

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0728-03  
Bill No.: SCS for HB 113  
Subject: Public Safety, and the Department of Corrections  
Type: Original  
Date: April 24, 2019

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Bill Summary: This proposal modifies provisions relating to public safety.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Fully Implemented (FY 2026)</b>
General Revenue Fund	Unknown, less than \$393,750	Unknown, less than \$833,337	Unknown, less than \$579,392	Unknown, less than \$5,187,740
<b>Total Estimated Net Effect on General Revenue</b>	<b>Unknown, less than \$393,750</b>	<b>Unknown, less than \$833,337</b>	<b>Unknown, less than \$579,392</b>	<b>Unknown, less than \$5,187,740</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Fully Implemented (FY 2026)</b>
Inmate Canteen Fund	\$152,148	\$182,577	\$182,577	\$182,577
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$152,148</b>	<b>\$182,577</b>	<b>\$182,577</b>	<b>\$182,577</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 27 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
General Revenue	3 FTE	3 FTE	3 FTE	7 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>7 FTE</b>

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any Of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2026)
<b>School Districts</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§211.071, 556.061, and 570.027 - VEHICLE HIJACKING

Officials from the **Department of Corrections (DOC)** state the proposed legislation creates a class B felony of vehicle hijacking under section 570.067. The offense is a class A felony if the threat, use or display of a weapon is present or a child is in the vehicle. When classified as an A felony, the offense is defined as a dangerous felony under section 556.061, RSMo, and, therefore, not subject to parole prior to 85 percent of the sentence being served.

There is an existing charge of 1<sup>st</sup> degree robbery (570.023). In FY18, there were two robbery admissions to prison and ten to probation involving vehicle theft with a deadly weapon or strong arm action resulting in injury. This is similar to the new charge of vehicle hijacking. The new charge differs from the robbery charge by not requiring physical injury or a weapon but includes implicit and explicit threat in the basic class B charge with increase to a class A charge with special victims, weapons, or injury. There currently is not a class B felony involving vehicle hijacking. If a current automobile theft does not meet 1<sup>st</sup> degree robbery, vehicle hijacking, then it would be included in the general class D car theft offense.

In FY18, there were 135 admissions to prison and 250 to probation for car theft. If one percent of this population commits the theft while the lawful user is in possession of the vehicle, they can be charged with the proposed hijacking felony.

In FY18, the average sentence for new class B offenses was 6.8 years with 4.14 being served until first release. Those who were sentenced to probation served 4.5 years.

**ASSUMPTION** (continued)

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Change (After Legislation - Current Law)</b>										
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	3	3	3	3	3	3	3	3	3	3
<b>Cumulative Populations</b>										
Prison	2	4	6	8	10	10	10	10	10	10
Parole						2	3	3	3	3
Probation	3	6	9	12	14	14	14	14	14	14
<b>Impact</b>										
Prison Population	2	4	6	8	10	10	10	10	10	10
Field Population	3	6	9	12	14	15	17	17	17	17
Population Change	5	10	15	20	24	26	27	27	27	27
P&P Officers + or -		0	0	0	0	0	0	0	0	0

	# 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 a 2% inflation)
Year 1	2	(\$6,287)	(\$10,478)	3	absorbed	\$0	(\$10,478)
Year 2	4	(\$6,287)	(\$25,651)	6	absorbed	\$0	(\$25,651)
Year 3	6	(\$6,287)	(\$39,246)	9	absorbed	\$0	(\$39,246)
Year 4	8	(\$6,287)	(\$53,375)	12	absorbed	\$0	(\$53,375)
Year 5	10	(\$6,287)	(\$68,053)	14	absorbed	\$0	(\$68,053)
Year 6	10	(\$6,287)	(\$69,414)	15	absorbed	\$0	(\$69,414)
Year 7	10	(\$6,287)	(\$70,802)	17	absorbed	\$0	(\$70,802)
Year 8	10	(\$6,287)	(\$72,218)	17	absorbed	\$0	(\$72,218)
Year 9	10	(\$6,287)	(\$73,662)	17	absorbed	\$0	(\$73,662)
Year 10	10	(\$6,287)	(\$75,135)	17	absorbed	\$0	(\$75,135)

**Oversight** assumes these additional prisoner costs listed above are included in DOC's estimate for the SCS as a whole - which is listed on page 16.

ASSUMPTION (continued)

In response to similar legislation from this year, HB 966, **Oversight** notes that the **Springfield Police Department, St. Louis County Police Department and St. Louis County Department of Justice Services** have stated the proposal would not have a direct fiscal impact on their 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 sheriffs' departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

§217.195 - INMATE CANTEEN FUND

Officials from the **State Treasurer's Office (STO)** state §217.195 requires interest and moneys earned on such investments currently credited to the General Revenue Fund to be credited to the Inmate Canteen Fund.

Listed below are the average daily balances for the months of July through December 2018:

July	\$5,267,554
August	\$9,816,396
September	\$9,622,982
October	\$9,251,340
November	\$9,274,518
December	<u>\$8,932,143</u>
Total	\$52,164,933

Estimated average daily balance      \$8,694,156 (\$52,164,933 / 6)

The estimated yield on state funds is 2.10 percent. Therefore, the estimated loss of interest to General Revenue is approximately \$152,148 for FY2020 and \$182,577 (\$8,694,156 \*.021, rounded down) for FY2021 and FY2022.

