

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0042-03  
Bill No.: Perfected HCS for HB 57  
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Emergencies  
Type: Original  
Date: February 14, 2017

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Bill Summary: This proposal enhances the penalty for certain crimes when the victim is a special victim.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
General Revenue	\$0	\$0	\$2,324	(\$162,182)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,324</b>	<b>(\$162,182)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2025)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2025)</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2025)</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Corrections (DOC)** state House Amendment 1 is the replacement of special victim with law enforcement officer for those victims for whom enhanced sentences would be applied. DOC used an estimate of 7% of victims to be special victims based upon the sentencing for assault on a law enforcement officer and other personnel defined in 565.081 and 565.082. The department estimates that assaults on law enforcement officers comprise about 75% of sentences under these two statutes and is reducing the estimate of 7% to 5%. The remainder of the response to FN0042-03N remains unchanged.

The legislation includes an enhancement from an E to a D felony for two hate crimes. No impact is expected because the department has received few offenders for hate crimes.

Version 3, however, adds seven offenses to those offenses that have an enhanced sentence when the victim is a special victim (as defined in 565.002). The department has calculated that special victims account for about 7% of assault sentences and the department expects that a similar percentage of offenders will be convicted of the enhanced sentence for the new offenses.

Of the seven offenses, five are felonies and the enhancement will have an impact on offenders with prison sentences. The offenses are: voluntary manslaughter, involuntary manslaughter 1st degree, involuntary 2nd degree, property damage 1st degree and unlawful use of a weapon. The other two offenses are misdemeanors that will not be supervised by the department. Involuntary manslaughter 2nd degree is a new offense and the department has no sentencing data to make an impact estimate

New admissions in FY16 of offenses which will have enhanced sentences for special victims  
 Current Sentencing

RSMo	Offense	Felony Class	Admissions	Estimated 7% Special Victims	Average Sentence (yrs.)	Percent Time Served	Time Served (yrs)	Remaining time (yrs)	Recidivism at 42% (yrs)	Total Prison Time	Parole at 58% (yrs)	Prison Time (yrs)	Supervision Time (yrs)
565.023	Voluntary Manslaughter	B	10	1	12.4	63.8%	7.9	4.5	1.9	9.8	2.6	5	1
565.024	Involuntary Manslaughter 1st degree	C	37	2	6.6	61.2%	4.0	2.6	1.1	5.1	1.5	9	3
569.100	Property Damage 1st degree	E	29	1	3.3	34.9%	1.2	2.1	0.9	2.1	1.2	3	2
571.030	Unlawful Use of a Weapon	E	108	5	3.6	31.6%	1.1	2.5	1.0	2.2	1.4	12	8
Total			184	9	4.6	45.1%	2.1	2.5	1.1	3.2	1.5	29	14

ASSUMPTION (continued)

In FY16 the department received 184 new admissions for the felony offenses with an average sentence of 4.6 years; 9 are expected to be enhanced because the victim was a special victim. From the FY16 release data, those with these offenses served an average of 3.2 years in prison. The prison time includes 2.1 years to first release and 1.1 years as a parole violator. The remaining time was spent on parole (1.5 years).

If the sentences were enhanced then the average sentences would be longer and the estimates are based upon similar offenses that have the higher felony classes. The total impact is expected to be an increase in the average sentence to 7.7 years and the average prison time will increase to 5.5 years (time to first releases and violator returns). The time on parole will increase to 2.2 years.

Proposed Sentencing

RSMo	Offense	Enhanced Felony Class	Estimated % Special Admissions	Average Sentence (yrs)	Percent Time Saved	Time Served (yrs)	Remaining time (yrs)	Recidivism at 42% (yrs)	Total Prison Time	Parole at 58% (yrs)	Prison Time (yrs)	Supervision Time (yrs)	
565.023	Voluntary Manslaughter	A	10	17.0	70.0%	11.9	5.1	2.1	14.0	3.0	7	1	
565.024	Involuntary Manslaughter 1st degree	B	37	12.4	63.6%	7.9	4.5	1.9	9.8	2.6	18	5	
569.100	Property Damage 1st degree	D	29	5.7	38.6%	2.2	3.5	1.5	3.7	2.0	5	3	
571.030	Unlawful Use of a Weapon	D	108	5.7	38.6%	2.2	3.5	1.5	3.7	2.0	20	11	
<b>Total</b>			<b>184</b>	<b>9</b>	<b>7.7</b>	<b>60.6%</b>	<b>3.9</b>	<b>3.8</b>	<b>1.6</b>	<b>5.5</b>	<b>2.2</b>	<b>50</b>	<b>20</b>

