

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6062**

**BILL NUMBER:** HB 1061

**NOTE PREPARED:** Sep 4, 2020

**BILL AMENDED:**

**SUBJECT:** Disseminating Material Harmful to Minors.

**FIRST AUTHOR:** Rep. Pryor

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill requires a person convicted of disseminating material harmful to minors to register as a sex offender if the person is a child care worker and distributes the material to a child who is under the person's care or supervision or who attends a school at which the person is employed.

**Effective Date:** July 1, 2021.

**Explanation of State Expenditures:** *Penalty Provision*— A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, with an advisory sentence of 1 year. While a Level 5 felony is punishable by a prison term ranging from 1 to 6 years, with an advisory sentence of 3 years. Sentence length will depend on mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,524 annually, or \$9.66 daily, per prisoner. However, any additional expenditures are likely to be small.

**Additional Information**— A required person failing to register as a sex or violent offender on the state registry is subject to a Level 6 felony or Level 5 felony for failure to register as a repeated offense. A search of historical releases found 46 offenders that were released from a DOC facility between 1997 and 2019 for disseminating material harmful to minors. It is unknown how many, if any, were employed in child care or schools prior to or after their incarceration.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Level 6 or a Level 5 felony is \$10,000. However, it is very likely that any increase in court fees from future cases involving failure to register as a sex offender for this particular crime would

be minimal.

**Explanation of Local Expenditures:** A review of 2020, 2019, and 2017 misdemeanor judgment data found no convictions or guilty verdicts for disseminating material harmful to minors as a plead-down Class A misdemeanor from a Level 6 felony. Therefore, any increases in jail costs for persons violating the bill's provision are likely to be minimal.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Department of Correction.

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