

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1898H.01I
Bill No.: HB 1090
Subject: Crimes and Punishment; Sexual Offenses; Conservation, Department of
Type: Original
Date: March 5, 2021

Bill Summary: This proposal prohibits certain offenders from being 500 feet of any nature or education center controlled by the Missouri Department of Conservation, with an exception.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$6,463)	(\$15,822)	(\$32,277)
Total Estimated Net Effect on General Revenue	(\$6,463)	(\$15,822)	(\$32,277)

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

§566.150 – Sexual offenders

Officials from the **Missouri Department of Conservation (MDC)** assume the proposal will not fiscally impact their agency.

In response to similar legislation from 2020 (HCS HB 2142), MDC stated there are eight (8) nature and education centers in the state, including:

- Burr Oak Woods Nature Center (Blue Springs);
- Cape Girardeau Nature Center;
- Anita B. Gorman Discovery Center (Kansas City);
- Powder Valley Nature Center (Kirkwood);
- Runge Nature Center (Jefferson City);
- Springfield Nature Center;
- Twin Pines Conservation Education Center (Winona); and
- Shoal Creek Conservation Education Center (Joplin)

Officials from the **Department of Corrections (DOC)** state this bill prohibits certain offenders from being 500 feet of any nature or education center controlled by the Missouri Department of Conservation, with an exception.

The addition of the Missouri Department of Conservation nature or education center properties to an already existing facilities list has the potential impact of creating a new class E and class D felony.

The DOC will use a standard E and D felony response to estimate a fiscal impact to this legislation proposal. For each new nonviolent class E felony, it is estimated that one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

For each new nonviolent class D felony, it is estimated that three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

The combined impact of this legislation could be 10 new prison admissions and 23 new offenders in the field by FY 2024.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation	0	0	0	0	0	0	0	0	0	0
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	7	7	7	7	7	7	7	7	7	7
Cumulative Populations										
Prison	4	8	10	10	10	10	10	10	10	10
Parole	0	0	2	5	8	8	8	8	8	8
Probation	7	14	21	21	21	21	21	21	21	21
Impact										
Prison Population	4	8	10	10	10	10	10	10	10	10
Field Population	7	14	23	26	29	29	29	29	29	29
Population Change	11	22	33	36	39	39	39	39	39	39

	# 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 2% inflation)
Year 1	4	(\$7,756)	(\$25,853)	7	absorbed	\$0	(\$25,853)
Year 2	8	(\$7,756)	(\$63,289)	14	absorbed	\$0	(\$63,289)
Year 3	10	(\$7,756)	(\$80,693)	23	absorbed	\$0	(\$80,693)
Year 4	10	(\$7,756)	(\$82,307)	26	absorbed	\$0	(\$82,307)
Year 5	10	(\$7,756)	(\$83,953)	29	absorbed	\$0	(\$83,953)
Year 6	10	(\$7,756)	(\$85,633)	29	absorbed	\$0	(\$85,633)
Year 7	10	(\$7,756)	(\$87,345)	29	absorbed	\$0	(\$87,345)
Year 8	10	(\$7,756)	(\$89,092)	29	absorbed	\$0	(\$89,092)
Year 9	10	(\$7,756)	(\$90,874)	29	absorbed	\$0	(\$90,874)
Year 10	10	(\$7,756)	(\$92,691)	29	absorbed	\$0	(\$92,691)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance

equal to the cost of one FTE staff person. 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

Oversight notes during the past two fiscal years, 45 people have been charged under §566.150.

	Felony Charges
FY 2020	28
FY 2019	17
Total	45

Oversight assumes adding MDC's nature or education centers would be much more limited and specific than the current locations that certain persons are illegal to be present or loiter within 500 feet of:

- any public park with playground equipment;
- a public swimming pool; or
- any museum for entertaining or educating children under 18.

Therefore, Oversight will assume DOC's estimated number of additional prisoners would be too high. Oversight will assume less than four additional prisoners, at a DOC cost of approximately \$7,756 per year per prisoner.

Officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Kansas City Police Department**, and the **St. Louis County Police Department** 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 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 (\$566.150) Increased incarceration costs</u>	<u>(\$6,463)</u>	<u>(\$15,822)</u>	<u>(\$32,277)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$6,463)</u>	<u>(\$15,822)</u>	<u>(\$32,277)</u>

<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.

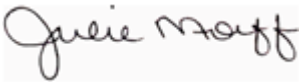
FISCAL DESCRIPTION

This bill adds any nature or education center controlled by the Missouri Department of Conservation to the locations registered sexual offenders must stay away from by at least 500 feet. Except, any person who has been found guilty of an offense specified in the section who is the parent, legal guardian, or custodian of a child under 18 visiting the property of a nature or education center controlled by the Department may request permission from the nature or education center manager to be present on the property with the child during the child's visit.

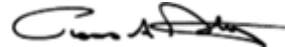
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Kansas City Police Department
St. Louis County Police Department



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March 5, 2021



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