

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1315S.01I
 Bill No.: SB 405
 Subject: Firearms; Crimes and Punishment; Children and Minors
 Type: Original
 Date: March 27, 2023

Bill Summary: This proposal modifies provisions relating to the offense of endangering the welfare of a child in the first degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
General Revenue	(\$214,201)	(\$538,754)	(\$851,914)	(\$1,164,423)
Total Estimated Net Effect on General Revenue	(\$214,201)	(\$538,754)	(\$851,914)	(\$1,164,423)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
General Revenue	1 FTE	3 FTE	5 FTE	7 FTE
Total Estimated Net Effect on FTE	1 FTE	3 FTE	5 FTE	7 FTE

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 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§568.045 – Endangering the welfare of a child

Officials from the **Department of Corrections (DOC)** state the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct in subdivision 568.045.1 (3) is expanded to include offenses covered in chapter 571.

The offense of endangering the welfare of a child in the first degree is a class D felony. The proposed legislation extends section 568.045.1 (3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579. DOC estimates the number of offenses outlined in chapter 571 that will be covered by 568.045.1 (3) will be approximately the same proportion as offenses outlined in chapter 579 that are currently covered by 568.045.1 (3).

The FY 2022 information for relevant offenses is summarized in the following table. DOC estimates there will be 15 additional people sentenced to prison and 94 people sentenced to probation for a class D felony.

Section	Prison Sentences	Probation Sentences
579 - Actual FY 2022	3,013	7,515
568.045.1(3) - Actual FY 2022	134	455
571 - Actual FY 2022	330	1,560
568.045.1(3) - Estimate	15	94

The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The cumulative impact on the DOC is estimated to be 59 additional offenders in prison and an additional 378 on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
Change (After Legislation - Current Law)										
Admissions	15	15	15	15	15	15	15	15	15	15
Probations	94	94	94	94	94	94	94	94	94	94
Cumulative Populations										
Prison	15	30	45	59	59	59	59	59	59	59
Parole				2	17	27	27	27	27	27
Probation	94	188	282	376	376	376	376	376	376	376
Impact										
Prison Population	15	30	45	59	59	59	59	59	59	59
Field Population	94	188	282	378	393	403	403	403	403	403
Population Change	109	218	327	436	451	462	462	462	462	462

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	15	(\$9,499)	(\$118,738)	1	(\$71,716)	94	(\$190,454)
Year 2	30	(\$9,499)	(\$290,669)	3	(\$248,085)	188	(\$538,754)
Year 3	45	(\$9,499)	(\$444,724)	5	(\$407,190)	282	(\$851,914)
Year 4	59	(\$9,499)	(\$594,744)	7	(\$569,679)	378	(\$1,164,423)
Year 5	59	(\$9,499)	(\$606,639)	7	(\$558,235)	393	(\$1,164,874)
Year 6	59	(\$9,499)	(\$618,772)	7	(\$564,226)	403	(\$1,182,998)
Year 7	59	(\$9,499)	(\$631,148)	7	(\$570,273)	403	(\$1,201,421)
Year 8	59	(\$9,499)	(\$643,771)	7	(\$576,406)	403	(\$1,220,177)
Year 9	59	(\$9,499)	(\$656,646)	7	(\$582,597)	403	(\$1,239,243)
Year 10	59	(\$9,499)	(\$669,779)	7	(\$558,866)	403	(\$1,258,645)

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 \$26.024 per day or an annual cost of \$9,499 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 \$87.46 per day or an annual cost of \$31,921 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 notes this proposal has an emergency clause. Oversight notes the cost provided by DOC for FY24 is for 10 months; therefore, Oversight has adjusted the cost for FY24 to a full year.

Officials from the **Office of the State Public Defender (SPD)** state the proposed legislation under Section 568.045 creates an additional component to endangering the welfare of a child that could result in additional cases eligible for SPD representation. The fiscal impact of this change is unknown.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, and the **Office of the State Courts Administrator** 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</u> <u>– State</u> <u>Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
GENERAL REVENUE				
<u>Cost – DOC</u> (\$568.045)				
Personal service	(\$34,792)	(\$126,501)	(\$212,945)	(\$301,105)
Fringe benefits	(\$26,005)	(\$94,552)	(\$159,163)	(\$225,057)
Equipment and expense	(\$10,919)	(\$27,032)	(\$35,082)	(\$43,517)
Increased incarceration costs	(\$142,485)	(\$290,669)	(\$444,724)	(\$594,744)
Total cost - DOC	(\$214,201)	(\$538,754)	(\$851,914)	(\$1,164,423)
FTE Change – DOC	1 FTE	3 FTE	5 FTE	7 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(\$214,201)	(\$538,754)	(\$851,914)	(\$1,164,423)
Estimated Net FTE Change for the General Revenue Fund	1 FTE	3 FTE	5 FTE	7 FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2027)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

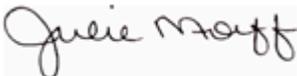
This act adds to the offense of endangering the welfare of a child in the first degree that any person who knowingly encourages or aids a child less than 17 to engage in any conduct violating law relating to firearms shall be guilty of a class D felony.

This act contains an emergency clause.

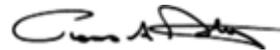
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



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March 27, 2023



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