

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2834S.01I
 Bill No.: SB 831
 Subject: Civil Penalties; Civil Procedure; Sexual Offenses; Crimes and Punishment
 Type: Original
 Date: January 4, 2024

Bill Summary: This proposal modifies provisions relating to statutes of limitations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown, could be greater than \$250,000)	(Unknown, could be greater than \$250,000)	(Unknown, could be greater than \$250,000)
Total Estimated Net Effect on General Revenue	(Unknown, could be greater than \$250,000)	(Unknown, could be greater than \$250,000)	(Unknown, could be greater than \$250,000)

*Extending the statute of limitations on convictions of Sexual abuse in the first degree (Section 566.100) as well as Sexual abuse in the second degree (Section 566.101) from three years to fifteen years, could result in additional convictions and additional incarceration costs – potentially over the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§556.036 – Statutes of Limitations for Childhood Sexual Abuse

Officials from the **Department of Corrections (DOC)** assume this proposal extends the period during which an action can be taken on an offense involving assault or battery after it has occurred. The language also modifies the definition of the term "childhood sexual abuse" to which the extended period to take action on those offenses would be applied. The DOC does not have the data on the past offenses that would be needed in order to estimate the potential impact of these changes. Therefore, the DOC assumes an unknown cost.

Oversight inquired the DOC regarding their response. DOC states if 26 offenders were convicted in a given year by extending the statute of limitations, the cost to DOC could cross the \$250,000 threshold. However, DOC has no way to determine if it would be that many convictions, or more or less. The felony level or sentence length, etc., that the court would sentence on would be contributing factors.

Oversight notes the Office of the State Courts Administrator (OSCA) reports the following total number of guilty dispositions for FYs 2019 through 2023 regarding §§566.100 & 566.101:

<u>FELONY CHARGES WITH GUILTY DISPOSITIONS</u>						
	<u>FY23</u>	<u>FY22</u>	<u>FY21</u>	<u>FY20</u>	<u>FY19</u>	<u>5 YR AVG</u>
§566.100 - B Felony	4	7	8	8	14	8
§566.100 - C Felony	17	23	12	12	21	17
§566.100 - D Felony	2	1	1	1	2	1
§566.101 - E Felony	3	5	4	6	1	4
TOTAL	26	36	25	27	38	30

Oversight notes the total dispositions, both for each year and the 5 year average, are above DOC’s 26 offenders except in FY21. From this, Oversight can assume that DOC’s unknown impact could be greater than \$250,000 each year and will, therefore, reflect this for fiscal note purposes.

Officials from the **Office of the State Courts Administrator**, the **Attorney General’s Office**, the **Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services** 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 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Cost – DOC - §556.036 – increased incarcerations from changing the statute of limitations on childhood sexual abuse</u>	<u>(Unknown, could be greater than \$250,000)</u>	<u>(Unknown, could be greater than \$250,000)</u>	<u>(Unknown, could be greater than \$250,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could be greater than \$250,000)</u>	<u>(Unknown, could be greater than \$250,000)</u>	<u>(Unknown, could be greater than \$250,000)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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

STATUTES OF LIMITATIONS FOR CERTAIN CIVIL ACTIONS (SECTIONS 516.140 & 516.371)

Currently, actions for assault and battery shall be brought within two years from the time the injury occurred. This act provides that actions for assault and battery based upon sexual conduct shall be brought within fifteen years from the time the injury occurred.

ACTIONS FOR CHILDHOOD SEXUAL ABUSE (SECTION 537.046)

Currently, a civil action for recovery of damages suffered as a result of childhood sexual abuse shall be brought within ten years after the victim reaches the age of twenty-one or within three years of the victim discovering that the injury or illness was caused by childhood sexual abuse, whichever is later. This act provides that a civil action for recovery of damages suffered as a result of childhood sexual abuse or tortious conduct that caused the victim to be a victim of childhood sexual abuse shall be brought within fifteen years after the victim reaches the age of twenty-one or within three years of the victim discovering that the injury or illness was caused by childhood sexual abuse, whichever is later.

Furthermore, this act modifies the offenses included in the definition of "childhood sexual abuse".

This act shall apply to any action commenced on or after August 28, 2024, but shall not apply to any action barred by the statute of limitation applicable prior to that date.

STATUTE OF LIMITATIONS FOR CERTAIN CRIMINAL ACTIONS (Section 556.036)

Under current law, any felony offense, other than certain felony offenses specified in law, must be commenced within three years.

This act provides that the offense of sexual abuse in the first degree and sexual abuse in the second degree, when classified as a class E felony, shall be commenced within 15 years.

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
Office of the State Courts Administrator
Attorney General's Office
Missouri Highway Patrol
Missouri Office of Prosecution Services
Department of Social Services
Office of the State Public Defender



Julie Morff
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January 4, 2024



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January 4, 2024