

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5792-01
Bill No.: HB 11
Subject: Crimes and Punishment; Criminal Procedure; Firearms
Type: Original
Date: August 13, 2020

Bill Summary: This proposal modifies the offense of endangering the welfare of a child in the first degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
General Revenue	(Less than \$105,322)	(Less than \$113,027)	(Less than \$119,932)	(Less than \$127,107)
Total Estimated Net Effect on General Revenue	(Less than \$105,322)	(Less than \$113,027)	(Less than \$119,932)	(Less than \$127,107)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Total Estimated Net Effect on FTE	0	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 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§568.045 - Endangering the welfare of a child in the first degree

Officials from the **Department of Corrections (DOC)** state subdivision 568.045.1(3) expands the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 571. The offense of endangering the welfare of a child in the first degree is a class D felony.

Thus, the bill creates a new class D felony offense for involvement with a minor who violates offenses outlined in chapter 571 of Missouri statute.

The FY 2019 admission information for relevant offenses is summarized in the following table by section.

Chapter/Section	Admission	Probation
579	1558	5583
571	280	540
568.045.1 (3)	6	25

The proposed legislation extends section 568.045.1(3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579. DOC estimates the number of offenses outlined in chapter 571 that will be covered by 568.045.1(3) will be in approximately the same ratio as offense outlined in chapter 579 that are currently covered by 568.045.1(3). Consequently, DOC estimates there will be four additional people sentenced for a class D felony. DOC assumes one of those four will be sentenced to prison and three to probation.

The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The cumulative impact on the department is estimated to be 4 additional offenders in prison and 12 on field supervision by FY 2024.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	1	(\$6,386)	(\$5,322)	3	absorbed	\$0	(\$5,322)
Year 2	2	(\$6,386)	(\$13,027)	6	absorbed	\$0	(\$13,027)
Year 3	3	(\$6,386)	(\$19,932)	9	absorbed	\$0	(\$19,932)
Year 4	4	(\$6,386)	(\$27,107)	12	absorbed	\$0	(\$27,107)
Year 5	4	(\$6,386)	(\$27,650)	13	absorbed	\$0	(\$27,650)
Year 6	4	(\$6,386)	(\$28,203)	14	absorbed	\$0	(\$28,203)
Year 7	4	(\$6,386)	(\$28,767)	14	absorbed	\$0	(\$28,767)
Year 8	4	(\$6,386)	(\$29,342)	14	absorbed	\$0	(\$29,342)
Year 9	4	(\$6,386)	(\$29,929)	14	absorbed	\$0	(\$29,929)
Year 10	4	(\$6,386)	(\$30,527)	14	absorbed	\$0	(\$30,527)

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **State Public Defender's Office (SPD)** assume an (unknown) fiscal impact.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill may not be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD may not absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Social Services**, and the **Office of State Courts Administrator** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**FISCAL IMPACT -
 State Government**

	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
GENERAL REVENUE FUND				
<u>Costs - DOC</u> (\$568.045) Increased incarceration costs	(\$5,322)	(\$13,027)	(\$19,932)	(\$27,107)
<u>Costs - SPD</u> (\$568.045) Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$105,322)</u>	<u>(Less than \$113,027)</u>	<u>(Less than \$119,932)</u>	<u>(Less than \$127,107)</u>

**FISCAL IMPACT -
 Local Government**

	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
	<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 states that a person commits the offense of endangering the welfare of a child if they knowingly encourage, aid or cause a child under the age of 17 to engage in any conduct which violates the provisions of Chapter 571 (Weapons Offenses) or 579 (Controlled Substance Offenses), RSMo.

This bill has an emergency clause.

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 Corrections
Department of Public Safety - Missouri State Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office



Julie Morff
Director
August 13, 2020



Ross Strope
Assistant Director
August 13, 2020