

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5817H.011
 Bill No.: HB 2783
 Subject: Crimes and Punishment; Criminal Procedure; Courts; Attorneys; Judges
 Type: Original
 Date: March 5, 2024

Bill Summary: This proposal modifies the offenses of tampering with a judicial officer and tampering with a judicial proceeding.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
General Revenue	\$0	\$0	(\$30,241)	(\$174,582)
Total Estimated Net Effect on General Revenue	\$0	\$0	(\$30,241)	(\$174,582)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Total Estimated Net Effect on FTE	0	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 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§575.095 and 575.260 – Tampering with a judicial officer

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offenses of tampering with a judicial proceeding. The proposed legislation modifies sections 575.095 tampering with a judicial officer and 575.260 tampering with judicial proceeding, making the penalties for both offenses ineligible for probation, parole or conditional release. This means offenders will be required to serve 100% of those sentences in prison.

There were three court commitments to prison under section 575.095 and one under section 575.260 in FY 2023. The average length of those sentences was 6.3 years. On average, offenders serving sentences under these sections spend 0.3 years in prison prior to first release. (There have only been 4 first releases on sentences under these sections in the previous three fiscal years. All four releases were on sentences under section 575.095).

The new legislation would take away the options of probation, parole or conditional release, and require the offender serve the full 6.3 years of their sentence in prison.

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 16 fewer offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	4	4	4	4	4	4	4	4	4	4
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			3	7	11	15	16	16	16	16
Parole			-3	-7	-11	-15	-16	-16	-16	-16
Probation										
Impact										
Prison Population			3	7	11	15	16	16	16	16
Field Population			-3	-7	-11	-15	-16	-16	-16	-16
Population Change										

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 3	3	(\$9,689)	(\$30,241)	0	\$0	(3)	(\$30,241)
Year 4	7	(\$9,689)	(\$71,974)	0	\$0	(7)	(\$71,974)
Year 5	11	(\$9,689)	(\$115,365)	0	\$0	(11)	(\$115,365)
Year 6	15	(\$9,689)	(\$160,462)	0	\$0	(15)	(\$160,462)
Year 7	16	(\$9,689)	(\$174,582)	0	\$0	(16)	(\$174,582)
Year 8	16	(\$9,689)	(\$178,074)	0	\$0	(16)	(\$178,074)
Year 9	16	(\$9,689)	(\$181,635)	0	\$0	(16)	(\$181,635)
Year 10	16	(\$9,689)	(\$185,268)	0	\$0	(16)	(\$185,268)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.545 per day or an annual cost of \$9,689 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$99.90 per day or an annual cost of \$36,464 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

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

Officials from the **Department of Social Services**, the **Missouri Office of Prosecution Services**, and the **Office of the State Public Defender** 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.

Officials from the **Attorney General’s Office** and the **Office of the State Courts Administrator** did not respond to **Oversight’s** request for fiscal impact for this proposal.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other county prosecutors were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
GENERAL REVENUE				
<u>Costs – DOC</u> (§§575.095 and 575.260) Increased incarceration costs	<u>\$0</u>	<u>\$0</u>	(\$30,241)	(\$174,582)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>(\$30,241)</u>	<u>(\$174,582)</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
	<u>\$0</u>	<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

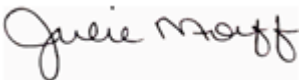
TAMPERING WITH A JUDICIAL OFFICER (Sections 575.095 and 575.260)

This bill prohibits eligibility for probation, parole, or conditional release for a person who is convicted of the offense of tampering with a judicial officer or the offense of tampering with a judicial proceeding.

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 Corrections
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Public Defender



Julie Morff
Director
March 5, 2024



Ross Strobe
Assistant Director
March 5, 2024