

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4290-02
Bill No.: SB 1210
Subject: Crimes and Punishment; Victims of Crime; Civil Rights
Type: Original
Date: February 23, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Labor and Industrial Relations** assume the proposal would have no fiscal impact on their agency.

Officials with the **Office of the State Courts Administrator** assume this bill would create no fiscal impact on the Courts.

Officials from the **Department of Social Services (DOS)** state this bill creates six crimes: abusing an individual through forced labor; trafficking for the purpose of slavery; sexual trafficking of a child; contributing to human trafficking; failure of an international matchmaking organization to provide certain information to recruits; and falsifying the information provided to such organizations by clients. DOS states there is no fiscal impact to their agency.

Officials from the **Office of the State Public Defender (SPD)** state this proposed legislation will create the new crimes concerning human trafficking. New crimes create new cases for the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

ASSUMPTION (continue)

Since the amount of impact is so uncertain, the SPD cannot assume existing staff will be able to provide representation in these cases. However, once the true impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the State Public Defender.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume there would not be a substantial increase in the background checks submitted to the Criminal Records and Identification Division. Based on that assumption, there is no anticipated fiscal impact to MHP.

Officials from the **Office of Prosecution Services** did not respond to our request for fiscal impact.

Oversight assumes prosecutors could absorb the costs resulting from this proposal with existing resources.

Officials from the **Department of Corrections (DOC)** state this proposal creates crimes concerning human trafficking. The penalty provisions are for up to a class A felony.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY03 average of \$38.10 per inmate, per day or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2005 (10 Mo.)	 FY 2006	 FY 2007
	 <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.

DESCRIPTION

This proposal creates the crime of abuse through forced labor by knowingly providing or obtaining the labor or services of a person through threats of harm or restraint, by means of causing a person to believe that if the labor is not performed that person or another with suffer harm, or by means of abuse or the threat of abuse of the law or legal process. The crime of abuse through forced labor is a Class B felony (Section 556.203).

The proposal also creates the crime of trafficking for the purposes of slavery, involuntary servitude, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services. The crime of trafficking pursuant to this section is a Class B felony (Section 556.206).

The proposal also creates the crime of sexual trafficking of a child if the individual knowingly recruits, transports, harbors, provides, or obtains a child to participate in a commercial sex act. It is a crime to benefit financially from participation in such activities or to cause a person under

DESCRIPTION (continued)

the age of eighteen to engage in a commercial sex act through the use of fraud, coercion, or force. The crime of sexual trafficking of a child is a Class A felony if the child is under the age of fourteen; otherwise, it is a Class B felony (Section 556.209).

The proposal also creates the crime of contributing to human trafficking through the misuse of documentation. It is a crime to misuse another person's identification to commit the above trafficking offenses or to restrict a person's ability to move or travel. The crime of contributing to human trafficking through the misuse of documentation is a Class D felony (Section 556.212).

The proposal requires the sentencing court to order the offender to pay restitution to the victim of the offenses established in Sections 556.203, 556.206, 556.209 (Section 556.215).

The proposal also requires international matchmaking organizations to provide notice to each recruit from another country that certain information regarding clients is available. Such an organization must disseminate the criminal history record information and marital history information of a client along with basic rights information within 30 days after it receives the information. A client of an organization must obtain his or her own criminal history and give it to the organization along with the marital history information. The organization must require the client to affirm that the information is accurate and complete. It is a Class D felony to wilfully provide incomplete or false information or to violate the requirements of notice and providing information as required by this section (Section 556.218).

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

Office of the State Courts Administrator
Department of Corrections
Department of Labor and Industrial Relations
Department of Social Services
Department of Public Safety
Missouri Highway Patrol
Office of Prosecution Services
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 23, 2004