Officials from the **Department of Corrections (DOC)** do not expect a fiscal impact from this legislation since the Inmate Canteen Fund is currently operating within the proposed statutory guidelines. The addition of reentry services as an allowable expenditure will be subject to appropriation from the legislature.

ASSUMPTION (continued)

**Oversight** notes any unexpended balance in the pre-August 28, 2019, inmate canteen fund shall be transferred to the post-August 28, 2019, inmate canteen fund established under subsection 3 of §217.195. The balance in this fund at December 31, 2018 was \$8,961,782. This will allow for the DOC to include some additional allowable expenditures to this fund. For purposes of this fiscal note, Oversight will show a one-time transfer in and out of this fund of \$9 million.

§§217.850, 577.800, and 632.460 - UNLAWFUL USE OF UNMANNED AIRCRAFT

Officials from the **Department of Corrections (DOC)** state the proposal would not have a direct fiscal impact on their organization.

**Oversight** notes this proposal creates an offense of unlawful use of unmanned aircraft near a correctional center. In section 217.010, 'correctional center' is defined as "any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority." Oversight notes this may inadvertently include persons under the authority of DOC's Probation and Parole Division that are not in prison and may be in premises receiving an evaluation, care, or treatment (such as a doctor's office or clinic), which could create an overly broad scope for this new offense. The DOC states their response above is based on the interpretation of the statutory definition of a correctional center as a DOC operated facility for the housing of incarcerated offenders. Oversight will defer to DOC's interpretation and utilize their no impact response.

In response to similar legislation from this year, SCS for HCS for HB 324, officials from the **Joplin Police Department** and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct 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** notes §577.800.5 requires a 11" x 14" warning sign at each high capacity venue. Oversight assumes the cost for these signs will be minimal and, therefore, can be absorbed.

**Oversight** notes that violations resulting in fines per §217.850.4 and §577.800.4 could vary widely from year to year. Civil penalties collected are distributed to the school district where the violation occurred; therefore, Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts on the fiscal note.

ASSUMPTION (continued)

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities, EMS, police and sheriffs' departments and the St. Louis Regional Convention and Sports Complex were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

§221.111 - POSSESSION OF UNLAWFUL ITEM IN A PRISON OR JAIL

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of possession of unlawful items in a prison or jail to include any two-way telecommunications device or its components, which would be a class E felony offense. In addition, this proposal creates a class A misdemeanor offense for any person who is not an offender, possesses a two-way communication device or its component parts, and is not intending to conceal, deliver or deposit for another but refuses to comply with orders to surrender the device.

The DOC states there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** contacted the DOC regarding the number of conduct violations that involved cell phones over the past six years. The six-year average was approximately 30 violations annually. Currently, the violation is a minor violation-confiscation, and the offender spends up to 20 days in disciplinary segregation and loss of privileges. With the passage of this bill, courts would make the determination as to any extra time imposed on the offender's sentence. If the court decides the sentence will run concurrently with the sentence the offender is already serving, the offender's time in prison or on parole would not be extended. However, if the offender now must serve additional time at the end of his or her scheduled sentence, this would (at some point depending on when the prisoner would have been released if not for this new charge) increase the prison population and result in additional costs for DOC. Based on this information, Oversight assumes the impact to the General Revenue Fund will be \$0 to (Unknown) depending on the decision of the courts.

**Oversight** notes the case *State of Missouri v Williams* demonstrates a scenario in which a conviction under this proposal could incur greater than expected state costs. In *Williams*, the defendant's contraband cell phone conviction resulted in enhanced sentencing under Missouri's "prior and persistent" penalty laws (prior to the appellate court ultimately overturning the conviction). According to Section 558.016, an offender must be guilty of multiple felonies to be eligible for "prior and persistent" sentencing. As possession of a contraband cell phone currently is a misdemeanor, such a conviction on its own would not push an incarcerated offender into prior and persistent status.

ASSUMPTION (continued)

This proposal will elevate possession of a contraband cell phone from a misdemeanor to a felony. As incarcerated offenders are more likely to be eligible for "prior and persistent" sentencing provisions, any proposal resulting in more incarcerated offender felony convictions may ultimately carry a greater state financial burden than suggested by the underlying penalty of the crime itself.

In 2011, the state of Michigan passed SB 551 which prohibits a prisoner from possessing or using a cell phone or other wireless communication device in a correctional facility or on the grounds of a correctional facility. A violation of the act is a felony punishable by up to five years imprisonment, a maximum fine of \$1,000, or both. Oversight contacted the Michigan Department of Corrections to determine the number of violations since the passage of the bill.

The state of Michigan's Correctional Facilities Administration (CFA), Operations Division indicated it has only been tracking the contraband data since March 2017 and, since then, there have been 94 incidents involving cell phones. If an offender is found with a cell phone, they are written a Class I Major Misconduct Report for Possession of Dangerous Contraband. The structure of the disciplinary process is one of progressive sanctions, with the maximum sanction reserved for only the most serious or persistent violators. A record of the offender's prior misconduct history is provided to the hearing officer to assist in determining an appropriate sanction such as the following:

- Detention, not to exceed 10 days for each violation or 20 days for all violations;
- Toplock, not to exceed 30 days for each violation, but not combined with a detention sentence;
- Loss of privileges, not to exceed 30 days for each violation or 60 days for all violations; or
- Restitution and/or disgorgement of funds/ill-gotten gains.

