

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0850-01
Bill No.: HB 346
Subject: Crimes and Punishment; Elementary and Secondary Education Department;
 Higher Education; Public Buildings
Type: Original
Date: January 15, 2015

Bill Summary: This proposal creates the offense of making a threat to the security of a building or a public school.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class C felony. For a new class D felony it is assumed that 3 offenders per year would be sentenced for the offense: one to prison and 2 to probation. Probationers would serve an average of 3 years and a prisoner would serve an average of 12 months in prison and three years on parole. For a new class C felony it is assumed that 8 offenders would be sentenced for the offense: four to prison and four to probation. Probationers would serve an average of 3 years and a prisoner would serve an average of 14 months in prison and three years on parole.

Full implementation of this legislation would occur in year 5.

The FY14 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender. The DOC cost of incarceration is \$16.725 per day or an annual cost of \$6,105 per offender.

In summary, the DOC would anticipate a costs of \$37,703 in year one (5 people in prison and 6 people on probation), \$77,396 in year two (6 people in prison and 16 people on probation), \$107,017 in the year three third year (6 people in prison and 27 people on probation), and \$140,794 in year ten (6 people in prison and 33 people on probation).

The fiscal impact to the state depends upon the number of people arrested for this new crime, the effectiveness and timing of the prosecution, and the potential sentencing by the courts.

Oversight will assume that this proposal will impact the Department of Corrections with costs of less than \$100,000 per year in the scope of this fiscal note.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of making a threat to the security of a building or public school would become a new Class C felony.

ASSUMPTION (continued)

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of the State Courts Administrator**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education**, and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
incarceration / supervision expenses for offenders of the new crime of making a threat to the security of a building or public school	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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 bill specifies that a person commits a class C felony of making a threat to the security of a building or a public school, when a person communicates a knowingly false report that jeopardizes security procedures or knowingly causes a false belief or fear that causes the initiation of security procedures by:

- (1) Deliberately causing a lockdown, evacuation, or quarantine;
- (2) Recklessly disregarding the risk of causing a lockdown, evacuation, or quarantine; or
- (3) Committing criminal negligence when causing a lockdown, evacuation, or quarantine.

Making a threat to the security of a building or public school is a class C felony until December 31, 2016, and a class D felony beginning January 1, 2017, except for in certain specified circumstances.

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 Public Safety
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Department of Elementary and Secondary Education
Department of Higher Education



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