

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0268-01
Bill No.: HB 63
Subject: Children and Minors; Crimes and Punishment
Type: Original
Date: February 4, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume there would be additional costs to prosecutors from required notifications to witnesses in additional dangerous felony cases; however, it is assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services** assume existing staff could provide representation for those cases arising where indigent persons were charged with the enhanced crimes of statutory rape, sodomy, and abuse of a child. Adding statutory rape, sodomy, and abuse of a child to the list of dangerous felonies will cause these cases to become more time consuming because anyone convicted would now have to serve at least 85% of their time and fewer persons charged will want to plea. Last FY, the State Public Defender System provided representation in 328 statutory rape cases, 272 statutory sodomy cases, 137 child abuse cases, 147 child molestation cases, and 29 child molestation in the 2nd degree cases. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Corrections (DOC)** assume the proposal changes the “dangerous felony” definition to include statutory rape and sodomy when the victim is a child less than 12 years old and also abuse of a child when it results in death. Existing time served for these crimes is approximately 10 years. Additional time served due to passage of this proposal would be in addition to the current sentence and is beyond the ten-year scope of this fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<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.

DESCRIPTION

The proposed legislation would make the following crimes dangerous felonies: (1) statutory rape and first degree statutory sodomy when the victim is a child less than 12 years of age and; (2) abuse of a child when the child dies as a result of abuse.

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

Office of State Courts Administrator
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender



Mickey Wilson, CPA
Director
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