

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3817H.01I
Bill No.: HB 1637
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: January 10, 2022

Bill Summary: This proposal establishes the offense of mail theft.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue	(\$6,879)	(\$16,840)	(\$17,177)
Total Estimated Net Effect on General Revenue	(\$6,879)	(\$16,840)	(\$17,177)

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

§570.212 – Mail theft

Officials from the **Department of Corrections (DOC)** state this bill establishes the offense of mail theft. The bill makes it a class A misdemeanor for a first offense and a class E felony for any second or subsequent offense. This bill, therefore, creates one new class A misdemeanor offense and one new class E felony offense. The misdemeanor offense does not fall under the purview of DOC, and will, therefore, not be addressed.

Regarding the E felony, since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will 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 2025.

	# 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	1	(\$8,255)	(\$6,879)	2	absorbed	\$0	(\$6,879)
Year 2	2	(\$8,255)	(\$16,840)	4	absorbed	\$0	(\$16,840)
Year 3	2	(\$8,255)	(\$17,177)	7	absorbed	\$0	(\$17,177)
Year 4	2	(\$8,255)	(\$17,521)	7	absorbed	\$0	(\$17,521)
Year 5	2	(\$8,255)	(\$17,871)	7	absorbed	\$0	(\$17,871)
Year 6	2	(\$8,255)	(\$18,228)	7	absorbed	\$0	(\$18,228)
Year 7	2	(\$8,255)	(\$18,593)	7	absorbed	\$0	(\$18,593)
Year 8	2	(\$8,255)	(\$18,965)	7	absorbed	\$0	(\$18,965)
Year 9	2	(\$8,255)	(\$19,344)	7	absorbed	\$0	(\$19,344)
Year 10	2	(\$8,255)	(\$19,731)	7	absorbed	\$0	(\$19,731)

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 \$22.616 per day or an annual cost of \$8,255 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 \$88.12 per day or an annual cost of \$32,162 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 **Office of the State Public Defender (SPD)** state the proposed legislation creates the offense of mail theft, in violation of Section 570.212 and, therefore, could increase the number of persons who are eligible for representation by SPD. The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no fiscal impact on MOPS and no fiscal impact to prosecutors or the circuit attorney since this crime is already encompassed in current stealing statute.

Officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Administration**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's 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 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Cost – DOC (\$570.212) Increased incarceration costs</u>	<u>(\$6,879)</u>	<u>(\$16,840)</u>	<u>(\$17,177)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$6,879)</u>	<u>(\$16,840)</u>	<u>(\$17,177)</u>

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

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

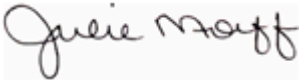
FISCAL DESCRIPTION

A person commits the offense of mail theft if the person purposefully takes mail from another person's mailbox or premises without the consent of the addressee and with intent to deprive the addressee of the mail. The offense of mail theft is a class A misdemeanor for a first offense and a class E felony for a second or subsequent offense.

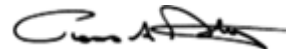
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



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