

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0221-02  
Bill No.: HCS for HB 360  
Subject: Crimes and Punishment; Pubic Buildings; Education, Elementary and Secondary  
Type: Original  
Date: April 4, 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>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<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 bill creates the offenses of making a threat to the security of a public building or a public school in the first, second, and third degrees. There are two major changes in this version of the bill when compared to FN 0221-01, HB 360 (2017), however, these changes do not affect the impact.

First, this legislation would create the new offenses of making a threat to the security of a public building or a public school. In the previous version, all threats to the security of a public building or public school were handled by a single offense with a class E felony penalty provision. In this version, there are three offenses, in the first, second, and third degrees, depending upon the level of intent to cause ""a lockdown, evacuation, quarantine, or closure of any portion of a public school, public building, public inhabitable structure, public place of assembly, or public facility of transportation.""

In the event that the effects were caused knowingly and deliberately, the penalty is a D felony; reckless disregard of the risk of causing these effects carries an E felony. Simply jeopardizing security procedures or the initiation of security procedures is a class A misdemeanor.

The second change in this version is the addition of the requirement that the actor be at least 18 years of age. This change will not impact the department of corrections, as it is unlikely that individuals who are under 18 would be committed to the department for these offenses, regardless of whether or not they commit them.

While there exists substantial overlap between this proposal and the statutes for making terroristic threats, this legislation would create a new class D and class E felony offense. Although the most severe of the offenses, making threats to the security of a public building or public school in the first degree, is a class D felony, it would be difficult to prove the intent required for the enhanced sentencing. Thus, it is estimated that this change would not alter the impact of this legislation; the same impact estimate applies to this legislation as that in FN 0221-01.

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

ASSUMPTION (continued)

specific to this statute that can be used to provide a more customized response.

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.

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**, the **Office of Prosecution Services**, and the **Department of Elementary and Secondary Education** 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 charged with the proposed new crime of making a threat to the security of a building or public school would become a new class D 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>			
Cost - DOC - new felonies require additional incarceration and supervision of offenders	<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.

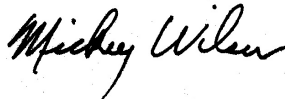
FISCAL DESCRIPTION

This bill creates the offense of making a threat to the security of a public building or public school.

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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April 4, 2017

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