

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0185-01  
Bill No.: HB 237  
Subject: Courts; Victims of Crime; Crimes and Punishment  
Type: Original  
Date: January 4, 2017

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Bill Summary: This proposal creates criminal penalties if a petitioner who has been granted a protective order initiates any contact with the respondent of such protective order.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$8,794)	(\$21,528)	(\$30,133)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$8,794)</b>	<b>(\$21,528)</b>	<b>(\$30,133)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on <u>Other</u> 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 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on <u>All</u> 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 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on 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 2018	FY 2019	FY 2020
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials at the **Department of Corrections (DOC)** assume this proposal makes it a chargeable offense for the petitioner to contact the respondent against whom they have a protective order. The first offense is a class A misdemeanor and subsequent offenses shall be Class E Non-Violent Felonies. This proposal would create a new misdemeanor Class A which is not supervised by the DOC but also a new Class E Non-Violent Felony. This proposal will result in some parolees returning to prison after release. The DOC assumes that offenders will spend more time back in prison rather than being on community supervision, which will increase the amount of the impact.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender. The DOC would assume this legislation will result in the following costs:

FY 2018 - \$8,794  
FY 2019 - \$21,528  
FY 2020 - \$30,133

In summary, FY 2018 would have an offender sent to prison resulting in a cost of \$6,085 and 2 offenders on probation/parole at \$4,468 for a cost of \$8,794 over 10 months. FY 2019 would have 2 offenders in prison at \$12,170 and 4 offenders on probation/parole at \$8,936 for a cost of \$21,528 (includes 2% for inflation). Finally, FY 2020 would have 2.3 offenders in prison at \$13,996 and 6.7 offenders on probation/parole at \$14,968 for a cost of \$30,133 (including 2% inflation).

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 initiating contact with a person who has been ordered protections. This would become a new Class A misdemeanor for the first offense and a new Class E Felony for subsequent offenses.

While the number of new cases 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.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

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

Officials at the **St. Louis County Police Department**, the **Boone County Sheriff's Department**, the **Cole County Sheriff's Department**, the **Springfield Police Department** and the **St. Louis County Justice Services** 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.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE</b>			
<u>Cost - DOC - new criminal penalties for offenders of protective orders</u>	<u>(\$8,794)</u>	<u>(\$21,528)</u>	<u>(\$30,133)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$8,794)</u></b>	<b><u>(\$21,528)</u></b>	<b><u>(\$30,133)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<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.

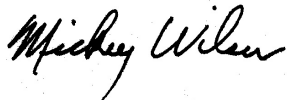
### FISCAL DESCRIPTION

This bill specifies that if a petitioner who has been granted an ex parte or full order of protection initiates contact in any manner or through any medium with the respondent of the ex parte or full order of protection, the petitioner is guilty of a class A misdemeanor. If the petitioner has previously been found guilty of such a violation within five years of the subsequent violation, the subsequent violation is a class E felony.

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  
Office of the State Public Defender  
Office of the State Courts Administrator  
Department of Public Safety  
    Missouri Highway Patrol  
Department of Social Services  
Office of Prosecution Services  
St. Louis County Police Department  
Boone County Sheriff's Department  
Cole County Sheriff's Department  
Springfield Police Department  
St. Louis County Justice Services



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