The total impact is the increase in the average prison time multiplied by the new admissions.

Impact of enhanced sentences

Admission	Prison time			Supervision time		
	Before	After	Increase	Before	After	Increase
565.023 Voluntary Manslaughter	1	5	7	2	1	0
565.024 Involuntary Manslaughter 1st degree	2	9	18	9	3	2
569.100 Property Damage 1st degree	1	3	5	2	3	1
571.030 Unlawful Use of a Weapon	5	12	20	8	11	3
<b>Total</b>	<b>9</b>	<b>29</b>	<b>50</b>	<b>21</b>	<b>14</b>	<b>6</b>

The total increase in the prison population is expected to be 21 and the increase in the parole population is 6. The increase in the prison population will not occur until the time is served that the offenders would have under the existing statute.

ASSUMPTION (continued)

Impact of enhanced sentences by year

	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
<b>Prison</b>										
Admissions	9	9	9	9	9	9	9	9	9	9
Cumulative population - current		18	28	29	29	29	29	29	29	29
Cumulative population - enhanced		18	28	37	50	50	50	50	50	50
Increase		-	-	7	21	21	21	21	21	21
<b>Supervision</b>										
Cumulative population - current			1	9	14	14	14	14	14	14
Cumulative population - enhanced						9	18	20	20	20
Increase		0	-1	-9	-14	-5	5	6	6	6

The prison population is expected to increase by 7 in FY21 and the maximum increase of 21 will be in FY22. The parole population will initially decrease as fewer offenders are released early but will begin to increase in FY24 and the maximum increase of 9 will be in FY25.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

	# to prison	Cost per year	Total Costs for prison	# to probation	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
FY '18	0	(\$6,085)	\$0	0	(\$2,234)	\$0	\$0
FY '19	0	(\$6,085)	\$0	0	(\$2,234)	\$0	\$0
FY '20	0	(\$6,085)	\$0	(1)	(\$2,234)	\$2,234	\$2,324
FY '21	7	(\$6,085)	(\$42,595)	(9)	(\$2,234)	\$20,106	(\$23,866)
FY '22	21	(\$6,085)	(\$127,785)	(14)	(\$2,234)	\$31,276	(\$104,464)
FY '23	21	(\$6,085)	(\$127,785)	(5)	(\$2,234)	\$11,170	(\$128,752)
FY '24	21	(\$6,085)	(\$127,785)	5	(\$2,234)	(\$11,170)	(\$156,486)
FY '25	21	(\$6,085)	(\$127,785)	6	(\$2,234)	(\$13,404)	(\$162,182)
FY '26	21	(\$6,085)	(\$127,785)	6	(\$2,234)	(\$13,404)	(\$165,425)
FY '27	21	(\$6,085)	(\$127,785)	6	(\$2,234)	(\$13,404)	(\$168,734)

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

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

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.

ASSUMPTION (continued)

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

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2025)
<b>GENERAL REVENUE FUND</b>				
<u>Costs - DOC -</u> increase incarceration and supervision	<u>\$0</u>	<u>\$0</u>	<u>\$2,324</u>	<u>(\$162,182)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$2,324</u></b>	<b><u>(\$162,182)</u></b>

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2025)
	<u>\$0</u>	<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 law enforcement officers to and increases the penalties for certain offenses when those offenses are committed against a law enforcement officer, as defined in Section 556.061, RSMo.

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

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Director  
February 14, 2017



Ross Strope  
Assistant Director  
February 14, 2017