

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0728-13
Bill No.: SS#3 for SCS for HB 113 with Senate Amendments 1, 2, 3, 4 & 5 (Pending Review)
Subject: Public Safety, and the Department of Corrections
Type: Original
Date: May 17, 2019

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
General Revenue Fund	Unknown less than (\$191,398) to Unknown, less than (\$3,349,882)	Unknown less than (\$242,405) to Unknown, less than (\$2,485,804)	Unknown less than \$60,458 to Unknown, less than (\$2,208,015)	Unknown less than \$2,472,670 to less than \$4,741,143
Total Estimated Net Effect on General Revenue	Unknown less than (\$191,398) to Unknown, less than (\$3,349,882)	Unknown less than (\$242,405) to Unknown, less than (\$2,485,804)	Unknown less than \$60,458 to Unknown, less than (\$2,208,015)	Unknown less than \$2,472,670 to less than \$4,741,143)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 55 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
Kansas City Regional Law Enforcement Memorial Foundation Fund	\$0	\$0	\$0	\$0
Inmate Canteen Fund	\$152,148	\$182,577	\$182,577	\$182,577
Lottery Proceeds (0291)	\$0 or Unknown, Up to \$848,958	\$0 or Unknown, Up to \$848,958	\$0 or Unknown, Up to \$848,958	\$0 or Unknown, Up to \$848,958
Highway Funds (0644)	Unknown	Unknown	Unknown	Unknown
Division of Alcohol & Tobacco Control Fund (0544)	(Less than \$331,554)	(Less than \$262,414)	(Less than \$266,942)	(Could exceed \$266,942)
Colleges & Universities	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
General Revenue	4 to 18 FTE	4 to 18 FTE	4 to 18 FTE	4 to 18 FTE
Division of Alcohol & Tobacco Control Fund (0544)	3 FTE	3 FTE	3 FTE	Could exceed 3 FTE
Total Estimated Net Effect on FTE	7 to 21 FTE	7 to 21 FTE	7 to 21 FTE	Could exceed 7 to 21 FTE

☒ 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 2029)
Local Political Subdivisions	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints of less than 1 hour, **Oversight** was unable to receive some of the agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§21.790 - Task Force on Substance Abuse Prevention and Treatment

In response to similar legislation from this year, SCS for HB 240, officials from the **Missouri Senate (SEN)** assumed no fiscal impact when task force meetings are held in Jefferson City during the legislative session. The draft legislation does not allow for reimbursement of travel to attend meetings. However, if meetings are held during the legislative interim there would be a negative fiscal impact to reimburse 6 senators for round trip mileage to attend meetings. In summary, it will cost the senate just under \$600.00 per meeting, assuming they are held in Jefferson City.

EXPENSE	TOTAL AVERAGE MILES*	RATE PER MILE**	NUMBER OF APPOINTEES	EST TOTAL PER MEETING
Mileage - Senators	265	0.37	6	588.30
TOTAL FISCAL IMPACT:				588.30

This estimate is based on the assumption that meetings are held in Jefferson City during the interim, that the average of the total round trip miles for current sitting senators, 34, and current rate as set by the Office of Administration.

In response to similar legislation from this year, SCS for HB 240, officials from the **Missouri House of Representatives** assumed joint committee expenses are typically covered by the Senate using their Joint Contingent Expenses appropriation.

Oversight notes that the SEN does not include the representatives or public members in their estimated costs. Therefore, Oversight will assume the average of the total round trip miles for current sitting Representatives and unknown mileage for public appointees, and current rate as set by the Office of Administration as reflected in table below:

ASSUMPTION (continued)

EXPENSE	TOTAL AVERAGE MILES*	RATE PER MILE**	NUMBER OF APPOINTEES	EST TOTAL PER MEETING
Mileage - Representatives	268	0.37	6	594.96
Mileage - Public	Unknown	0.37	4	Unknown
TOTAL FISCAL IMPACT:				594.96

Including the 4 public members (16 total), **Oversight** will assume a cost of approximately \$1,500 per meeting held outside of session. Oversight will further assume three meetings per year for this task force, one during session and two during the interim. Therefore, Oversight will assume a cost of \$3,000 per year for mileage reimbursement for committee members.

Oversight notes the proposal states the task force shall be assisted by legislative personnel as is deemed necessary to assist the task force in the performance of its duties. Oversight will assume staffing will be filled by existing legislative personnel, therefore, Oversight assumes no costs other than reimbursable expenses by the committee.

