

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1011H.03C
 Bill No.: HCS for HB 742
 Subject: Crimes and Punishment; Criminal Procedure
 Type: Original
 Date: April 5, 2021

Bill Summary: This proposal modifies the offense of assault in the first degree and establishes Blair's Law, which creates the offense of unlawful discharge of a firearm for discharging a firearm within or into the limits of a municipality with criminal negligence.

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 in FY 2020, there were 79 prison admissions and 19 new probation cases for class A and B felonies under section 565.050. The breakdown by felony class can be seen in the table below:

FY 2020: First Degree Assault Admissions and Probations			
		Prison Admissions	New Probations
Felony Class	A	42	7
	B	37	12

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 **Office of the State Public Defender** assume the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Attorney General's Office**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **St. Joseph Police Department**, and the **Crawford County 911 Board** each assumed 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 for this section.

§571.031 – Blair's Law

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) concerning unlawful discharge of a firearm under Section 571.031. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to

request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Officials from the **Department of Corrections (DOC)** state class A misdemeanor charges, for a first offense, will not impact DOC as the DOC generally does not supervise misdemeanor offenses. However, a second or subsequent violation of Blair's Law will be a class E felony and class D felony and the impact on the DOC will be the same as a creation of a new nonviolent class E felony and a new nonviolent class D felony.

The areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the DOC.

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

In response to similar legislation from 2021 (HB 99), officials from the **Attorney General's Office**, the **City of Ballwin**, the **City of O'Fallon**, the **City of St. Louis**, the **Crestwood Police Department**, the **Ellisville Police Department**, and the **Springfield Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HB 99), officials from the **City of Hale** and the **City of Sugar Creek** responded to the legislation but did not provide a fiscal impact.

Bill as a Whole

Officials from the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Missouri Highway Patrol, and Missouri National Guard)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **City of Claycomo**, the **City of Corder**, the **City of Kansas City**, the **City of Springfield**, the **Kansas City Police Department**, the **St. Louis County Police Department**, the **Cole Camp Ambulance District**, and the **Nodaway County Ambulance District** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Fruitland Area Fire Protection District** responded to the legislation but did not provide a fiscal impact.

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 cities, 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			
Costs – DOC (\$565.050) Increased incarceration costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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

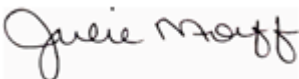
ASSAULT IN THE FIRST DEGREE (Section 565.050)

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.

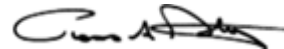
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Natural Resources
Department of Public Safety
Department of Social Services
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
Springfield Police Department
St. Joseph Police Department
St. Louis County Police Department
Cole Camp Ambulance District
Crawford County 911 Board
Nodaway County Ambulance District
City of Ballwin
City of Claycomo
City of Corder
City of Hale
City of Kansas City
City of O'Fallon
City of Springfield
City of St. Louis
City of Sugar Creek



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April 5, 2021



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