

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4189S.01I
Bill No.: SB 843
Subject: Children and Minors; Crimes and Punishment; Health Care Professionals; Medical Procedures and Personnel; Nurses; Physicians
Type: Original
Date: February 2, 2022

Bill Summary: This proposal modifies provisions relating to gender reassignment treatment for children.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue Fund	(\$6,879)	(\$16,840)	(\$25,766)
Total Estimated Net Effect on General Revenue	(\$6,879)	(\$16,840)	(\$25,766)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§191.1180, 568.060 & 57.8421 - Gender Reassignment Treatment for Children Provisions

Oversight assumes section 568.060 states that a person commits the offense of abuse or neglect of a child if they coerce a child to undergo surgical or hormonal treatment for gender reassignment. This offense is a class D felony, without eligibility for probation, parole, or conditional release until the offender has served no less than one year of such sentence. If they have previously been found guilty of a violation of this section or the child has serious emotional or physical injury as a result, it is a class B felony, without eligibility for probation, parole, or conditional release until they have served no less than five years of such sentence. It is a class A felony if the child dies as a result of conduct chargeable under this section.

Officials from the **Department of Corrections (DOC)** state that given the seriousness of class A felony offenses and that the introduction of a completely new class A felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class A felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 17.1 years and served, on average, 12.3 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2032 is 10 additional offenders in prison.

For each new sex or child abuse related class D felony, the department estimates seven people will be sentenced to prison and four to probation. The average sentence for a sex or child abuse related class D felony offense is 6.6 years, of which 5.4 years will be served in prison with 4.7 years to first release. The remaining 1.2 years will be on parole. Probation sentences will be 5 years.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department

assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 4 additional offenders on field supervision by FY 2031.

DOC assumes combined estimated cumulative impact of a new Class A felony, new Class B, and a new Class D felony on the department is estimated to be 52 additional offenders in prison and 33 additional offenders on field supervision by FY 2032.

Oversight assumes this crime is very specific and narrow in nature. Oversight will assume the number of persons convicted of this crime will not reach the levels estimated by the Department of Corrections. Oversight will assume one additional person will be confined to prison each year for this new crime. Using DOC’s estimated cost of \$8,255 per year, this would equate to roughly \$26,000 by FY 2025.

Officials from the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Public Safety – Missouri Highway Patrol**, the **Department of Social 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.

In response to a similar proposal from last year (SB 442), officials from the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Cost – DOC</u> <u>Incarceration Cost</u>	<u>(\$6,879)</u>	<u>(\$16,840)</u>	<u>(\$25,766)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$6,879)</u>	<u>(\$16,840)</u>	<u>(\$25,766)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small business health care facilities could be affected as a result of this proposal.

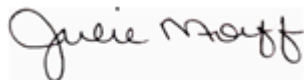
FISCAL DESCRIPTION

Under this act, a person commits the offense of abuse or neglect of a child if such person coerces a child who is under 18 to undergo any surgical or hormonal treatment for the purpose of gender reassignment.

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 Commerce and Insurance
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Office of the State Public Defender
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
February 2, 2022



Ross Strobe
Assistant Director
February 2, 2022