§337.068 - COMPLAINTS AGAINST A PSYCHOLOGIST

In response to similar legislation from this year, SB 451, officials from the **Department of Social Services** assumed the proposal will have no fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.



ASSUMPTION (continued)

§558.019 - MINIMUM PRISON TERMS

Officials at the **Department of Corrections (DOC)** assume a direct impact from this legislation would result in a cost avoidance that would be fully implemented in FY2023 of \$5,868,866. The proposed legislation modifies the criminal offenses that are punished by a minimum prison term (MPT). The changes in this version of FN0728 makes the provisions concerning commitment count minimum prison terms retroactive to apply to offenders currently incarcerated.

The impact of the proposed changes are computed separately for the offenses that will not serve an MPT but currently do and those offenses (drug trafficking) that will serve a MPT but currently do not. The total impact to the DOC will be a decrease in the prison population of 192 in FY20 and then to 925 in FY23. There will be an offsetting increase in parole supervision.

<b>Total Impact</b>	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
<b>Prison Population</b>										
Removing MPT	-192	-255	-255	-967	-967	-967	-967	-967	-967	-967
Adding MPT			22	42	42	42	42	42	42	42
<b>Total</b>	<b>-192</b>	<b>-255</b>	<b>-233</b>	<b>-925</b>	<b>-925</b>	<b>-925</b>	<b>-925</b>	<b>-925</b>	<b>-925</b>	<b>-925</b>
<b>Field Population</b>	192	255	233	925	925	925	925	925	925	925
P&P Officers + or -				4	4	4	4	4	4	4

The total impact was determined by the following:

**I) The number of offenders who are sentenced to a minimum prison term for an eligible offense**

In FY18, there were 1,885 offenders who had a parole hearing and were sentenced to a minimum prison term with an eligible nonviolent offense. The average sentence ranged from 5.8 years by offenders who had served one prior DOC incarceration and were required to serve 40% of the sentence to 6.0 years by offenders who had served three or more DOC incarcerations and were required to serve 80% of the sentence before parole eligibility. In addition, there are estimated to be 45 offenders serving drug trafficking offenses who had prior DOC incarcerations and would have served an MPT. The trafficking offenses include drug trafficking 1st degree and drug trafficking 2nd degree with an enhanced sentence.

**ASSUMPTION** (continued)

**New admissions with parole hearings in FY18  
 Serving a minimum prison term  
 Defined nonviolent offenses**

Minimum Prison Term	Hearings	Average Sentence (years)
<b>Drug Trafficking</b>	<b>45</b>	<b>12.3</b>
<b>40%</b>	<b>1,133</b>	<b>5.8</b>
<b>50%</b>	<b>467</b>	<b>5.9</b>
<b>80%</b>	<b>285</b>	<b>6.0</b>
<b>Total</b>	<b>1,930</b>	<b>5.9</b>

**ii) The number of offenders who would have been required to serve a minimum prison term but who will be released by the Board of Probation and Parole after serving a shorter prison stay.**

The estimate of how many offenders who will no longer be required to serve a minimum prison term and will be released earlier is based upon the Board's calculation of a guideline release date.

**New admissions with a parole hearing in FY18  
 MPT offenders likely to be released on the guideline date**

MPT	Release date is the MPT date and not ASAP	Guideline date is less than 90 days from Admission (ASAP)	Release date is after the MPT date	Releases Decisions	Percent Released on MPT date not ASAP
<b>40%</b>	<b>436</b>	<b>93</b>	<b>604</b>	<b>1,133</b>	<b>38.5%</b>
<b>50%</b>	<b>227</b>	<b>45</b>	<b>195</b>	<b>467</b>	<b>48.6%</b>
<b>80%</b>	<b>146</b>	<b>48</b>	<b>91</b>	<b>285</b>	<b>51.2%</b>
<b>Total</b>	<b>809</b>	<b>186</b>	<b>890</b>	<b>1,885</b>	<b>42.9%</b>

In FY18, there were 1,885 planned releases of offenders who had been required to serve a minimum prison term of which 809 (42.9%) are estimated to be offenders who could be released earlier. These are offenders who will be released on the MPT date and were not ASAP. ASAP offenders are offenders who had a guideline release date that was within the first 90 days of incarceration. This occurs when offenders are admitted with significant jail time that is credited to the time served. ASAP offenders (186) cannot be released on the guideline date because of the time required for the administrative tasks of holding a hearing and arranging for the release. The offenders who were released after the MPT date (890) are high risk offenders are also excluded from an early release if the MPT was removed.

