

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1971-01  
Bill No.: HB 700  
Subject: Department of Corrections; Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: March 15, 2005

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<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 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</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 LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Mental Health, Department of Social Services, and the Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

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 the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged as a result of the creation of the crime of endangering a corrections employee, a visitor to a correctional facility, or another offender or prisoner and the revision of the crime of aggravated harassment of an employee. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD 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.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Department of Corrections (DOC)** assume this bill creates the crime of endangering a corrections employee, a corrections' facility visitor, or another offender or prisoner, as defined, and revises the crime of aggravated harassment of an employee. Penalty provisions range from a class A misdemeanor through class C felony, dependent on circumstances.

DOC assumes this bill, with its tougher penalties, will act as a deterrent for offenders who have chosen to throw body fluids on DOC employees in the past. The State of New York's Department of Corrections saw cases for exposure fall from 130 per year to 14.7 after implementing similar legislation. Most of this type of behavior occurs in administrative segregation (a.k.a. Ad-Seg or lock-down) and involves long-term offenders. Any additional time they could be charged with under the auspice of this new proposal is beyond the scope of this fiscal note. However, it is believed that the occasional "thrower" who has a chance of parole and is aware that additional charges would hinder such will choose not to offend further in most cases.

In summary, DOC assumes the proposed legislation would have no fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<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.

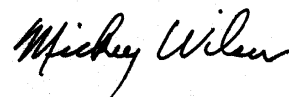
DESCRIPTION

The proposed legislation would make it a class C felony for any person held in a correctional setting within this state who is knowingly infected with HIV, hepatitis B, or hepatitis C to intentionally cause another person to come into contact with any of their bodily fluids.

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 Mental Health  
Department of Corrections  
Department of Social Services  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender



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Director  
March 15, 2005