

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0181-04
Bill No.: HCS for HB 431
Subject: Crimes and Punishment; Highway Patrol
Type: Original
Date: February 24, 2017

Bill Summary: This proposal changes the laws regarding to state sexual offender registry and its requirements.

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
Federal Funds	\$0 or (\$561,767)	\$0 or (\$1,123,533)	\$0 or (\$1,685,300)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (\$561,767)	\$0 or (\$1,123,533)	\$0 or (\$1,685,300)

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 (MHP)** state that all states are mandated to take efforts to bring their laws, regulations, and processes into substantial compliance with the federal Sex Offender Registration and Notification Act (SORNA). States that do not take these efforts may have their Byrne-JAG grant funds penalized. Missouri's active (current) legislation has already been deemed substantially compliant with SORNA; however, the problems associated with this new legislation would be reanalyzed by the Department of Justice to determine if compliance is impacted.

As written, the MHP believes this legislation will make the state of Missouri out of compliance with SORNA. If the Department of Justice (DOJ) determines that the issues were substantial enough, the Missouri's Byrne-JAG Grant would be subject to a 10% reduction, year over year, until compliance was achieved. Byrne-JAG Grant funds are administered by the Missouri Department of Public Safety and are utilized by Missouri law enforcement agencies for a variety of purposes, most having nothing to do with sex offender registration enforcement. In FY16 Missouri received \$5,617,666 in Byrne-JAG Grant funds, meaning that the first year the ten percent reduction would remove \$561,767 from the funding available to Missouri law enforcement agencies. The second year would have a 20 percent reduction and so on.

There are four minor changes that could be made to ensure compliance.

Oversight will range the fiscal impact from \$0 (changes in the proposal do not put Missouri out of compliance) to the estimates provided by the MHP. For simplicity, Oversight will reflect the potential loss of federal funding at the state level and not as distributed to local law enforcement agencies.

Officials from the **Department of Mental Health**, the **Department of Social Services**, the **Department of Health and Senior Services**, the **Office of Administration (Personnel and ITSD)**, the **Office of the State Public Defender**, the **Office of Prosecution Services**, the Office of the **State Courts Administrator**, and the **Springfield Police Department** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state HB 431 substantially changes the laws regarding sex offender registration. While no new offenses are imposed under this proposed legislation, new tiers are created which would substantially change the length of required sex offender registration:

1. Fifteen years if the offender is a tier I sex offender as provided under section 589.414;
2. Twenty-five years if the offender is a tier II sex offender as provided under section 589.414; or
3. The life of the offender if the offender is a tier III sex offender.

DOC states this bill could have an impact on the number of offenders, as it could potentially decrease the number of returns under RSMo 582.425. This is because by simplifying the current statute, certain people may be required to register for a shorter period of time than before. Certain offenders, thus, are less likely to be charged under these statutes and sent back to the DOC for further supervision. However, it is hard to predict the number of offenders this would impact due to the fact that this proposed change will not have an impact within the 10 year period covered by this fiscal note. Tier I offenders, which will now have the shortest time under supervision, will still be under supervision for 15 years. Thus, any reduction in those offenders under the supervision of the DOC cannot be determined in this time. DOC assumes no fiscal impact to their agency from this proposal.

In response to a previous version of the proposal, officials from the **St. Louis County Department of Justice Services** and the **St. Louis County Police Department** each assumed the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2018	FY 2019	FY 2020
	(10 Mo.)		
FEDERAL FUNDS			
<u>Costs</u> - MHP - proposal potentially takes Missouri out of compliance with Federal Sex Offender Registration and Notification Act	\$0 or <u>(\$561,767)</u>	\$0 or <u>(\$1,123,533)</u>	\$0 or <u>(\$1,685,300)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 or <u>(\$561,767)</u>	\$0 or <u>(\$1,123,533)</u>	\$0 or <u>(\$1,685,300)</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.

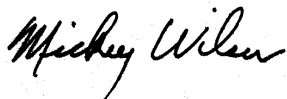
FISCAL DESCRIPTION

This proposal changes the laws regarding the state sexual offender registry and its requirements.

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
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Department of Social Services
Department of Mental Health
Department of Health and Senior Services
Office of the State Courts Administrator
Office of Administration
Springfield Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department



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February 24, 2017

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February 24, 2017