## ASSUMPTION (continued)

Average time served serving a MPT and the guideline term  
 MPT offenders likely to be released on the guideline date

MPT	Released on MPT (not ASAP)	Average Sentence (years)	Average MPT (years)	Average Guideline/ (years)	Guideline Percent Served	Reduction in time to first release (years)	Increase in parole recidivism (years)	Net reduction in time served (years)	Total reduction in prison population
40%	436	5.4	2.2	1.4	26%	0.8	0.3	0.5	229
50%	227	5.7	2.9	1.6	29%	1.2	0.4	0.8	189
80%	146	6.2	5.0	2.0	32%	3.0	1.0	1.9	297
Total	809	5.7	2.9	1.6	28%	1.3	0.5	0.8	712

The calculation of the reduction in the time served is the difference between the MPT time (2.9 years) and the average guideline time served (1.6 years) multiplied by the number of offenders to be released on the MPT date (809). The DOC is offsetting this reduction in time served by adding back 35% of the reduction as an estimate of increased recidivism from a longer period on parole. The estimate of 35% is the average time offenders discharged from parole in FY18 spent in prison after first release because their parole was revoked. After adding in the parole recidivism, the average reduction in time served is 0.8 years, resulting in a total reduction in the prison population of 712 which will be achieved by FY2023. The reduction in the prison population will be offset by an increase in parole population. The increase in the parole population is estimated to need an increase of three P&P officers.

Change in prison admissions and probation openings with legislation

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
<b>New Admissions</b>										
Current Law	809	809	809	809	809	809	809	809	809	809
After Legislation	809	809	809	809	809	809	809	809	809	809
<b>Probation</b>										
Current Law	-	-	-	-	-	-	-	-	-	-
After Legislation	-	-	-	-	-	-	-	-	-	-
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	-	-	-	-712	-712	-712	-712	-712	-712	-712
Parole	-	-	-	712	712	712	712	712	712	712
Probation	-	-	-	0	0	0	0	0	0	0
<b>Impact</b>										
Prison Population	-	-	-	-712	-712	-712	-712	-712	-712	-712
Field Population	-	-	-	712	712	712	712	712	712	712
<b>Population Change</b>										
P&P Officers + or -	0	0	0	3	3	3	3	3	3	3

### iii) Increase in time served by offenders required to serve a minimum prison term for drug trafficking

Using a similar methodology for calculating the impact of adding a MPT it is estimated that of the 45 drug trafficking offender with a MPT, 22 would be released on the MPT date and they will serve an average of 6.1 years before parole instead of the 3.1 years that the parole board would have required. This is an increase of 3.0 years, but there will be a decrease in parole recidivism of 1.1 years because the offenders are serving longer to first release. The total increase in the population is 42.

## ASSUMPTION (continued)

### Adding drug trafficking to the MPT offenses

	Release Decisions	Released on MPT date	Average MPT (years)	Average Guideline/ (years)	Guideline Percent Served	Increase in time to first release (years)	decrease in parole recidivism (years)	Net increase in time served (years)	Total increase in prison population	Increase after 10 years
40%	27	13	4.9	3.0	24%	2.0	0.7	1.3	16	16
50%	11	6	6.2	3.1	25%	3.1	1.1	2.0	11	11
80%	7	4	9.8	3.4	28%	6.4	2.2	4.2	15	15
Total	45	22	6.1	3.1	28%	3.0	1.1	2.0	42	42

The combined impact is a decrease in the prison population of 670 and an increase in the parole population of 670.

### Combined Impact

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Prison Population										
Removing MPT				-712	-712	-712	-712	-712	-712	-712
Adding MPT			22	42	42	42	42	42	42	42
Total			22	-670	-670	-670	-670	-670	-670	-670
Field Population			-22	670	670	670	670	670	670	670
P&P Officers + or -				2	2	2	2	2	2	2

### iv) The release of currently incarcerated offenders serving a nonviolent MPT sentence.

The legislation in version 10 makes the change in the MPT retroactive and will remove the MPT from offenders serving eligible nonviolent offenses. The estimate of the offenders affected by the removal is the number of eligible MPT offenders who have a release date set on the MPT date but who have a guideline release that has already passed. The reduction in the time served is the time from today to the minimum prison term date. The reduction is offset by 35% to account for an increase in parole returns because of an increase in the time on supervision. An estimate is made for FY2020 and FY2021. The estimate for FY2021 is one third of the FY2020 estimate.

### Offenders incarcerated serving an MPT who could be released without the MPT

Minimum Prison Term	FY2020 Count	FY2021 Count	Average Sentence (years)	Reduction in time served (years)	Increase in parole violators	Population reduction FY2020	Population reduction in FY2021
40	171	56	5.6	0.4	0.3	43	14
50	144	48	5.9	0.7	0.4	64	21
80	147	49	6.4	0.9	0.6	85	28
Total	462	152	6.0	0.6	0.4	192	63

Applying the change in the MPT retroactively will effect 462 offenders in FY2020 and 152 offenders in FY2021 and the average reduction in the time served will be 0.4 years, resulting in a one-time reduction of 192 in the prison population in FY2020 and a reduction of 63 in FY2021.

ASSUMPTION (continued)

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. 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 57 probation and parole districts. When projecting the impact for each probation and parole district, DOC uses actual caseload dispersion data to determine the caseload impact per district, and therefore project the number of officers needed when adding at least 51 offender cases in a district.

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 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.

In summary, DOC's entire impact for this proposal is reflected on page 16 of the fiscal note.

