

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0042-02
Bill No.: HB 57
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Emergencies
Type: Original
Date: January 17, 2017

Bill Summary: This proposal adds to the list of hate crimes offenses committed against law enforcement officers and first responders when the offenses are committed because the person is a law enforcement officer or first responder.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - (Missouri Highway Patrol, Capitol Police, and Division of Fire Safety)**, **Office of the State Courts Administrator**, and **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials from 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 faced with the enhanced penalties for hate crime offenses committed against law enforcement officers and first responders when the offenses are committed because the person is a law enforcement officer or first responder.

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.

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

Officials from the **Department of Corrections (DOC)** state HB 57 amends 557.035, RSMo by repealing and replacing it with an amended version in order to broaden the protected classes in relation to a hate crime along with a small broadening of harassment violations that can be additionally charged with a hate crime. The statute makes provision, in section 1, for charging of a hate crime (class D felony) when a violation of the law concerning use of a weapon or property damage is knowingly motivated by the victim's race, color, religion, national origin, sex, sexual orientation or disability. To section 1, the new legislation adds protection "because of the victim's employment as a law enforcement officer or first responder." This felony classification remains unchanged. Section 2 concerns tampering with property, property damage, trespassing and rioting. This section proposes adding first responders and law enforcement officers as a protected class regarding hate crimes; the section removes certain types of harassment that can be processed as a hate crime. The violation of section 2 remains a class E felony. Section 4 of the new legislation defines a "first responder" as personnel of state and local law enforcement, fire department and emergency medical department who are on duty. A "law enforcement officer" is further defined in this section.

ASSUMPTION (continued)

Current investigation completed by the DOC research unit finds 7% of all assault charges in Missouri indicate the victim is a law enforcement officer. After review of the 7 charge codes relating to hate crimes during the three-year span of FY 2014-2016, the research shows four persons are new admissions for a hate crime (charge code 34005, 23031, and 23108), one person is incarcerated and three are sentenced to probation. With the enactment of this new legislation, DOC estimates a 7% increase (from the law enforcement personnel assault data) of offenders admitted to the DOC for hate crimes. This increase is considered negligible.

According to 2015 data provided the Office of State Court Administrator, 239 persons were sentenced with violation of harassment under RSMo 565.090 (class A misdemeanor). Between FY 2014-2016, one person was sentenced with a class E felony for the hate crime related to harassment (charge code 34055). Since the sentencing of a hate crime for harassment is a rare event, the broadening of the definition is not considered impactful to the DOC.

In summary, DOC assumes that passage of the bill will have no impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<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.

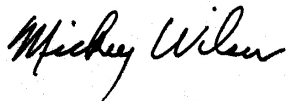
FISCAL DESCRIPTION

This bill adds to the list of hate crimes certain offenses committed against law enforcement officers and first responders when the offenses are committed because the person is a law enforcement officer or first responder.

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
January 17, 2017

Ross Strobe
Assistant Director
January 17, 2017