

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0531H.011
Bill No.: HB 78
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: February 22, 2021

Bill Summary: This proposal establishes the offenses of harassment of a school or recreation athletic official and entry or remaining on site of a school or recreation athletic contest after being forbidden.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

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

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

§§565.093 and 569.154 – Harassment of a school official

Officials from the **Department of Elementary and Secondary Education**, the **Department of Mental Health**, the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, and the **High Point R-III School District** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes (565.093.3 and 569.154.2) create additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes the provisions of 565.093.3 state any person who commits the offense of harassment of a school or recreation athletic contest official will be fined no more than \$500. Additionally, any person who commits the offense of entry or remaining on site of a school or recreation athletic contest, without authority, violates the provisions of 565.154. A person who commits this offense will be fined no more than \$500.

Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Income</u> – School districts (§§565.093 and 569.154) Fines from violations	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

A person commits the offense of harassment of a school or recreation athletic contest official if the harassment occurs while the official is actively engaged in the conducting, supervising, refereeing, or officiating of a school-sanctioned athletic contest or a sanctioned recreation athletic contest, or in the immediate vicinity of a school-sanctioned athletic contest or a sanctioned recreation athletic contest and is based on the official's performance in conducting, supervising, refereeing, or officiating of an athletic contest.

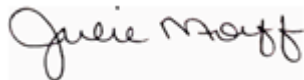
A person who commits the offense of harassment of a school or recreation athletic contest official will be fined no more than \$500, imprisoned for no more than 90 days, or both. In addition, the person will be ordered to perform court-approved community service work and to participate in a court-approved counseling program.

A person commits the offense of entry or remaining on site of a school or recreation athletic contest if the person, without authority, goes into or upon or remains in or upon, or attempts to go into or upon or remain in or upon, any immovable property that is used for any school or recreation athletic contest after having been forbidden to do so by any owner, lessee, or custodian of the property or by any other authorized person. A person who commits this offense will be fined no more than \$500, imprisoned for no more than six months, or both.

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 Elementary and Secondary Education
Department of Mental Health
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
High Point R-III School District



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February 22, 2021



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