In response to similar legislation from this year, SCS for SB Nos. 8 & 74, officials at the **Department of Social Services** and the **Office of the Attorney General** each assumed no fiscal impact to their respective agencies from this proposal.

**Oversight** notes that the Department of Social Services and the Office of the Attorney General each has stated the proposal would not have a direct fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

§567.050 - THE OFFENSE OF PROMOTING PROSTITUTION IN THE FIRST DEGREE

In response to similar legislation from this year, SCS for SB 37, **Oversight** notes that the **Attorney General's Office, Office of Administration, Joplin Police Department, the St. Louis County Department of Justice Services, St. Louis County Police Department, the Boone County Sheriff's Department** and the **Springfield Police Department** have stated the proposal would not have a direct fiscal impact on their organizations.

ASSUMPTION (continued)

**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, colleges and universities, and other police and sheriffs' departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

§569.086 - CRIMINAL OFFENSES INVOLVING CRITICAL INFRASTRUCTURE FACILITIES

Officials at the **Department of Corrections (DOC)** assume a cost in FY 2020 of \$99,544, FY 2021 of \$243,684, FY 2022 of \$372,837 and full implementation in FY 2025 of \$472,012.

DOC's response is significantly different from our previous response, as this version removes "willful" from the language in this section. This section also does not put a value on the damage. Felony property damage requires knowingly causing \$750 damage or more. Most property damage is less than \$750 and is a misdemeanor. In FY2018, OSCA reports 1,072 misdemeanors. If these were against a critical infrastructure then the penalty would be a class C felony.

Most property damage is likely to be residential and how much is critical infrastructure is an unknown. DOC assumes that with the removal of the word "willful", the intent of the legislation was to include any damage of a critical infrastructure, regardless of the existence of intent. In FY18, there were 30 prison admissions and 140 probations for felony property, which means 18% received a prison sentence. Estimating how many offenders who would have been sentenced to prison for the misdemeanor is also an unknown but is likely to be less than 18%. Despite the unknowns, some estimate is required because there is a significant likelihood that many offenders could be sentenced under this section.

Assuming that 10% of all property damage is on critical infrastructure and of those 15% are sentenced to prison to serve a sentence of 5.9 years (average sentence for a nonviolent class felony) and serve 40% before parole, the impact would be an additional 68 offenders in prison by FY23 and 326 offenders on probation by FY25. This can be seen in the following chart:  
Sentenced: Prison 19 (serve 2.4 years in prison and 3.9 years on parole; Probation 106 (serve 3 years)

## ASSUMPTION (continued)

### Change in prison admissions with the proposed legislation

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	19	19	19	19	19	19	19	19	19	19
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	106	106	106	106	106	106	106	106	106	106
<b>Impact</b>										
Prison Population	19	38	57	68	68	68	68	68	68	68
Field Population	106	212	318	325	345	362	362	362	362	362
<b>Population Change</b>	125	250	375	394	413	430	430	430	430	430
<b>P&amp;P Officers + or -</b>	0	0	0	0	0	0	0	0	0	0

**Oversight** inquired SPD and MOPS regarding the number of online Missouri one-call system (MOCS) dig up tickets and if that could contribute to additional cost for C class felonies from this proposal. SPD stated if a minimum of 10% are indigent, then at least an additional three attorneys will be needed by SPD for this proposal. Three additional Assistant Public Defender II (at \$52,100 per year) will cost the state approximately \$243,000 per year in personal service and fringe benefit costs. If you include expense and equipment costs such as travel, training, furniture, equipment, and supplies, Oversight assumes the cost for three new APDs could approach \$250,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and therefore will reflect a potential additional cost of (Could exceed \$250,000) to the General Revenue Fund.

**Oversight** notes the following dig-up tickets were reported in the following years to the online Missouri one-call system (MOCS), not including water or sewer: 2016 - 9702; 2017 - 10,348 and 2018 - 10,477. Excavators are required to file these tickets if they damage an underground facility, which could indicate an annual estimated number of class C felonies created by this proposal. These would cover buried electrical, gas, telephone, fiber and broadband. Oversight assumes this could additionally increase the number of potential felonies and would, therefore, increase the cost of DOC's and SPD's estimates above. Therefore, Oversight will reflect an additional unknown cost for this section of the proposal exceeding DOC's and SPD's estimates.

In response to similar legislation from this year, SCS for SB 293, **Oversight** notes that the **Department of Public Safety (State Emergency Management Agency)** and the **City Utilities of Springfield Missouri** have each stated the proposal would not have a direct fiscal impact on their organizations.

ASSUMPTION (continued)

**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 utilities, water districts, sewer districts, solid waste districts and levee districts were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

**Oversight** assumes that if there are fines assessed from these provisions, the fine revenue would be paid to the local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula the following year.

