

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4775-01
Bill No.: HB 1437
Subject: Crimes and Punishment; Public Officers
Type: Original
Date: December 17, 2015

Bill Summary: This proposal enacts provisions relating to intimidating public figures.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$8,788)	(\$19,508)	(\$26,780)
Total Estimated Net Effect on General Revenue	(\$8,788)	(\$19,508)	(\$26,780)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this bill enacts provisions relating to intimidating public figures. Section 576.090 is added to be known as the "Political Intimidation Prevention Act". This bill defines the offense of intimidating a public figure as using conduct that affects the public figure's performance of duties or causes the public figure to resign. Penalty provisions include class A misdemeanor, which is not supervised by DOC. In cases where physical harm is caused, the offense becomes a class D felony (class E, 2017). Although there are currently charges for offenses related to intimidation and harassment, this bill addresses the specific case of public figures. As such, we cannot compare to instances among the general populous and have no record of offenses committed for the purpose of interfering in the course of public office duties. However, standard sentences for class D felonies can be applied and are estimated at one prison sentence with 1.5 years in prison and 2 years on parole, and 2 new probations of 5 years with 3 years served. In total the impact of this bill on DOC will be 1.5 offenders in prison and 8 on field supervision by FY 2020.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

In summary, DOC anticipates a cost of \$8,788 in FY 2017 (1 in prison and 2 on probation/parole), \$19,508 in FY 2018 (1.5 and 4.5 respectively), and \$26,780 in FY 2019 (1.5 and 7.5 respectively).

Officials from the **Office of Prosecution Services** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of intimidating a public figure, a new Class A Misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

ASSUMPTION (continued)

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of the State Courts Administrator** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2017	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs - DOC - to incarcerate and supervise anticipated offenders</u>	<u>(\$8,788)</u>	<u>(\$19,508)</u>	<u>(\$26,780)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$8,788)</u>	<u>(\$19,508)</u>	<u>(\$26,780)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017	FY 2018	FY 2019
	<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.

FISCAL DESCRIPTION

This bill creates the Political Intimidation Prevention Act which makes it a crime to intentionally engage or attempt to engage in any conduct which threatens, coerces, or harasses an elected official of the state or a political subdivision of the state. This offense does not apply to verbal, physical, or written conduct engaged in by a person while investigating any misdemeanor or felony committed by an elected official. The offense is a class A misdemeanor unless the offense

FISCAL DESCRIPTION (continued)

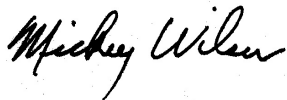
causes physical harm to the elected official, in which case it is a class D felony for an offense committed before January 1, 2017 and a class E felony on or after January 1, 2017. If the offense is committed by an elected official against another elected official, the offender must immediately forfeit his or her elected office.

This bill contains an emergency clause.

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

Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator



Mickey Wilson, CPA
Director
December 17, 2015

Ross Strobe
Assistant Director
December 17, 2015