

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3722-02
Bill No.: Perfected HCS for HB 1055
Subject: Children and Minors; Crimes and Punishment; Science and Technology
Type: Original
Date: March 11, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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 prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal would have no fiscal impact on their agency. The MHP assumes the provisions in Section 43.651 which would require the MHP, subject to appropriation, to maintain a web page of links to all sex offender registry web sites maintained by any county in the state, would result in no costs because the MHP currently has a decision item submitted for the FY 05 budget to provide the necessary funding to establish the sex offender website. This budget request is based on legislation that was passed during the 2003 session. If the decision item is approved, the MHP would incur no additional cost from implementing the proposal. If the decision item is not approved, the MHP would incur one-time costs of approximately \$191,521 and recurring costs of \$55,381 per year.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender (SPD)** assume increasing penalties and/or statutes of limitations on existing crimes increases the difficulty and number of cases handled by the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Since the amount of impact is uncertain, the SPD assumes existing staff will not be able to provide representation in these cases. However, once the true fiscal impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties or creating new crimes will require increased appropriations for the SPD.

Oversight assumes the SPD could experience an increase in case load due to the proposed legislation. Oversight assumes the SPD could absorb the cost of the increased case load within existing resources.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the enhancement of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, the proposal would result in increased costs to DOC. DOC assumes these costs to be Unknown, but expect the costs to be less than \$100,000 per year.

Oversight assumes the proposal could result in persons sentenced to longer terms of incarceration. Based on the average incarceration cost per inmate, if eight persons are incarcerated, the unknown cost to DOC will exceed \$100,000. Therefore, Oversight assumes the cost of the proposal could exceed \$100,000 in any given fiscal year.

ASSUMPTION (continued)

In response to a similar proposal, officials from the **St. Charles County Sheriff's Office** estimated the proposed Section 589.400 would result in revenues of \$200 to \$250 annually, as they have 10 to 20 new registrants per year and minimal requests for change to data.

Oversight assumes any revenues generated by local law enforcement agencies would offset the cost of maintaining the sex offender registry.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – Law Enforcement Agencies			
Registration fees	Unknown	Unknown	Unknown
<u>Costs</u> – Law Enforcement Agencies			
Maintaining registration data	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<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 change possession of child pornography to a class D felony for the first offense and a class C felony for a second or subsequent offense. Under current law, it is a class A misdemeanor for the first offense and a class D felony for a second or subsequent offense. (Section 537.037)

The proposal would also require all convicted sex offenders, as a condition of probation, to successfully complete a sex offender treatment program and follow all directives of the treatment program provider. (Sections 566.150 and 566.141)

The proposal would require the Highway Patrol, subject to appropriations, to maintain a web page to include links to all sex offender registry web sites maintained by any county in the state. (Section 43.51 – HA 3)

The proposed legislation would prohibit any person who has been convicted of certain sex-related crimes to live within 1,000 feet of a school or a child care facility. Violation of the provision would be a class D felony. A second or subsequent offense would be a class B felony. If a school or child care facility is opened within 1,000 feet of where an offender resides, the person would be required to notify the sheriff of this fact within one week. Failure to do so would be a class A misdemeanor. A subsequent offense would be a class D felony. (Section 566.147 – HA 3)

The proposed legislation would establish fees that sheriffs would collect from sex offenders at the time of the offender's registration. The offender's initial registration fee would be up to \$10 and the fee would be \$5 for every subsequent change in registration. (Section 589.400 – HA 3)

Any person who is required to register as a sex offender and does not adhere to all requirements would be guilty of a class C felony (current law is a class C felony). (Section 589.425 – HA 3)

The proposal would make second and subsequent offenses of sexual misconduct involving a child an offense under chapter 566 (sexual offenses). (Section 566.083 – HA 6)

The proposed legislation would require probation and parole officers who are assigned to a registered sex offender to notify the sheriff when the officer has reason to believe the sex offender will be changing his or her residence. The officer would also be required to notify the offender of his or her duty to register upon changing residency. The proposal would clarify that the term "probation officer" include any private entity providing probation supervision services. (Section 589.415 – HA 7)

DESCRIPTION (continued)

The proposal would revise statutes relating to sexual misconduct in the second and third degrees by adding an alternative element of being in a public place in the presence of another person or persons. (Sections 566.093 and 566.095 – HA 8)

The proposed legislation would lengthen the statute of limitations for most sexual offenses in which the victim is age 18 or younger. Under current law, the statute of limitations is 10 years after the victim reaches age 18. The proposal would lengthen the statute of limitations to 20 years after the victim reaches age 18. The lengthened statute of limitations would apply to all sexual offenses in which the victim is under the age of 18, except for the crimes of rape and sodomy for which there is no statute of limitations. (Section 556.037 – HA 9)

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
St. Charles County Sheriff's Office



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