

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0221-01  
Bill No.: HB 360  
Subject: Crimes and Punishment; Pubic Buildings; Education, Elementary and Secondary  
Type: Original  
Date: February 23, 2017

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Bill Summary: This proposal creates the offense of making a threat to the security of a building or a public school.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
General Revenue	(\$12,003)	(\$29,384)	(\$44,958)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$12,003)</b>	<b>(\$29,384)</b>	<b>(\$44,958)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</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 6 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>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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Total Estimated Net Effect on FTE</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>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this legislation would create the new offense of making a threat to the security of a building or a public school. Unlike previous versions, the penalties for violations of the statute are always a class E felony.

There is no similar statute which is currently active in Missouri. This legislation would create a new class E felony offense. Although in previous fiscal impact reports, this was estimated as a non-violent felony, most current felonies for making threats are violent offenses; thus this will be treated as a new violent felony.

Based upon new felony offenses created in past fiscal years, a new violent E felony can be expected to see two offenders sentenced to prison in each year while one receives probation. Offenders sentenced to prison are expected to serve a total of 3.0 years in an institution and 1.0 years on parole, while offenders sentenced to probation are expected to serve approximately four years in the field. The eventual impact will be an increase of 5.4 offenders in prison and 24.6 clients on supervision, per the department's standard response for a new felony. There is no data specific to this statute that can be used to provide a more customized response.

If this impact statement has changed from statements submitted in previous years, it is because the department's Budget and Research Section reviewed the way responses had been submitted and has developed a more precise way to calculate the impact. In previous year's responses, the full impact of recidivism for parole releases was not adequately calculated. Now we have been able to quantify the fact that some parolees are returned to prison after release and that has been added into the calculation of the impact. The total number of offenders has not changed but there is an assumption that they will spend more time back in prison rather than being on community supervision, which will increase the amount of the impacts.

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.

ASSUMPTION (continued)

The DOC would assume this legislation will result in long term costs as indicated in the chart below.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	2	(\$6,085)	(\$12,170)	1	(\$2,234)	(\$2,234)	(\$12,003)
Year 2	4	(\$6,085)	(\$24,340)	2	(\$2,234)	(\$4,468)	(\$29,384)
Year 3	6	(\$6,085)	(\$36,510)	3	(\$2,234)	(\$6,702)	(\$44,958)
Year 4	6	(\$6,085)	(\$36,510)	6	(\$2,234)	(\$13,404)	(\$52,969)
Year 5	6	(\$6,085)	(\$36,510)	6	(\$2,234)	(\$13,404)	(\$54,029)

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

Officials from the **Office of Prosecution Services (OPS)** 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 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 charged with the proposed new crime of making a threat to the security of a building or public school would become a new class E felony.

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.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DOC - new class E felony requires additional incarceration and supervision of offenders</u>	<u>(\$12,003)</u>	<u>(\$29,384)</u>	<u>(\$44,958)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$12,003)</u></b>	<b><u>(\$29,384)</u></b>	<b><u>(\$44,958)</u></b>
<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.

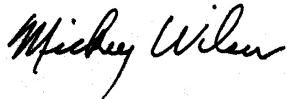
FISCAL DESCRIPTION

This bill specifies that a person commits a class E felony of making a threat to the security of a building or a public school, when a person communicates a knowingly false report that jeopardizes security procedures or knowingly causes a false belief or fear that causes the initiation of security procedures.

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  
Department of Elementary and Secondary Education  
Department of Higher Education



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February 23, 2017

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