

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0894-01  
Bill No.: HB 1284  
Subject: Crimes and Punishment; Children and Minors; Drugs and Controlled Substances  
Type: Original  
Date: April 13, 2015

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Bill Summary: This proposal creates the crime of abuse of an unborn child for a person who illegally uses narcotic drugs while pregnant and such use results in harm to the child.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$17,307)	(\$42,367)	(\$57,222)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$17,307)</b>	<b>(\$42,367)</b>	<b>(\$57,222)</b>

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

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

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

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

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

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

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Officials from the **Department of Corrections (DOC)** assume this is a new felony in regard to unborn children affected by drug use. The DOC assumes if this legislation is implemented, a total of three offenders will be sentenced to incarceration each year, one for a Class B felony and two offenders for a Class C felony. The DOC assumes one offender will be sentenced to supervision each year for a Class C felony.

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.

DOC officials estimated the total cost of incarceration as a result of this proposal is \$17,307 in FY 2016, \$42,367 in FY 2017 and \$57,222 in FY 2018. DOC officials expect annual costs of \$121,233 after the full impact of the proposal occurs in FY 2025.

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

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 abuse of an unborn child, a new class C felony. If the child dies as a result of the abuse, a new class B felony is created.

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.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE</b>			
<u>Cost - DOC</u>	<u>(\$17,307)</u>	<u>(\$42,367)</u>	<u>(\$57,222)</u>
Cost of incarceration			
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$17,307)</u></b>	<b><u>(\$42,367)</u></b>	<b><u>(\$57,222)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill creates the offense of abuse of an unborn child. A person commits the offense of abuse of an unborn child if the person ingests, injects, consumes, inhales, or otherwise uses a narcotic drug or a controlled substance without a prescription while the person is pregnant and the person knows or reasonably should have known that the person was pregnant. The offense of abuse of an unborn child is a class C felony if the child is born addicted to or harmed by the narcotic drug or controlled substance; or a class B felony if the child dies as a result of the conduct chargeable under these provisions.

FISCAL DESCRIPTION (continued)

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



Mickey Wilson, CPA  
Director  
April 13, 2015

Ross Strobe  
Assistant Director  
April 13, 2015