

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4009S.04C
 Bill No.: SCS for SB 811
 Subject: Boards, Commissions, Committees, and Councils; Children and Minors;
 Children's Division; Department of Social Services; Crimes and Punishment;
 Health Care
 Type: Original
 Date: February 27, 2024

Bill Summary: This proposal modifies provisions relating to child protection.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
General Revenue	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$166,944)
Total Estimated Net Effect on General Revenue*	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$166,944)

* Oversight assumes an Unknown fiscal impact of less than \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
Total Estimated Net Effect on <u>Other</u> 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 2032)
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 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
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 2032)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state §§566.151 and 567.030 expand the applicability of the offenses of enticement of a child and patronizing prostitution, respectively. Section 566.151 changes the age of the victim from any person who is less than fifteen to seventeen years of age. Section 567.030 changes the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill changes the existing class D felony to a class B felony.

Regarding §566.151, the increase in the minimum age under which a person can be considered enticed as a child could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 16 and 17 year olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

There were three (3) new court commitments to prison and five (5) new probation cases under §567.030 during FY 2023. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department could be an additional 15 offenders in prison and an additional (4) offenders on field supervision by FY 2032.

Change in prison admissions and probation openings with legislation-Class B Felony

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	8	8	8	8	8	8	8	8	8	8
After Legislation	8	8	8	8	8	8	8	8	8	8
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						6	14	15	15	15
Parole						-6	-10	-4	4	4
Probation										
Impact										
Prison Population						6	14	15	15	15
Field Population						-6	-10	-4	4	4
Population Change							4	11	19	19

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to/from 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	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 4	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 5	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 6	6	(\$9,689)	(\$64,185)	0	\$0	(6)	(\$64,185)
Year 7	14	(\$9,689)	(\$152,759)	0	\$0	(10)	(\$152,759)
Year 8	15	(\$9,689)	(\$166,944)	0	\$0	(4)	(\$166,944)
Year 9	15	(\$9,689)	(\$170,283)	0	\$0	4	(\$170,283)
Year 10	15	(\$9,689)	(\$173,689)	0	\$0	4	(\$173,689)

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 §566.151 and §567.030:

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
§566.151 felonies	15	19	25	22	24
§567.030 felonies	1	0	2	3	10

Oversight notes the felony convictions under §566.151 are a class F felony.

Oversight will reflect DOC's impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact for these sections of less than \$250,000.

Responses regarding the proposed legislation as a whole

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed any additional litigation costs arising from this proposal could be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

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 **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact to OSCA for fiscal note purposes.

Officials from the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Public Defender**, the **Phelps County Sheriff's Department**, the **Branson Police Department**, the **Kansas City Police Department** and the **St. Louis County Police Department** 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other sheriffs' departments, police departments and hospitals were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
GENERAL REVENUE				
<u>Cost – DOC (§§566.151 and 567.030) Increased incarceration costs p. 4-6</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>Could exceed (\$166,944)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>Could exceed (\$166,944)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
	<u>\$0</u>	<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 modifies provisions relating to child protection, including: (1) Joint Committee on Child Abuse and Neglect; (2) Children's Division contractors; (3) Children's Division employees; (4) privileged and confidential communications; (5) qualified residential treatment programs; and (6) sexual offenses involving children.

SEXUAL OFFENSES INVOLVING CHILDREN

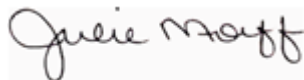
Under current law, a person over 21 years old commits the offense of enticement of a child if he or she persuades any person less than 15 years old to engage in sexual conduct. This act changes the age to less than 17 years old.

Additionally, this act modifies the offense of patronizing prostitution if the person patronized for prostitution is ages 15 to 17 it shall be a Class E felony and if the person is less than 15 years old it shall be a Class B felony. (§§566.151 and 567.030)


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 Health and Senior Services
Department of Mental Health
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Joint Committee on Administrative Rules
Missouri Office of Prosecution Services
Office of Administration
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



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