

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1011H.02I
Bill No.: HB 742
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: March 17, 2021

Bill Summary: This proposal modifies the offense of Assault in the first degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

***Oversight** states law enforcement and emergency personnel are currently included in the definition of a special victim and an offense against them is a class A felony. Oversight notes the provisions of this bill state if the victim of an assault in the first degree is targeted because of the actual or perceived status of the victim being a public safety officer, the offense is a class A felony. Oversight notes to reach the \$250,000 threshold, an additional 32 prisoners would be required. Oversight assumes fewer than that number.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§565.050 – Assault in the first degree

Officials from the **Department of Corrections (DOC)** state this bill modifies the offense of Assault in the first degree. The bill states that the offense of Assault in the first degree is a class A felony if the victim was targeted because of the actual or perceived status of the victim as a public safety officer. Currently, law enforcement officers are included in the definition of ‘special victim’, so assaults against them because of their duties are already a class A felony. In other cases, first-degree assault is a class B felony.

In FY 2020, there were 79 prison admissions and 19 new probation cases for class A and B felonies under section 565.050. However, the Department is unable to determine how many cases of first degree assault on a public safety officer occurred, regardless of whether they were classified as a class A or class B felony. Additionally, DOC is unable to determine how many victims were targeted due to their actual or perceived status as a public safety officer. Therefore, DOC is unable to estimate a fiscal impact for this legislation.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC’s (unknown) impact for fiscal note purposes.

Officials from the **Attorney General’s Office**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Cole Camp Ambulance District**, the **Crawford County 911 Board**, and the **Nodaway County Ambulance District** each assume the proposal will have no 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 ambulance and EMS, fire protection districts, and 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 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DOC</u> (\$565.050) Increased incarceration costs	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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

This bill specifies that, if the victim of an assault in the first degree is targeted because of the actual or perceived status of the victim based on the victim's profession or employment as a public safety officer, the offense is a class A felony. Any person guilty of committing assault in the first degree under this provision will not be eligible for suspended imposition or suspended execution of sentence or will not be eligible for parole or conditional release until the person has served at least 10 years imprisonment.

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 Natural Resources
 Department of Corrections
 Department of Public Safety
 Department of Social Services

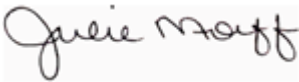
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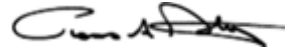
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Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Crestwood Police Department
Ellisville Police Department,
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Cole Camp Ambulance District
Crawford County 911 Board
Nodaway County Ambulance District



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March 17, 2021



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