Bill as a Whole

DOC assumes the total impact for this version below:

	fewer # in prison	Cost per year	Total Savings for <b>prison</b>	increased # on probation & parole	Add'l P&P Officers needed FTE	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	(171)	(\$6,287)	\$895,898	301	0	\$0	\$895,898
Year 2	(213)	(\$6,287)	\$1,365,914	473	0	\$0	\$1,365,914
Year 3	(170)	(\$6,287)	\$1,111,969	560	0	\$0	\$1,111,969
Year 4	(849)	(\$6,287)	\$5,664,371	1,263	4	(\$294,159)	\$5,370,212
Year 5	(847)	(\$6,287)	\$5,764,048	1,284	4	(\$270,732)	\$5,493,315
Year 6	(847)	(\$6,287)	\$5,879,329	1,302	4	(\$273,645)	\$5,605,684
Year 7	(847)	(\$6,287)	\$5,996,915	1,304	4	(\$276,598)	\$5,720,317
Year 8	(847)	(\$6,287)	\$6,116,853	1,304	4	(\$279,582)	\$5,837,272
Year 9	(847)	(\$6,287)	\$6,239,190	1,304	4	(\$282,600)	\$5,956,590
Year 10	(847)	(\$6,287)	\$6,363,974	1,304	4	(\$285,660)	\$6,078,314

**Oversight** will reflect DOC's net cost avoidance that is fully implemented in FY2026 of \$5,720,317.



ASSUMPTION (continued)

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes relating to the unlawful use of an unmanned aircraft near a correctional center, private jail, county or municipal jail, a high capacity venue or a mental health hospital. These new crimes range from a new Class D Felony to a new Class B Felony. The bill also creates the new crime of willful trespass on a critical infrastructure facility - a new Class B misdemeanor. If the intent was to damage, the offense is a new Class A misdemeanor. If there is damage, the offense would be a new Class C Felony.

The bill also creates the new crime of vehicle-hijacking, a new class B felony. If the person is armed or if a child or special victim is a victim, the charge is escalated to a class A felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2018, SPD's Trial Division opened 4,404 cases under charge code 570.030 (Theft/Stealing) of the 63,395 total cases opened. As this is a newly defined crime, the SPD does not have any statistics relating to the number of possible cases.

The bill also enhances the penalties for promoting prostitution if sex trafficking is involved, then the offense would become a new Class A Felony. In Fiscal Year 2018, SPD's Trial Division opened one felony case under charge code 567.050 (Promoting Prostitution 1st Degree) of the 63,395 total cases opened.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

ASSUMPTION (continued)

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

**Oversight** notes that according to the Office of the State Courts Administrator, there was 1,281 guilty pleas or verdicts for Section 569.140 (Trespass - 1<sup>st</sup> degree) and 9 guilty pleas or verdicts for Section 569.145 (Trespass on Real Property Marked as Required) in FY18. Both of these offenses are class B misdemeanors.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of State Courts Administrators**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Insurance**, **Financial Institutions and Professional Registration**, the **Department of Economic Development**, the **Department of Mental Health**, the **Department of Public Safety's Office of the Director**, **Division of Fire Safety** and the **Missouri Highway Patrol**, the **Department of Natural Resources**, the **Missouri Department of Transportation** and the **Office of Prosecution Services** each assume no fiscal impact to their respective entities from this proposal.

Officials at the **Department of Corrections** assume no impact, unless already stated in the above sections, for the rest of this proposal.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime (sections 217.850, 221.111, 567.050, 569.086, 570.027 and 577.800) creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

ASSUMPTION (continued)

**Oversight** notes that the Office of State Courts Administrators, the Department of Elementary and Secondary Education, the Department of Health and Senior Services, the Department of Insurance, Financial Institutions and Professional Registration, the Department of Economic Development, the Department of Mental Health, the Department of Public Safety's Office of the Director, Division of Fire Safety and the Missouri Highway Patrol, the Department of Natural Resources, the Missouri Department of Transportation and the Office of Prosecution Services each has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Officials at the **Metropolitan St. Louis Sewer District** assume no fiscal impact from this proposal.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement, fire protection districts, ambulance districts and the St. Louis Regional Convention & Sports agency were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

**FISCAL IMPACT -**  
**State Government**

**GENERAL  
 REVENUE FUND**

Cost - SPD -  
 Salaries, fringe  
 benefits, and  
 equipment and  
 expense (§§217.850,  
 556.061, 567.050,  
 569.086, 570.027,  
 577.800, & 632.460)

FY 2020  
 (10 Mo.)

FY 2021

FY 2022

Fully  
 Implemented  
 (FY 2026)

(Less than  
 \$100,000)

(Less than  
 \$100,000)

(Less than  
 \$100,000)

(Less than  
 \$100,000)

Loss - STO  
 Reduction in interest  
 - Canteen Fund now  
 receiving interest on  
 its fund (§217.195)

(\$152,148)

(\$182,577)

(\$182,577)

(\$182,577)

Cost - DOC -  
 Increased  
 incarceration costs  
 (§221.111) two-way  
 telecommunications  
 device

\$0 to (Unknown)

\$0 to (Unknown)

\$0 to (Unknown)

\$0 to (Unknown)

Cost - SPD -  
 Salaries, fringe  
 benefits, equipment  
 and expense  
 (§569.086) (adds 3  
 FTE)

(Could exceed  
 \$250,000)

(Could exceed  
 \$250,000)

(Could exceed  
 \$250,000)

(Could exceed  
 \$250,000)

