |          |          |
| Prison Population                               | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Field Population                                | 2        | 4        | 7        | 7        | 7        | 7        | 7        | 7        | 7        | 7        |
| <b>Population Change</b>                        | <b>3</b> | <b>6</b> | <b>9</b> |

For each new nonviolent class D felony, the DOC estimates three people could 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 DOC is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2026.

**Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)**

|   | FY2022   | FY2023    | FY2024    | FY2025    | FY2026    | FY2027    | FY2028    | FY2029    | FY2030    | FY2031    |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>New Admissions</b>                           |          |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 3        | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         |
| <b>Probation</b>                                |          |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 5        | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         |
| <b>Change (After Legislation - Current Law)</b> |          |           |           |           |           |           |           |           |           |           |
| Admissions                                      | 3        | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         |
| Probations                                      | 5        | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         |
| <b>Cumulative Populations</b>                   |          |           |           |           |           |           |           |           |           |           |
| Prison  | 3        | 6         | 8         | 8         | 8         | 8         | 8         | 8         | 8         | 8         |
| Parole  |          |           | 1         | 4         | 7         | 7         | 7         | 7         | 7         | 7         |
| Probation                                       | 5        | 10        | 15        | 15        | 15        | 15        | 15        | 15        | 15        | 15        |
| <b>Impact</b>                                   |          |           |           |           |           |           |           |           |           |           |
| Prison Population                               | 3        | 6         | 8         | 8         | 8         | 8         | 8         | 8         | 8         | 8         |
| Field Population                                | 5        | 10        | 16        | 19        | 22        | 22        | 22        | 22        | 22        | 22        |
| <b>Population Change</b>                        | <b>8</b> | <b>16</b> | <b>24</b> | <b>27</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> |

The combined cumulative impact is 11 new prison admissions and 23 new offenders in the field with a net population change of 34 offenders by FY 2024.

|         | # to prison | Cost per year | Total Costs for prison | # to probation & parole | Cost per year | Total cost for probation & parole | Grand Total - Prison and Probation (includes 2% inflation) |
|---------|-------------|---------------|------------------------|-------------------------|---------------|-----------------------------------|--|
| Year 1  | 4           | (\$7,756)     | (\$25,853)             | 7                       | absorbed      | \$0                               | (\$25,853)   |
| Year 2  | 8           | (\$7,756)     | (\$63,289)             | 14                      | absorbed      | \$0                               | (\$63,289)   |
| Year 3  | 11          | (\$7,756)     | (\$88,763)             | 23                      | absorbed      | \$0                               | (\$88,763)   |
| Year 4  | 11          | (\$7,756)     | (\$90,538)             | 26                      | absorbed      | \$0                               | (\$90,538)   |
| Year 5  | 11          | (\$7,756)     | (\$92,349)             | 29                      | absorbed      | \$0                               | (\$92,349)   |
| Year 6  | 11          | (\$7,756)     | (\$94,196)             | 29                      | absorbed      | \$0                               | (\$94,196)   |
| Year 7  | 11          | (\$7,756)     | (\$96,080)             | 29                      | absorbed      | \$0                               | (\$96,080)   |
| Year 8  | 11          | (\$7,756)     | (\$98,001)             | 29                      | absorbed      | \$0                               | (\$98,001)   |
| Year 9  | 11          | (\$7,756)     | (\$99,961)             | 29                      | absorbed      | \$0                               | (\$99,961)   |
| Year 10 | 11          | (\$7,756)     | (\$101,961)            | 29                      | absorbed      | \$0                               | (\$101,961)  |

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 contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

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 under 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 Missouri State Public Defender 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.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Crestwood Police Department**, the **Ellisville Police Department**, the **Springfield Police Department**, the **St. Joseph Police**

**Department**, and the **Boone County Sheriff's Department** each assumed the proposal will have no fiscal impact on their organization.

**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 police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT – State Government</u>                         | FY 2022<br>(10 Mo.) | FY 2023           | FY 2024           |
|---|---------------------|-------------------|-------------------|
| <b>GENERAL REVENUE FUND</b>                                     |                     |                   |                   |
| <u>Costs – DOC</u><br>(\$566.150) Increased incarceration costs | (\$25,853)          | (\$63,289)        | (\$88,763)        |
| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>             | <b>(\$25,853)</b>   | <b>(\$63,289)</b> | <b>(\$88,763)</b> |

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

#### FISCAL IMPACT – Small Business

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

#### FISCAL DESCRIPTION

This act provides that persons guilty of certain sex crimes cannot be present or loiter within five hundred feet of athletic complexes or athletic fields that exist primarily for use and recreation of children or within five hundred feet of Missouri Department of Conservation Nature or Education Center properties, unless the registered sex offender is the parent of a child

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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

Department of Corrections

Department of Public Safety

Missouri Department of Conservation

Missouri Office of Prosecution Services

Office of the State Courts Administrator

Office of the State Public Defender

Crestwood Police Department

Ellisville Police Department

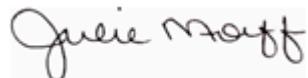
Kansas City Police Department

Springfield Police Department

St. Joseph Police Department

St. Louis County Police Department

Boone County Sheriff's Department



Julie Morff

Director

March 22, 2021



Ross Strope

Assistant Director

March 22, 2021