

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0623-07  
Bill No.: HCS for SS for SCS for SBs 214, 124, 209 & 322  
Subject: Crimes and Punishment; Children and Minors  
Type: Original  
Date: May 16, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Exceeds \$124,269)	(Exceeds \$126,027)	(Exceeds \$126,670)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Exceeds \$124,269)</b>	<b>(Exceeds \$126,027)</b>	<b>(Exceeds \$126,670)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\*Estimated to exceed \$100,000 annually

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 8 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

#### *Sections 182.825 and 182.827:*

Officials from the **Office of State Courts Administrator** assume the proposal would result in no fiscal impact to the agency.

In response to similar legislation from this year, officials from the **Missouri River Regional Library** assumed they would need a Network Assistant (\$46,000) and a Library Assistant (\$21,804), plus fringe benefits. They would also need equipment costing approximately \$32,000 annually.

In response to similar legislation from this year, officials from the **Daniel Boone Regional Library** assumed the proposal would result in personnel costs of approximately \$150,000 annually; capital improvements of approximately \$72,000 in FY 2001; and computer software and supplies of \$43,000 in FY 2001 and approximately \$9,000 annually in subsequent fiscal years.

In response to similar legislation from this year, officials from the **Secretary of State's Office (SOS)** stated Section 181.020(4), RSMo, directs the Missouri State Library to "furnish information and counsel as to the best means of establishing and maintaining libraries, selection of materials, cataloging, and other details of library management." To that end, the State Library employs staff within the Library Development Division to carry out this function. Library Development staff provide assistance through one on one consultation and training sessions. It is estimated that questions from public library directors, trustees, and those maintaining the software on library computers would require the services of the equivalent of .5 FTE. Personnel costs for .5 FTE (\$18,366) Library Consultant are based on budget rate for the position. Salary increases are projected at 2.5%. Expense and Equipment calculations are \$3,352 per each new .5 FTE.

SOS officials stated it would not be possible to project a total cost of public libraries to install filtering software. Costs for filtering software vary widely by vendor and type, number of computer stations, and whether the software is installed on each "client" computer workstation or on a central server. The web pages of a sampling of filtering software vendors indicate approximate annual costs in the following ranges: \$150 for a site with 5 computers; \$500 to \$800 for 25 computers; and up to \$2,500 or more for a site with 125 computers. Several large library systems with many branches would have 100 or more computer stations requiring filtering software. Libraries choosing to install the filtering software on a server could also need to purchase suitable equipment for the installation. SOS officials also assumed public libraries

ASSUMPTION (continued)

could have additional staff costs due to the legislation. Staff time required for installation and maintenance of filtering software could be significant. If all terminals have filtering software, requests from adults for access to unfiltered sites might require assistance from library staff. Requests to have sites unblocked would be processed individually, and could require individual adjustments of the software. Library staff would also have to monitor the use of the computer workstation, to ensure the filtering software is active when the workstation is used by minors. Library technical services staff would also need to spend considerable amounts of time, at least initially, checking to see that the filtering software did not block access to sites the library did not wish to block.

In response to similar legislation from this year, officials from the **SOS** assumed the rules, regulations and forms issued could require as many as 6 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the *Code of State Regulations* is \$27. The actual costs could be more or less the SOS's estimated cost of \$369 for FY 2002. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

**Oversight** assumes the Secretary of State could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the Secretary of State could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal would result in no direct fiscal impact to DESE. At the local school district level, DESE assumes the following:

- 1) 140,286 computers in Missouri school districts with internet connectivity.
- 2) 42% of districts report using filtering software on 85% of their computers.
- 3) The distribution of these computers across districts is not known.
- 4) Filtering software ranges in cost from \$0 to \$25. Additionally, software prices and capabilities vary according to the target age level.

Given this information, DESE believes the cost of this legislation would be significant, i.e., in excess of \$100,000; however, DESE does not feel there is enough information available to construct a specific estimate.

ASSUMPTION (continued)

Sections 556.036 through 589.430:

Officials from the **Department of Social Services, Department of Public Safety - Missouri Highway Patrol, Office of the State Courts Administrator, Department of Health, Department of Mental Health** and the **Department of Elementary and Secondary Education** each assumed the proposed legislation will not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Office of Prosecution Services** assumed the proposed legislation will not fiscally impact their agency.

Officials from the **Office of the Attorney General** assumed that any additional cost resulting from this proposal could be absorbed within their budget.

In response to similar legislation, officials from the **Office of the State Public Defender (SPD)** assumed that existing staff could provide representation for those few cases arising where indigent persons were charged with controlling obscene material that has a minor as one of its participants. The SPD also assumed that existing staff could provide representation for those 15-20 cases arising where indigent persons were charged with repeat sexual misconduct. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases. In FY 2000, the SPD provided representation in 182 sexual misconduct cases.

In response to similar legislation, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated this proposal is federally mandated in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

Officials from the **Department of Corrections (DOC)** stated the proposal changes various statutes regarding sexual crimes and that the following components of this bill may have fiscal impact for the DOC:

§ 556.036 -- Removes statute of limitations for the unclassified crimes of Forcible Rape and Attempted Forcible Rape (566.030, RSMo) and Forcible Sodomy (566.060). Currently these crimes can be charged as class A felonies (with no time limit before prosecution) so it is estimated this proposed clarification will have minimal fiscal impact for the DOC.

