

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4244-01  
Bill No.: HB 1597  
Subject: Crimes and Punishment; Public Buildings; Education, Elementary and Secondary  
Type: Original  
Date: December 29, 2015

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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 2017           | FY 2018           | FY 2019           |
| General Revenue  | (\$24,525)        | (\$57,632)        | (\$77,137)        |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue</b> | <b>(\$24,525)</b> | <b>(\$57,632)</b> | <b>(\$77,137)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2017    | FY 2018    | FY 2019    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                          |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2017    | FY 2018    | FY 2019    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |          |          |          |
|---|----------|----------|----------|
| FUND AFFECTED   | FY 2017  | FY 2018  | FY 2019  |
|   |          |          |          |
|   |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>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> |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED                              | FY 2017    | FY 2018    | FY 2019    |
| <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 offense of making a threat to the security of a building or a public school. There is no similar statute which is currently active in Missouri. This legislation would create a new offense; because most versions of the offense are C felonies, this legislation will be assessed as though it creates a new C felony.

Based upon new felony offenses created in past fiscal years, a new nonviolent C felony can be expected to see three offenders sentenced to prison in each year while five offenders receive probation. Offenders sentenced to prison are expected to serve 1.8 years in an institution and 3.2 years on parole, while offenders sentenced to probation are expected to serve approximately three 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 specific to this statute that can be used to provide a more customized response.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

In summary, DOC assumes a cost of \$24,525 in FY 2017 (3 incarcerated and 5 on probation), \$57,632 in FY 2018 (5.4 incarcerated and 10.6 on probation) and \$77,137 in FY 2019 (5.4 incarcerated and 18.6 on probation). DOC assumes a full cost of approximately \$95,000 per year starting in year 5 with 5.4 persons incarcerated and 24.6 persons on probation.

Officials from the **Department of Elementary and Secondary Education, Department of Higher Education, Department of Public Safety - Missouri Highway Patrol, and the Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** assume the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials at 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 C 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.

**Oversight** assumes the cost to implement the proposal will be dependent upon the number of crimes committed, the enforcement of the laws, prosecution of the offenders, and sentences handed down in court. For fiscal note purposes, Oversight will utilize estimates from the Department of Corrections.

| <u>FISCAL IMPACT - State Government</u>  | FY 2017<br>(10 Mo.)      | FY 2018                  | FY 2019                  |
|--|--------------------------|--------------------------|--------------------------|
| <b>GENERAL REVENUE</b>   |                          |                          |                          |
| <u>Costs</u> - Department of Corrections -<br>incarceration and supervision expenses<br>for new crime of making a threat to the<br>security of a building or a public school | <u>(\$24,525)</u>        | <u>(\$57,632)</u>        | <u>(\$77,137)</u>        |
| <b>ESTIMATED NET EFFECT TO THE<br/>GENERAL REVENUE FUND</b>  | <b><u>(\$24,525)</u></b> | <b><u>(\$57,632)</u></b> | <b><u>(\$77,137)</u></b> |
| <br><u>FISCAL IMPACT - Local Government</u>  | <br>FY 2017<br>(10 Mo.)  | <br>FY 2018              | <br>FY 2019              |
|  | <b><u>\$0</u></b>        | <b><u>\$0</u></b>        | <b><u>\$0</u></b>        |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

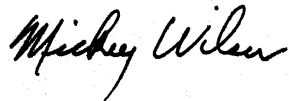
This bill specifies that a person commits a class C felony of making a threat to the security of a building or a public school, when a person communicates a knowingly false report that jeopardizes security procedures or knowingly causes a false belief or fear that causes the initiation of security procedures.

Making a threat to the security of a building or public school is a class C felony until December 31, 2016, and a class D felony beginning January 1, 2017, except for in certain specified circumstances.

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



Mickey Wilson, CPA  
Director  
December 29, 2015

Ross Strobe  
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December 29, 2015