

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4793-01
Bill No.: HB 1711
Subject: Terrorism; Department of Public Safety; Law Enforcement Officers and Agencies
Type: Original
Date: January 10, 2018

Bill Summary: This proposal establishes a terrorist offender registry.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Highway	(\$246,000)	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$246,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed legislation would mirror the statute that governs the Sex Offender Registry, as administered by the CJIS Division, and creates a Terrorist Offender Registry. As such, according to Section 589.427, persons required to register are those convicted, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under Section 576.080, or engaging in an act of terrorism under Chapter 113B of Title 18 of the United States Code (18 U.S.C. Sections 2331 to 2339d). There are other provisions that require persons to register if they have a mental defect, are a juvenile, work or go to school in Missouri but live out of state, and have violated the law under Section 576.080 or Chapter 113B of Title 18 of the United States Code. All registrations will be for life, unless reversed, vacated, set aside, pardoned, or granted relief by the court and removed from the registry.

This bill states that such persons must, within 3 days of conviction, release from the Department of Corrections, or placement on probation, register with the chief law enforcement official (CLEO) of the county or city not within a county in which they reside. The CLEO will forward the registration to MHP, who will collect the demographic, biometric, and personal offender information required by this statute, and maintain in a new database/system as well as MULES. Offenders will be required to register in the month of their birth, and every six months thereafter. Offenders who fail to register will also be additionally required to register every 90 days.

Officials at the MHP state they are not aware of any commercial system that provides this type of functionality. This would require a custom-built system. The estimated cost to contract out the building of this system is listed below. This is just an estimate based upon comparisons to other similar systems such as the sex offender registry.

Task	Hours	Cost	Total
Requirements/design	200	\$ 100	\$ 20,000
Develop new web based application to collect information	960	\$ 100	\$ 96,000
*****Initial entry screen used by submitters			\$ -
*****Review, verification, approval, maintenance screens			\$ -
Create interface with criminal history	300	\$ 100	\$ 30,000
create database tables and infrastructure	150	\$ 100	\$ 15,000
Create mapping and reporting screens and pages	300	\$ 100	\$ 30,000
Create interface with other systems	300	\$ 100	\$ 30,000
Management time	<u>200</u>	<u>\$ 125</u>	<u>\$ 25,000</u>
Total personnel Cost	2,410		\$ 246,000

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** 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.

For the purpose of this proposed legislation, officials from 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 failing to register as a terrorist offender, a new class E felony; subsequent offenses enhance the penalties to class E and then to class A felonies.

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.

Officials from the **Office of the State Courts Administrator** and the **Department of Mental Health** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Corrections (DOC)** state this bill creates a terrorist offender registry and failure to register can result in a class E felony offense. Specific criteria are spelled out for agencies and offenders to follow for compliance with this new statute. Failure to comply with the requirements are grounds for being charged with a class E felony. This is a new crime and the impact to DOC is unknown.

For a class E felony, the department estimates one person will be sentenced to prison and 2 to probation. The average sentence for a nonviolent Class E offense is 3.4 years, of which 2.2 years will be served in prison while the remaining 1.2 years will be on parole. Probation sentences will be 3 years. The cumulative impact on DOC is 2 additional offenders in prison and 7 on field supervision by FY 2021.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are

ASSUMPTION (continued)

calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, 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 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. 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 in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. 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.

The DOC cost of incarceration is \$17,003 per day or an annual cost of \$6,206 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.

	# 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 and 2% inflation)
Year 1	1	(\$6,206)	(\$5,172)		0	absorbed	\$0	(\$5,172)
Year 2	2	(\$6,206)	(\$12,660)		0	absorbed	\$0	(\$12,660)
Year 3	2	(\$6,206)	(\$12,913)		0	absorbed	\$0	(\$12,913)
Year 4	2	(\$6,206)	(\$13,172)		0	absorbed	\$0	(\$13,172)
Year 5	2	(\$6,206)	(\$13,435)		0	absorbed	\$0	(\$13,435)
Year 6	2	(\$6,206)	(\$13,704)		0	absorbed	\$0	(\$13,704)
Year 7	2	(\$6,206)	(\$13,978)		0	absorbed	\$0	(\$13,978)

Oversight assumes the DOC could absorb the additional prisoner(s) estimated; therefore, Oversight will not reflect the additional \$13,000 of incarceration expense.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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HIGHWAY FUNDS

<u>Costs</u> - MHP - to develop and implement the terrorist offender registry	<u>(\$246,000)</u>	<u>\$0</u>	<u>\$0</u>
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ESTIMATED NET EFFECT TO THE HIGHWAY FUNDS	<u>(\$246,000)</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

The proposed legislation would establish a terrorist offender registry, specify to whom it would apply and specify registration requirements for those affected. The proposal also creates the offense of failing to register as a terrorist offender, which would be a class E felony or, for repeat offenders either a class E or a class A 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 Public Safety
Attorney General's Office
Department of Mental Health
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized, cursive script.

Acting Director
January 10, 2018