

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1987S.01I
Bill No.: SB 442
Subject: Children and Minors; Crimes and Punishment; Health Care Professionals; Medical Procedures and Personnel; Nurses; Physicians
Type: Original
Date: March 8, 2021

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 2022	FY 2023	FY 2024
General Revenue Fund	(\$6,463)	(\$15,512)	(\$23,268)
Total Estimated Net Effect on General Revenue	(\$6,463)	(\$15,512)	(\$23,268)

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

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to gender reassignment treatment for children.

DOC assumes section 191.1180 states that any health personnel licensed by a state board is prohibited from administering hormonal treatment or performing surgical treatment for the purpose of gender reassignment for a child, and if they do so, their license, application for license, or authority to practice their profession in the state of Missouri shall be subject to rejection or revocation.

DOC 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 they've 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.

The department has no data related to these new felonies; therefore, a standard D and B felony response will be used to estimate a possible impact of this legislation.

For each new sex or child abuse related class D felony, the department estimates seven people could 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.

The cumulative impact on the department is estimated to be 37 additional offenders in prison and 29 additional offenders on field supervision by FY 2028.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	10	(\$7,756)	(\$64,633)	0	\$0	8	(\$64,633)
Year 2	20	(\$7,756)	(\$158,222)	0	\$0	16	(\$158,222)
Year 3	30	(\$7,756)	(\$242,080)	0	\$0	24	(\$242,080)
Year 4	40	(\$7,756)	(\$329,229)	0	\$0	28	(\$329,229)
Year 5	50	(\$7,756)	(\$419,767)	0	\$0	32	(\$419,767)
Year 6	52	(\$7,756)	(\$445,289)	0	\$0	4	(\$445,289)
Year 7	52	(\$7,756)	(\$454,195)	0	\$0	47	(\$454,195)
Year 8	52	(\$7,756)	(\$463,279)	0	\$0	50	(\$463,279)
Year 9	52	(\$7,756)	(\$472,544)	1	(\$83,345)	52	(\$555,890)
Year 10	52	(\$7,756)	(\$481,995)	1	(\$74,080)	52	(\$556,075)

For each new class B felony, the department estimates three people could be sentenced to prison and four to probation. The average sentence for a class B felony offense is 8.7 years, of which 5.1 years will be served in prison with 3.4 years to first release. The remaining 3.6 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department could be 15 additional offenders in prison and 23 additional offenders on field supervision by FY 2030.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

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 \$7,756 per year, this would equate to roughly \$23,000 by FY 2024.

Officials from the **Department of Commerce and Insurance**, the **Department of Health and Senior Services**, the **Department of Public Safety – Missouri Highway Patrol**, the **Department of Social Services**, the **Office of the State Public Defender**, the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
Cost – DOC Incarceration Cost	<u>(\$6,463)</u>	<u>(\$15,512)</u>	<u>(\$23,268)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$6,463)</u>	<u>(\$15,512)</u>	<u>(\$23,268)</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

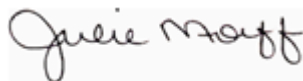
Under this act, any physician, surgeon, nurse, or other health personnel shall be prohibited from administering any hormonal treatment or performing any surgical treatment for the purpose of gender reassignment for a child under 18. Any physician, surgeon, nurse, or other health personnel willfully and knowingly violating or assisting in the violation of this provision shall be subject to having his or her professional license, application for a license, or authority to practice his or her profession rejected or revoked.

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.

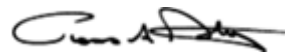
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance
Department of 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



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March 8, 2021



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March 8, 2021