

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1498S.01I
Bill No.: SB 314
Subject: Attorney General; Attorneys; Courts; Crimes and Punishment
Type: Original
Date: March 4, 2021

Bill Summary: This proposal modifies the offense of tampering with a judicial officer to include the Attorney General or his or her appointee.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$19,390)	(\$47,467)	(\$64,555)
Total Estimated Net Effect on General Revenue	(\$19,390)	(\$47,467)	(\$64,555)

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

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§575.095 – Tampering with a judicial official

Officials from the **Department of Corrections (DOC)** state this bill modifies the offense of tampering with a judicial officer to include the attorney general or his or her appointee. This would increase the number of judicial officers by expanding its definition and, consequently, will have the potential impact of creating a new nonviolent class D felony offense.

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 16 additional offenders on field supervision by FY 2024.

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

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

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	3	(\$7,756)	(\$19,390)	5	absorbed	\$0	(\$19,390)
Year 2	6	(\$7,756)	(\$47,467)	10	absorbed	\$0	(\$47,467)
Year 3	8	(\$7,756)	(\$64,555)	16	absorbed	\$0	(\$64,555)
Year 4	8	(\$7,756)	(\$65,846)	19	absorbed	\$0	(\$65,846)
Year 5	8	(\$7,756)	(\$67,163)	22	absorbed	\$0	(\$67,163)
Year 6	8	(\$7,756)	(\$68,506)	22	absorbed	\$0	(\$68,506)
Year 7	8	(\$7,756)	(\$69,876)	22	absorbed	\$0	(\$69,876)
Year 8	8	(\$7,756)	(\$71,274)	22	absorbed	\$0	(\$71,274)
Year 9	8	(\$7,756)	(\$72,699)	22	absorbed	\$0	(\$72,699)
Year 10	8	(\$7,756)	(\$74,153)	22	absorbed	\$0	(\$74,153)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections 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.

Oversight notes, according to information provided by the Office of the State Courts Administrator, the following number of guilty dispositions occurred for §575.095:

FY 2020	6
FY 2019	7
FY 2018	8

Officials from the **Attorney General’s Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DOC</u> (§575.095) Increase incarceration costs	<u>(\$19,390)</u>	<u>(\$47,467)</u>	<u>(\$64,555)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$19,390)</u>	<u>(\$47,467)</u>	<u>(\$64,555)</u>

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

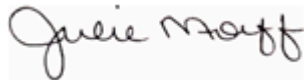
Under current law, a person commits the offense of tampering with a judicial officer if the person harasses, intimidates, or influences a judicial officer as provided under the law.

This act adds the Attorney General or his or her appointee to the definition of "judicial officer".

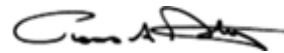
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



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Director
March 4, 2021



Ross Strobe
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March 4, 2021