

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5002-06  
Bill No.: Perfected HCS for HB 1700  
Subject: Crimes and Punishment; Property, Real and Personal; Law Enforcement Officers and Agencies; Public Safety Department  
Type: Original  
Date: March 28, 2012

Bill Summary: This proposal requires classification of sex offenders, creates a sex offender classification board, creates a sex offender classification fund, and revises various laws dealing with sex offender registration.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                              |                              |                              |
|---|------------------------------|------------------------------|------------------------------|
| FUND AFFECTED   | FY 2013                      | FY 2014                      | FY 2015                      |
| General Revenue   | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2013    | FY 2014    | FY 2015    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</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 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2013</b> | <b>FY 2014</b> | <b>FY 2015</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation revises various laws dealing with sex offender registration.

The legislation would allow a sex offender to petition the court to remove his or her name from the sex offender registry after 10 years for most sex offenses and after 20 years if the sex offense involved kidnaping. It is assumed approximately 5,000 sex offenders will petition to have their name removed from the sex offender list in the first year and approximately 1,000 petitions will be filed every subsequent year.

Based upon our clerical weighted workload statistics, it would take approximately 2 hours to process these cases. In FY13, we estimate the cost will be \$71,815 and two court clerk FTE, and roughly \$85,000 each year thereafter.

These petitions must be filed in the county in which the offense was adjudicated. Therefore, **Oversight** assumes the workload would be spread over all the circuits. Therefore, Oversight assumes CTS could absorb the cost of the proposal.

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal would not fiscally impact their agency. However, the Criminal Justice Information Services Division states that the proposal is not compliant with the federal Sex Offender Registration and Notification Act (SORNA) and, therefore, would affect our federal funds. The federal government would withhold ten percent of our Byrne funding which would be approximately \$13,000 per year based on current grants, but could potentially be much more based on future grants. Additionally, they would withhold an additional ten percent for each year we remain noncompliant.

**Oversight** assumes the MHP's assertion that the proposal would make the state out of compliance with federal SORNA is speculative and have not reflected the loss of federal funding in this fiscal note.

Officials from the **Department of Corrections (DOC)** state passage of this proposal increases the number of offenders who will be required to register as sexual offenders. This could increase the number of people who failed to comply and are referred back to the DOC for non-compliance.

ASSUMPTION (continued)

Currently, the DOC cannot predict the number of commitments which may result from the creation 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 direct offender cost either through incarceration (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY11 average of \$5.12 per offender, per day or an annual cost of \$1,869 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Officials from the **Department of Revenue, Office of the State Treasurer, Department of Mental Health, Department of Social Services, Office of Prosecution Services** and the **Joint Committee on Administrative Rules** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the Secretary of State** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Public Safety - Director's Office** assume that any costs associated with this proposal could be absorbed with existing resources. DPS administers a number of grant programs including the Byrne/JAG grant program. If Missouri's Sex Offender Registry law is not substantially compliant with the Federal SORNA law (Sex Offender Registration and Notification Act), the state may have its Byrne/JAG funding cut by 10 percent. This cut would reduce the funding that is available for local jurisdictions that currently receive

ASSUMPTION (continued)

grants through DPS under this grant program. The changes proposed in the bill would likely put Missouri out of compliance with SORNA requirements and subject Missouri to this 10 percent cut in federal funding.

**Oversight** assume DPS' assumption that this proposal would put Missouri out of compliance with federal requirements and affect federal funding is speculative and have not reflected a potential impact in this proposal.

Officials from the Sheriff Departments of **Boone County, Buchanan County, Clark County, Cole County, Jackson County, Platte County, and St. Louis County** did not respond to our request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u>                   | FY 2013<br>(10 Mo.)                     | FY 2014                                 | FY 2015                                 |
|---|---|---|---|
| <b>GENERAL REVENUE</b>                                    |   |   |   |
| <u>Costs - DOC</u>  |   |   |   |
| Incarceration / supervision of offenders                  | (Less than<br>\$100,000)                | (Less than<br>\$100,000)                | (Less than<br>\$100,000)                |
| <b>ESTIMATED NET FISCAL IMPACT<br/>TO GENERAL REVENUE</b> | <b><u>(Less than<br/>\$100,000)</u></b> | <b><u>(Less than<br/>\$100,000)</u></b> | <b><u>(Less than<br/>\$100,000)</u></b> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2013<br>(10 Mo.) | FY 2014           | FY 2015           |
|---|---------------------|-------------------|-------------------|
|   | <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.

RS:LR:OD

FISCAL DESCRIPTION

This bill changes the laws regarding sexual offender registration.

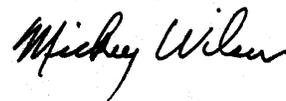
The bill states that any person on the sexual offender registry may file a petition in the division of the circuit court to have his or her name and information removed from the registry.

SOURCES OF INFORMATION

Department of Public Safety  
Department of Corrections  
Department of Mental Health  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Treasurer  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
Department of Social Services  
Department of Revenue

**Not Responding:**

Boone County Sheriff  
Buchanan County Sheriff  
Clark County Sheriff  
Cole County Sheriff  
Jackson County Sheriff  
Platte County Sheriff  
St. Louis County Sheriff



Mickey Wilson, CPA  
Director  
March 28, 2012