Cost - DOC -  
 additional Probation  
 and Parole Officer  
 for decreased  
 number of offenders  
 in prisons (additional  
 4 FTE) (§558.019)

\$0

\$0

\$0

(\$276,598)

**FISCAL IMPACT -**  
**State Government**

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2026)
<b><u>Cost - MOCS</u></b> numbers that could lead to additional Class C felonies (\$569.086)	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<b><u>Cost Avoidance -</u></b> DOC - reduction of prisoner population (\$558.019)	<u>\$895,898</u>	<u>\$1,365,914</u>	<u>\$1,111,969</u>	<u>\$5,996,915</u>

**ESTIMATED NET  
EFFECT ON THE  
GENERAL  
REVENUE FUND**

	<b><u>Unknown, less than \$393,750</u></b>	<b><u>Unknown, less than \$833,337</u></b>	<b><u>Unknown, less than \$579,392</u></b>	<b><u>Unknown, less than \$5,187,740</u></b>
Estimated Net FTE Change for General Revenue	3 FTE	3 FTE	3 FTE	7 FTE

**INMATE  
CANTEEN FUND**

**Income - STO**  
(\$217.195)

Interest Earned to fund p. 5	\$152,148	\$182,577	\$182,577	\$182,577
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**Transfer In - DOC**  
(\$217.195)

Transfer in from Canteen Fund post- August 28, 2019	\$9,000,000	\$0	\$0	\$0
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**Transfer Out - DOC**  
(\$217.195)

Transfer - out from Canteen Fund pre- August 28, 2019	<u>(\$9,000,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT -</u> <u>State Government</u>	<u>FY 2020</u> <u>(10 Mo.)</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Fully</u> <u>Implemented</u> <u>(FY 2026)</u>
<b>ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND</b>	<b><u>\$152,148</u></b>	<b><u>\$182,577</u></b>	<b><u>\$182,577</u></b>	<b><u>\$182,577</u></b>

<u>FISCAL IMPACT -</u> <u>Local Government</u>	<u>FY 2020</u> <u>(10 Mo.)</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>Fully</u> <u>Implemented</u> <u>(FY 2026)</u>
<b>SCHOOL DISTRICTS</b>				

<u>Revenue -</u> (§§217.850 & 577.800) Fine revenue from violations - unmanned aircraft	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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<u>Fine Revenue - from</u> violations (§§569.086 & 567.050) - trespass on a critical infrastructure facility	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICT FUNDS</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>
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FISCAL IMPACT - Small Business

§569.086 may impact small businesses that have "critical infrastructure" facilities.

## FISCAL DESCRIPTION

This act modifies provisions relating to public safety.

### VEHICLE HIJACKING (Sections 211.071, 556.061, and 570.027)

This act creates the offense of vehicle hijacking, which is committed when an individual knowingly uses or threatens the use of physical force upon another individual to seize or attempt to seize possession or control of a vehicle. This offense is punished as a class B felony unless one of the aggravating circumstances listed in the act was present during the commission of the offense, in which case it is punished as a class A felony. Also, the definition of dangerous felony is modified to include the offense of vehicle hijacking when punished as a class A felony.

If a person is charged with the offense of vehicle hijacking, and is between the ages of 12 and 17 or 18 then a mandatory hearing is conducted to determine if the case shall proceed in a juvenile court or a court of general jurisdiction.

### INMATE CANTEEN FUND (Section 217.195)

Currently, the chief administrative officer of a correctional center may create and operate a canteen or commissary for the use and benefit of the offenders with the approval with the division director. Under this act, the director of the Department of Corrections must approve the creation and operation of any canteen or commissary.

The currently existing Inmate Canteen Fund shall be established in the state treasury. This fund shall consist of funds received from inmate canteens located in correctional facilities. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

### UNLAWFUL USE OF UNMANNED AIRCRAFT (Sections 217.850, 577.800, and 632.460)

This act creates three new offenses: unlawful use of unmanned aircraft over a correctional center, unlawful use of unmanned aircraft over a high capacity venue, and unlawful use of unmanned aircraft over a mental health hospital. All of these offenses are committed if a person purposely operates an unmanned aircraft within or above the property line. Also, the offenses of unlawful use of unmanned aircraft over a correctional center and unlawful use of unmanned aircraft over a mental health hospital are committed if a person purposely uses an unmanned aircraft to deliver a controlled substance or object that may be used to harm an offender, patient, or employee of a correctional center or mental health hospital.

The term "correctional center" is defined to include all state correctional centers, private jails, and local jails. While the term "high capacity venue" is defined to include all sports, theater, music, performing arts, or any other entertainment facilities with a capacity greater than 5,000 people. Additionally, "mental health hospital" is defined to include any facility operated by the Department of Mental Health to provide inpatient evaluation, treatment, or care to persons suffering from a mental disorder, mental illness, or mental abnormality.

### FISCAL DESCRIPTION (continued)

This act shall not apply to certain individuals acting in the course of their official duties or to public utilities or rural electric cooperatives under certain circumstances, as described in this act.

Under this act, every correctional center, high capacity venue, and mental health hospital shall post an eleven by fourteen inch sign warning of the provisions of this act.

