

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3604S.01I
 Bill No.: SB 1237
 Subject: Crimes and Punishment; Mortgages and Deeds
 Type: Original
 Date: January 8, 2024

Bill Summary: This proposal modifies provisions relating to the offense of filing false documents.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2028)
General Revenue	\$0	\$0	Less than (\$10,080)	Less than (\$30,846)
Total Estimated Net Effect on General Revenue	\$0	\$0	Less than (\$10,080)	Less than (\$30,846)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2028)
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 2025	FY 2026	FY 2027	Fully Implemented (FY 2028)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2028)
Total Estimated Net Effect on FTE	0	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	Fully Implemented (FY 2028)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§570.095 – Filing false documents

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the offense of filing false documents. Section 570.095 enhances the penalty for filing false documents. An individual’s first violation of this section is currently punishable with a class D felony offense, and subsequent violations are class C felony offenses. This bill will change the penalty for a first violation to a class C felony and subsequent violations to class B felonies.

There was one new court commitment to prison for a class D felony and two new probation cases for class D felonies under section 570.095 during FY 2023. These offenses would be changed from class D felonies to class C felonies. The average sentence length for a class D felony nonviolent offense is 5.0 years, with 2.8 years spent in prison. Changing this to a class C felony would extend the sentence length to 6.9 years, with 3.7 years spent in prison.

The estimated cumulative impact on the department would be an additional 3 offenders in prison and (3) offenders on field supervision by FY 2028.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
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	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			1	3	3	3	3	3	3	3
Parole			-1	-3	-3		3	3	3	3
Probation										
Impact										
Prison Population			1	3	3	3	3	3	3	3
Field Population			-1	-3	-3		3	3	3	3
Population Change						3	6	6	6	6

	# 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	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 3	1	(\$9,689)	(\$10,080)	0	\$0	(1)	(\$10,080)
Year 4	3	(\$9,689)	(\$30,846)	0	\$0	(3)	(\$30,846)
Year 5	3	(\$9,689)	(\$31,463)	0	\$0	(3)	(\$31,463)
Year 6	3	(\$9,689)	(\$32,092)	0	\$0	0	(\$32,092)
Year 7	3	(\$9,689)	(\$32,734)	0	\$0	3	(\$32,734)
Year 8	3	(\$9,689)	(\$33,389)	0	\$0	3	(\$33,389)
Year 9	3	(\$9,689)	(\$34,057)	0	\$0	3	(\$34,057)
Year 10	3	(\$9,689)	(\$34,738)	0	\$0	3	(\$34,738)

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 \$26.545 per day or an annual cost of \$9,689 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 \$99.90 per day or an annual cost of \$36,464 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, from information provided by the State Courts Administrator, the following number of felony convictions under §570.095:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
§570.095	0	0	0	0	3

Oversight notes with the low number of guilty convictions reflected above, we will reflect the fiscal impact as “less than” DOC’s estimated impact for fiscal note purposes.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation or investigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from 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 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2028)
GENERAL REVENUE				
<u>Costs – DOC (§570.095)</u> Increased incarceration costs	\$0	\$0	<u>Less than</u> (\$10,080)	<u>Less than</u> (\$30,846)
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0	\$0	<u>Less than</u> (\$10,080)	<u>Less than</u> (\$30,846)

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2028)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

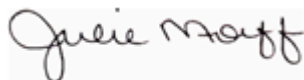
FISCAL DESCRIPTION

This act increases the penalties for the offense of filing false documents from a class D felony for the first offense to a class C felony and from a class C felony for any subsequent offenses to a class B felony.

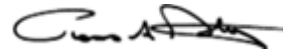
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



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January 8, 2024



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