

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3522-01
Bill No.: HB 1110
Subject: Crimes and Punishment; Department of Corrections; Prisons and Jails
Type: Original
Date: March 8, 2004

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2005 | FY 2006 | FY 2007 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

In response to a similar proposal, officials from the **Office of Prosecution Services** assumed the proposal may impact prosecutor caseloads, as it creates new crimes. However, prosecutors could absorb the costs of the proposed legislation within existing resources. The cumulative impact of the passage of numerous bills creating new crimes could have a substantial effect on prosecutors.

Officials from the **Office of State Public Defender (SPD)** assume new crimes create new cases for the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Since the amount of impact is uncertain, the SPD assumes existing staff will be able to provide representation in these cases initially. However, once the true fiscal impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties or creating new crimes will require increased appropriations for the SPD.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume the proposed legislation creates the crime of endangering a corrections employee and revises the crime of aggravated harassment of an employee. Penalty provisions range from a class A misdemeanor through a class B felony, depending on circumstances.

DOC assumes this proposal, with its tougher penalties, will act as a deterrent for offenders who have chosen to throw body fluids on DOC employees in the past. The State of New York's Department of Corrections saw cases for exposure fall from 130 per year to 14.7 after implementing similar legislation. Most of this type of behavior occurs in administrative segregation (a.k.a. Ad Seg or lock-down) and involves long-term offenders. Any additional time they could be charged with under the auspice of this new proposal is beyond the scope of this fiscal note. However, it is believed that the occasional "thrower" who has a chance of parole and is aware that additional charges would hinder such will choose not to offend further in most cases.

Since any additional time served would be beyond the scope of this fiscal note, DOC assumes no fiscal impact during this time period.

| <u>FISCAL IMPACT - State Government</u> | FY 2005 (10 Mo.) | FY 2006 | FY 2007 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2005 (10 Mo.) | FY 2006 | FY 2007 |
| | <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.

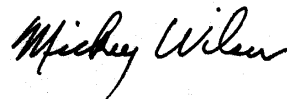
DESCRIPTION

The proposed legislation would create the crime of endangering a corrections employee. An offender or prisoner would commit the crime if he or she attempted to cause or knowingly cause a corrections employee to come into contact with blood, seminal fluid, urine, feces, or saliva. Endangering a corrections employee would be a class D felony unless the substances is unidentified, in which case it would be a class A misdemeanor. If the offender or prisoner is knowingly infected with HIV, hepatitis B, or hepatitis C and commits the crime of endangering a corrections employee, it would be a class B felony. Under current law, these actions fall under the crime of aggravated harassment of an employee and apply to cases involving corrections employees as well as employees in any mental health facility or any secure facility operated by the Division of Youth Services. The proposal would remove inmates and correctional facilities from the provisions of Section 565.092, RSMo.

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 State Courts Administrator
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender



Mickey Wilson, CPA
Director
March 8, 2004