The offense of unlawful use of unmanned aircraft over a correctional center is punished as an infraction, or as a class B felony if the person operating the unmanned aircraft was delivering an article that may be used to harm an offender or employee of the correctional center. Also, if the use of the unmanned aircraft was to facilitate an escape from the correctional center, then it is punished as a Class C felony, and if the person operating the unmanned aircraft was delivering a controlled substance, then it shall be punished as a Class D felony.

The offense of unlawful use of unmanned aircraft over a high capacity venue is punished as an infraction, or as a Class B felony if the person operating the unmanned aircraft was delivering an article that may be used to harm a guest or employee of the high capacity venue. Also, if the person operating the unmanned aircraft was delivering a controlled substance, then it shall be punished as a Class D felony.

Finally, the offense of unlawful use of unmanned aircraft over a mental health hospital is punished as an infraction or a Class B felony if the person operating the unmanned aircraft was delivering an article that may be used to harm a patient or employee of the mental health hospital. Also, if the use of the unmanned aircraft was to facilitate an escape from the mental health hospital, then it is punished as a Class C felony, and if the person operating the unmanned aircraft was delivering a controlled substance, then it shall be punished as a Class D felony.

### POSSESSION OF UNLAWFUL ITEM IN A PRISON OR JAIL (Section 221.111)

Currently, a person commits the offense of possession of unlawful items in a prison or jail if the person possesses, delivers, deposits, or conceals certain items in a prison or jail. This act adds two-way telecommunications devices and their component parts to the list of prohibited items. A violation of the provisions of this act are punished as a Class E felony. A non-inmate possesses certain items in a correctional center or jail if there is no intent to conceal a device. If such a person fails to comply with an order to surrender such item, that person shall be guilty of a Class A misdemeanor.

### COMPLAINTS AGAINST A PSYCHOLOGIST (SECTION 337.068)

Under current law, if the Board finds merit to a complaint made by a prisoner under the care and control of the Department of Corrections or who has been ordered to be taken into custody, detained, or held as a sexually violent predator, and takes further investigative action, no documentation may appear on file nor may any disciplinary action be taken in regards to the licensee's license unless there are grounds for the denial, revocation, or suspension of a license.



### FISCAL DESCRIPTION (continued)

This act includes complaints made by individuals who have been ordered to be evaluated in a criminal proceeding involving mental illness.

Under this act, a psychologist subject to the complaint by an individual who has been ordered to be evaluated in a criminal proceeding involving mental illness prior to August 28, 2019, may submit a written request to destroy all documentation regarding the complaint, and notify any other licensing board in another state, or any national registry who had been notified of the complaint, that the Board found the complaint to be unsubstantiated.

### MINIMUM PRISON TERMS (SECTION 558.019)

Under current law, all classes of felonies, except those with specific minimum sentences and those involving controlled substances, are subject to statutorily required minimum prison terms. This act provides that such minimum prison terms shall only apply to certain named offenses as listed in the act.

The provisions of this act shall apply to felonies which a person pled guilty to, or was convicted of, prior to August 28, 2019.

### THE OFFENSE OF PROMOTING PROSTITUTION IN THE FIRST DEGREE (Section 567.050)

This act modifies the offense of promoting prostitution in the first degree. A person may be found guilty of such offense if he or she owns, manages, or operates an interactive computer service with the intent to promote or facilitate the prostitution of another. Such offense shall be a Class A felony if the person, in addition to operating an interactive computer service with the intent to promote prostitution while using a facility affecting commerce, acts in reckless disregard of the fact that such conduct contributed to the offense of trafficking for the purposes of sexual exploitation. A person injured by such actions may recover civil damages and restitution.

### CRIMINAL OFFENSES INVOLVING CRITICAL INFRASTRUCTURE FACILITIES (Section 569.086)

This act creates new provisions of law relating to criminal offenses involving critical infrastructure facilities, as such term is defined in the act.

A person commits the offense of trespass on a critical infrastructure facility if he or she unlawfully trespasses or enters property containing a critical infrastructure facility without permission. The offense of trespass on a critical infrastructure facility is a Class B misdemeanor. If it is determined that the intent of the trespasser is to damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a Class A misdemeanor.

FISCAL DESCRIPTION (continued)

A person commits the offense of damage of a critical infrastructure facility if he or she damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a Class C felony.

If an organization is found to be a conspirator with persons who have committed any of the offenses set forth in the act, the organization shall be punished by a fine that is ten times the amount of the fine attached to the 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

Department of Corrections  
Department of Public Safety -  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
State Public Defender's Office  
Office of the State Treasurer  
Springfield Police Department  
St. Louis County Police Department  
St. Louis County Department of Justice Services  
Department of Natural Resources  
Department of Economic Development - Public Service Commission  
Department of Mental Health  
Department of Transportation  
Joplin Police Department  
Metropolitan St. Louis Sewer District  
Department of Insurance, Financial Institutions and Professional Registration  
Department of Health and Senior Services  
Department of Social Services  
Office of the Attorney General  
Department of Elementary and Secondary Education  
Office of Administration  
Office of Secretary of State  
Boone County Sheriff's Department  
City Utilities of Springfield Missouri



Kyle Rieman  
Director  
April 24, 2019

Ross Strobe  
Assistant Director  
April 24, 2019