

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3635-03
Bill No.: Perfected HCS for HB 1289
Subject: Crimes and Punishment; Criminal Procedure; Sexual Offenses; Highway Patrol
Type: Original
Date: February 25, 2020

Bill Summary: This proposal modifies provisions relating to sexual offenders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§217.735 (HA 1) - Lifetime supervision of sexual offenders

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Social Services**, and the **Office of State Courts Administrator** each assume the amendment would not change their fiscal impact estimates on the underlying HCS version.

Oversight has no information to the contrary, therefore, Oversight assumes HA 1 has no additional fiscal impact.

§§589.400, 589.401, 589.404, and 589.414 - Sexual offenders

Officials from the **Department of Corrections (DOC)** state the DOC is responsible for supervising those who are charged with failure to register. Failure to register as a sex offender is in violation of §589.425, RSMo, with penalties of class D, E, or unclassified felonies. While this bill proposes no new penalties, the expanded registry population increases the potential of a violation of §589.425, RSMo. In FY 2019, there were 267 new court commitments to the department under §589.425, RSMo. Of those, 187 were probation cases, 29 were new commitments for 120 days, and 51 were prison sentences. As of January 13, 2020, the Missouri sex offender registry had 16,469 offenders in the registry (Missouri State Highway Patrol 2020). Based on the results of an audit by the Office of State Auditor (Galloway 2018), we can expect approximately 8 percent of those offenders (1,318) are noncompliant with registration at any given time.

Given the proposed legislation increases the monitoring requirements for offenders who are already supervised by the department, it increases the likelihood that an offender will fail to register. However, given that the cases affected by this proposal are already monitored and the estimate that 20 percent of noncompliant cases result in a new court commitment for failure to register under §589.425, RSMo, the department does not expect a significant impact on operations. Therefore, passage of this legislation is expected to have no impact on the department.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

ASSUMPTION (continued)

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Social Services**, the **Office of State Courts Administrator**, the **State Public Defender's Office**, and the **Springfield Police Department** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

In response to a previous version, officials from the **St. Louis County Police Department** and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

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

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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 appears to have no direct fiscal impact.

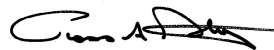
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Health and Senior Services
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services



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February 25, 2020



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