

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 4257-01
BILL NO.: SB 941
SUBJECT: Revises Certain Offenses Against Children
TYPE: Original
DATE: February 15, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Office of Prosecution Services** assume this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** stated for the purpose of this proposal, the SPD has assumed existing staff could provide representation for those 25 to 50 cases arising where indigent persons were charged with causing children 14 to 16 years of age to have sexual contact with either the offender or another, with the intent to arouse or satisfy the sexual desires of the child, the offender, or another. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

Officials from the **Department of Corrections (DOC)** did not respond to our request for fiscal impact. However, for similar proposals from this session the DOC stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (at least \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (at least \$3.00 per offender, per day).

The DOC has not responded to Oversight's request for fiscal information nor have they provided a ten-year prison impact statement as required by Section 217.022 RSMo. However, **Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>			
Increased Incarceration or Probation Costs	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
ESTIMATED EFFECT ON GENERAL REVENUE FUND	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>	Exceeds <u>(\$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposal adds to the definition of "sodomy in the first degree" the act of causing a person less than 14 to have deviate sexual intercourse with an animal or another person.

The proposal changes the definition of "child molestation in the first degree." It may be committed when a person solicits a child less than 14 to sexual contact. The proposal also adds to the definition the inviting, persuading or attempting to persuade a child less than 14 to enter a vehicle, building, room or secluded place with intent to commit an unlawful sexual act.

Child molestation in the second degree is changed to apply to children at least 14 but less than 16. The proposal also expands the definition to include the solicitation of a person at least 14 but less than 16 to have sex with any person with the intent of arousal. The proposal also adds to the definition the inviting, persuading or attempting to persuade a child less than 16 but older than 14 to enter a vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon the child.

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

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SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender

NOT RESPONDING: Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is cursive and somewhat stylized, with the first name "Jeanne" written in a larger, more prominent script than the last name "Jarrett".

Jeanne Jarrett, CPA
Director
February 15, 2000