

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3870S.01I
Bill No.: SB 788
Subject: Boards, Commissions, Committees, and Councils; Crimes and Punishment;
Counties; County Government
Type: Original
Date: January 19, 2022

Bill Summary: This proposal creates provisions relating to vandalism of certain property designated by a county commission.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(\$20,638)	(\$50,521)	(\$68,708)
Total Estimated Net Effect on General Revenue	(\$20,638)	(\$50,521)	(\$68,708)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

\$49.295 – Vandalism of certain property

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to vandalism of certain property designated by a county commission.

This legislation is creating a new D felony; therefore, the department will use a standard D felony response to estimate a fiscal impact.

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 2025.

	# 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	(\$8,255)	(\$20,638)	5	absorbed	\$0	(\$20,638)
Year 2	6	(\$8,255)	(\$50,521)	10	absorbed	\$0	(\$50,521)
Year 3	8	(\$8,255)	(\$68,708)	16	absorbed	\$0	(\$68,708)
Year 4	8	(\$8,255)	(\$70,082)	19	absorbed	\$0	(\$70,082)
Year 5	8	(\$8,255)	(\$71,484)	22	absorbed	\$0	(\$71,484)
Year 6	8	(\$8,255)	(\$72,913)	22	absorbed	\$0	(\$72,913)
Year 7	8	(\$8,255)	(\$74,372)	22	absorbed	\$0	(\$74,372)
Year 8	8	(\$8,255)	(\$75,859)	22	absorbed	\$0	(\$75,859)
Year 9	8	(\$8,255)	(\$77,376)	22	absorbed	\$0	(\$77,376)
Year 10	8	(\$8,255)	(\$78,924)	22	absorbed	\$0	(\$78,924)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such

costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** assume 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 entities.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other counties were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Cost – DOC (\$49,295) Increased incarceration costs p. 3-4</u>	<u>(\$20,638)</u>	<u>(\$50,521)</u>	<u>(\$68,708)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$20,638)</u>	<u>(\$50,521)</u>	<u>(\$68,708)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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.

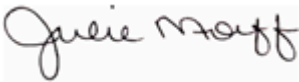
FISCAL DESCRIPTION

This act provides that the county commission in any county may by order or ordinance designate memorials, monuments, statues, and other objects within the county as protected entities. Any person who knowingly defaces, vandalizes, or damages any such protected entity shall be guilty of a Class D felony.

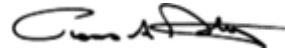
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



Julie Morff
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January 19, 2022



Ross Strobe
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January 19, 2022