

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0500-01
Bill No.: HB 86
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment
Type: Original
Date: January 23, 2017

Bill Summary: This proposal 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.

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 6 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 at the **Department of Corrections (DOC)** state HB 86 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 5 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.

The proposed section 3 adds all types of harassment in statute 565.090, RSMo as a basis for charging as a hate crime if knowingly done because of victim's race, color, religion, national origin, sex, sexual orientation, disability or employment as a law enforcement officer or first responder. This adds subsections 2, 5, 6 of 565.090 RSMo to current statute 0500.01. These subsections are currently class A misdemeanors for the use of coarse language which intimidates and for the use of unwanted communication. The penalty for violation of the new section 3 of the new legislation is a class D felony.

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.

ASSUMPTION (continued)

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.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol**, the **Division of Fire Safety** and the **State Emergency Management Agency** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **St. Louis County Justice Services**, the **Cole County Sheriff's Department**, the **Boone County Sheriff's Department**, the **St. Louis County Police Department**, the **Springfield Police Department** and the **DeSoto Rural Fire Protection District** each assume no fiscal impact to their respective entities from this proposal.

Officials from the Ashland Police Chief, Buchanan County Sheriff's Department, Cass County Sheriff Department, Clark County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff Department, Jefferson City Police Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

Officials at the Battlefield Fire Protection District, Central County Fire and Rescue, Centralia Fire Department, Creve Coeur Fire District, Eureka Fire Protection District, Hawk Point Fire Protection District, Hillsboro Fire Protection District, Lake St. Louis Fire District, Mehlville Fire District, Nixa Fire Protection District, Saline Valley Fire Protection District and the Southern Iron County Fire Protection District did not respond to **Oversight's** request for fiscal impact.

<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>FISCAL IMPACT - Small Business</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

No direct fiscal impact to small businesses would be expected as a result of this proposal.

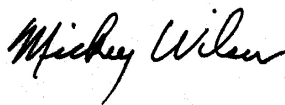
FISCAL DESCRIPTION

This bill adds to the list of hate crimes certain offenses committed against law enforcement officers and first responders when the victims were targeted because they are law enforcement officers or first responders.

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

Office of the Attorney General
Office of the State Courts Administrator
Department of Corrections
Department of Public Safety
 Missouri Highway Patrol
 Division of Fire Safety
 State Emergency Management Agency
St. Louis County Justice Services
Cole County Sheriff's Department
Boone County Sheriff's Department
St. Louis County Police Department
Springfield Police Department
DeSoto Rural Fire Protection District



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