

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1525-01
Bill No.: HB 729
Subject: Probation and Parole; Victims of Crime; Crimes and Punishment; Department of Corrections; Highway Patrol
Type: Original
Date: April 26, 2019

Bill Summary: This proposal establishes procedures for a violent offender registry, which will include any person on probation or parole for first and second degree murder.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Criminal Records System (0671)	(\$137,269)	(\$159,325)	(\$160,935)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$137,269)	(\$159,325)	(\$160,935)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Federal	\$0 to \$40,000	\$0 to \$40,000	\$0 to \$40,000
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 to \$40,000	\$0 to \$40,000	\$0 to \$40,000

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Criminal Records System (0671)	2	2	2
Total Estimated Net Effect on FTE	2	2	2

☒ 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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§43.650 and 589.437 - Violent offender registry

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state this bill appears to duplicate the current Sex Offender Registry web page and process in §43.650 for violent offenders as outlined in §589.437. The proposed legislation would conflict with the Sex Offender Registration and Notification Act (SORNA) compliance as the registry would no longer be only for registered sexual offenders. The MHP is unable to determine the penalties to funding as to whether it would be a percentage or other avenue.

The MHP assumes the violent offender workflow to be similar to the sex offender registry. Therefore, at a minimum two FTE would be required (one Program Supervisor and one CJIS Technician III) to manage the violent offender registry and work with the Department of Corrections and Probation and Parole to ensure compliant offender registration.

Oversight notes the MHP has stated this proposal would conflict with the Sex Offender Registration and Notification Act (SORNA) compliance. Oversight notes the Adam Walsh Act Grant may allocate up to \$400,000 each fiscal year. The amount of the grant funding varies depending on what is applied for and what is actually allocated. Over the past seven years, the MHP has averaged \$239,126 annually. The highest amount received was \$400,000, the lowest was \$163,385, and there was one year the MHP did not apply for any funding. The MHP states it could lose ten percent of the money awarded each year the MHP is not in compliance. Therefore, the impact to federal funds will be presented as \$0 to \$40,000 for remaining (on coming into) compliance.

Oversight does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

Officials from the **Department of Corrections (DOC)** state this bill establishes procedures for a violent offender registry which will include any person on probation or parole for first and second degree murder.

The DOC is assuming there are no penalties for failure to register associated with violent offenders under section 589.437 and the sole responsibility falls on the Division of Probation and Parole to notify the MHP when a violent offender is placed on probation or parole, is removed from probation or parole, or relocates to this state under the interstate compact for adult supervision. Therefore, the department assumes no fiscal impact.

ASSUMPTION (continued)

The DOC notes it will not have the ability to report those persons who are found not guilty of murder based on a mental disease or defect as these persons do not fall under the purview of the DOC. These persons will need to be reported to the MHP by the Department of Mental Health.

Oversight notes that the **Department of Mental Health (DMH)** has stated the proposal would not have a direct fiscal impact on their organization.

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

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
CRIMINAL RECORDS SYSTEM (0671)			
<u>Costs - MHP (§§43.650 and 589.437)</u>			
Personal Services	(\$68,880)	(\$83,483)	(\$84,317)
Fringe Benefits	(\$61,475)	(\$74,509)	(\$75,253)
Expense and Equipment	(\$6,914)	(\$1,333)	(\$1,365)
Total <u>Costs - MHP</u>	<u>(\$137,269)</u>	<u>(\$159,325)</u>	<u>(\$160,935)</u>
FTE Change - MHP	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS SYSTEM FUND	<u>(\$137,269)</u>	<u>(\$159,325)</u>	<u>(\$160,935)</u>
Estimated Net FTE change for the Criminal Records System Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
FEDERAL FUNDS			
<u>Loss Avoidance - MHP (§§43.650 and 589.437)</u>			
Continuation of Adam Walsh Act Grant funds - if now in compliance	<u>\$0 to \$40,000</u>	<u>\$0 to \$40,000</u>	<u>\$0 to \$40,000</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0 to \$40,000</u>	<u>\$0 to \$40,000</u>	<u>\$0 to \$40,000</u>

FISCAL IMPACT - Local Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

\$0

\$0

\$0

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 the State Highway Patrol must maintain on their website a registry for violent offenders who are on probation or parole for the offense of first or second degree murder in Missouri or for an equivalent offense in any other state. The Division of Probation and Parole of the Department of Corrections must notify the State Highway Patrol if a violent offender is placed on probation or parole, is removed from probation or parole, or relocates to the state under the Interstate Compact for adult offender supervision so the State Highway Patrol can update the Offender Registry accordingly.

This legislation is not federally mandated and would not require additional capital improvements or rental space.

This bill may duplicate the current Sex Offender Registry web page and process in section 43.650 for violent offenders as outlined in section 589.437.

SOURCES OF INFORMATION

Department of Mental Health

Department of Corrections

Department of Public Safety - Missouri State Highway Patrol



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April 26, 2019

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April 26, 2019