

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0382-03
Bill No.: Perfected HCS for HBs 533 and 724
Subject: Crime for owner or employee of a nursing home or employee of a correctional facility to have sexual contact with residents/inmates; Animals - Crime and Punishment; Registering of sexual offenders.
Type: Original
Date: March 28, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Department of Social Services** stated the proposed legislation would have no fiscal impact on their organizations.

Officials from the **Office of Attorney General** and **Office of Prosecution Services** stated costs of the proposed legislation could be absorbed with existing resources.

Officials from the **Department of Corrections (DOC)** stated that currently the DOC cannot predict the number of new commitments which may result from the creation of the offenses outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the courts. 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 costs either through incarceration (FY 99 average of \$35.61 per inmate per day) or through supervision provided by the Board of Probation and Parole (FY 99 average of \$2.47 per offender per day). Therefore, supervision by the DOC through probation or incarceration would result in some additional costs, but due to the narrow scopes of the new crimes outlined, the unknown impact is not estimated to exceed \$100,000 annually.

Officials from the **Office of State Public Defender (SPD)** stated that for purposes of the proposed legislation, the SPD has assumed that existing staff could provide representation for cases arising where indigent persons were charged with sexual contact with an animal. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

Costs - Department of Corrections

Additional commitments and Parol supervision	(Unknown less <u>than \$100,000</u>)	(Unknown less <u>than \$100,000</u>)	(Unknown less <u>than \$100,000</u>)
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ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Unknown less <u>than \$100,000</u>)	(Unknown less <u>than \$100,000</u>)	(Unknown less <u>than \$100,000</u>)
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FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation makes it a class B misdemeanor for an owner or employee of a long-term care facility or of an in-home services provider agency, to have sexual contact with a resident of the facility or with a client in his or her care. Second or subsequent violations are class A misdemeanors. In addition, sexual intercourse or deviant sexual intercourse in these cases is a class D felony, and second or subsequent violations are class C felonies. An employee who is married to a resident or client and engages in this activity with his or her spouse is exempt from prosecution.

The proposed legislation also creates the crime of sexual contact with a prison inmate. Any employee or other person working in any correctional facility who engages in sexual intercourse or deviate sexual intercourse with any inmate or other resident of the facility is guilty of this crime, a class D felony.

Consent of the victim is no defense to prosecution.

The proposed legislation makes it a class D felony to knowingly engage in sexual conduct with an animal, or cause, aid or abet another to engage in sexual conduct with an animal for sexual gratification. Any person who violates the provisions of this legislation in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a class C felony.

In addition, this proposal contains provisions for the court to prohibit the defendant from harboring animals, order the defendant to forfeit all animals residing in the defendant's household, and order the defendant to receive a psychological evaluation and counseling.

The proposed legislation would require any offenders of Megan's Law (sections 589.400 to 589.425, RSMo) to register with the chief law enforcement official of the county in which the person resides within thirty days of the effective date of this section or within ten days of the date on which the person becomes subject to Megan's Law, whichever occurs earlier. In addition, any person for whom Megan's Law applies who changes his or her county of residence, must register within ten days of the change of residence.

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 Social Services
Department of Corrections
Office of Attorney General
Office of Prosecution Services
Office of State Public Defender



Jeanne Jarrett, CPA
Director
March 28, 2001