§ 566.093 -- Enhances the penalty for Sexual Misconduct 2 (when 2 priors exist) from a class A misdemeanor to a class D felony. In FY00 there were 13 probation cases for SM2 and 5 for an offender with a prior conviction. Using 5 to 13 as a recidivism ratio, it is likely that 1 of the 5 may be a persistent (2 priors) offender and thus be charged with a class D felony. DOC estimates

ASSUMPTION (continued)

a minimal fiscal impact, absorbable within existing resources.

§ 573.037 -- Enhances the crime of possession of child pornography in the areas of conviction criteria and penalty provisions. DOC has only had 1 probation case for this crime in the last 2 years. There may be some increase in fiscal impact for the DOC but it should be of a minimal amount capable of being absorbed within current resources.

§ 589.430 -- Costs of risk assessments for DOC for sex offenders range from an estimate of approximately \$215 to \$415, depending on whether hourly staff conduct these assessments or whether the service is contracted out. Sex offender cases that were open to probation accounted for 653 persons in calendar year 1998 and 738 persons in 1999. There is an average of 457 sex offenders released from DOC prisons per year.

Costs that may be associated with a multi-discipline committee are daily per-diem expenses for committee members on meeting days, potential costs for meeting rooms, and costs associated with publication of Notice Guidelines. There may be additional unknown costs associated with victim notification. In summary, the potential cost for the DOC is a substantial amount or one that could exceed \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE FUND</b>			
<u>Cost-Secretary of State's Office</u>			
Personal Service	(\$15,688)	(\$19,296)	(\$19,778)
Fringe Benefits	(\$5,229)	(\$6,431)	(\$6,592)
Expense and Equipment	<u>(\$3,352)</u>	<u>(\$300)</u>	<u>(\$300)</u>
Total <u>Cost-SOS</u>	(\$24,269)	(\$26,027)	(\$26,670)
 <u>Cost - Department of Corrections</u>	 (Exceeds \$100,000)	 (Exceeds \$100,000)	 (Exceeds \$100,000)
 <b>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND</b>	 <b>(Exceeds <u>\$124,269</u>)</b>	 <b>(Exceeds <u>\$126,027</u>)</b>	 <b>(Exceeds <u>\$126,670</u>)</b>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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### **SCHOOL DISTRICTS**

#### Cost-School Districts

Internet Access Filtering	(Unknown)	(Unknown)	(Unknown)
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### **PUBLIC LIBRARIES**

#### Cost-Public Libraries

Internet Access Filtering	(Unknown)	(Unknown)	(Unknown)
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<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS*</b>	<b><u>(UNKNOWN)</u></b>	<b><u>(UNKNOWN)</u></b>	<b><u>(UNKNOWN)</u></b>
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\*Estimated to exceed \$100,000 annually

### FISCAL IMPACT - Small Business

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

### DESCRIPTION

The proposal would require public schools and public libraries which provide a public access computer to equip the computers with software that seeks to prevent minors from gaining access to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material harmful to minors.

Public libraries would be required to develop and implement by January 1, 2002, policies that establish measures to restrict minors from gaining computer access to material that is harmful to minors.

The Secretary of State would be required to establish rules and regulations for the enforcement of the requirements.

Currently, a crime which is a Class A felony has no statute of limitations, meaning a prosecution may be commenced at any time when a suspect is apprehended. The act removes the statute of limitations for the crimes of forcible rape, attempted forcible rape and forcible sodomy - currently unclassified felonies are subject to a three-year statute of limitation.

RAS:LR:OD (12/00)

## DESCRIPTION (continued)

Chapter 566.093 describes the crime of sexual misconduct, which is punishable as a class B misdemeanor, or a class A misdemeanor for persons who have previously pled guilty to or been convicted of the provisions in Chapter 566.093. This proposal makes it punishable as a class D felony, for persons who have twice previously pled guilty to or been convicted of the provisions in Chapter 566.093.

Currently, a person commits a crime by possessing any obscene material with a child as a participant or observer of sexual conduct. The proposal increases the penalty from a Class A misdemeanor to a Class D felony; if the defendant has pleaded or been found guilty of a prior Chapter 566, RSMo, offense, the penalty is a Class C felony.

This proposal also makes changes to the sexual offender registration requirements. The proposal also clarifies that a person obligated to register after committing a sexual offense must not only do so within 10 days of coming into a new county, but must also register within 10 days of release if the offender is staying in the county where incarcerated. Offenders who have not previously registered are required to do so by September 10, 2001.

This proposal also allows for community notification regarding certain registered sex offenders. The act provides immunity for release of information by law enforcement and by employees of the Departments of Corrections, Public Safety, and Social Services. Prior to releasing a sex offender, the Department of Corrections is required to perform a risk assessment of any offender required to register as a sex offender. The act tailors the extent of any community notification to the assessment results.

This legislation would not duplicate any other program (although many libraries and school districts already have policies in place to ensure minors do not access certain materials and most search engines offer on-site filtering) and would not require additional capital improvements or rental space. Part of this legislation is, however, federally mandated.

## SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Department of Public Safety - Missouri Highway Patrol  
Office of the Attorney General  
Department of Social Services

RAS:LR:OD (12/00)

SOURCES OF INFORMATION

Department of Health  
Department of Mental Health  
Department of Elementary and Secondary Education  
Office of the Secretary of State  
Missouri River Regional Library  
Daniel Boone Regional Library



Jeanne Jarrett, CPA  
Director

May 15, 2001