In response to similar legislation from this year, SCS for HB 240, officials from the **Department of Health and Senior Services** - Division of Community and Public Health (DCPH) stated the proposed legislation would create a Task Force on Substance Abuse Prevention and Treatment. Subsection four of the above referenced section would allow the task force to request assistance or information from state departments, agencies, board, commissions, and offices. DHSS assumes that it would receive requests to provide information to the task force, which would place a requirement on staff time to gather and disseminate such information. Such information gathering would exist within the normal ebb and flow of the department's responsibilities and therefore would be a zero fiscal impact. The department anticipates being able to absorb these costs. However, until the FY20 budget is final, the department cannot identify specific funding sources.

§21.875

In response to similar legislation from this year, HB 953, officials from the **Missouri Senate (SEN)** anticipated the proposal establishes the Interim Joint Committee on Juvenile Court Jurisdiction and Implementation comprised of 2 senators, 2 representatives, and 14 members of the public will have a negative fiscal impact to reimburse mileage for 2 appointees during the

ASSUMPTION (continued)

legislative interim. Travel will be reimbursed from the Joint Contingent Appropriation.

EXPENSE	TOTAL AVERAGE MILES*	RATE PER MILE**	NUMBER OF APPOINTEES	EST TOTAL PER MEETING
Mileage - Senators	265	0.37	2	196.10
TOTAL FISCAL IMPACT:				196.10

This estimate is based on the assumption that meetings are held in Jefferson City during the interim, that the average of the total round trip miles for current sitting senators, 34, and current rate as set by the Office of Administration.

In response to similar legislation from this year, HB 953, officials from the **Missouri House of Representatives** assumed joint committee expenses are typically covered by the Senate using their Joint Contingent Expenses appropriation.

Oversight notes that the SEN does not include the representatives or public members in their estimated costs. Therefore, Oversight will assume the average of the total round trip miles for current sitting Representatives and unknown mileage for public appointees, and current rate as set by the Office of Administration as reflected in table below:

EXPENSE	TOTAL AVERAGE MILES*	RATE PER MILE**	NUMBER OF APPOINTEES	EST TOTAL PER MEETING
Mileage - Representatives	268	0.37	2	198.32
Mileage - Public	Unknown	0.37	14	Unknown
TOTAL FISCAL IMPACT:				198.32

Including the 14 public members (18 total), **Oversight** will assume a cost of approximately \$1,500 per meeting held outside of session. Oversight will further assume three meetings per year for this committee, one during session and two during the interim. Therefore, Oversight will assume a cost of \$3,000 per year for mileage reimbursement for committee members.

Oversight notes the proposal states the committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties. Oversight will

ASSUMPTION (continued)

assume staffing will be filled by existing legislative personnel, therefore, Oversight assumes no costs other than reimbursable expenses by the committee.

In response to similar legislation from this year, HB 953, officials from the **Office of State Courts Administrator** assumed the proposal will have some fiscal impact to administer the fund but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests by the administrator of the fund.

Oversight assumes any costs arising from administering the Juvenile Justice Preservation Fund can be absorbed with existing resources.

In response to similar legislation from this year, HB 953, officials from the **Office of the State Public Defender (SPD)** assumed the proposal will have no fiscal impact on their organization. However, the results of the Committee's study could have an impact on the SPD.

In response to similar legislation from this year, HB 953, officials from the **Department of Social Services** and **Department of Elementary and Secondary Education** both assumed the proposal will have no fiscal impact on their organization.

Oversight notes the committee must submit its report to the General Assembly by January 15, 2020; therefore, Oversight will not reflect costs of the committee past FY 2020.

§32.056 - Department of Corrections' Employees and Confidentiality of Motor Vehicle Records

Oversight notes this section is similar to HCS for HB 1134 from 2019.

In response to HCS for HB 1134 (2019), officials at the **Department of Revenue (DOR)** assumed the following regarding this proposal:

To implement the proposed legislation, the Department will be required to:

- Update procedures, forms, correspondence letters, and the Department website; and
- Train staff.

FY 2020 - Motor Vehicle Bureau

Management Analysis Spec I 120 hrs. @ \$18.42 per hr. = \$2,210

ASSUMPTION (continued)

FY 2020 - Driver License Bureau

Management Analysis Spec II	25 hrs. @ \$20.57 per hr.	= \$ 514
Revenue Manager	20 hrs. @ \$20.59 per hr.	= \$ 412
Total		

= \$ 926

FY 2020 - Personnel Services Bureau

Administrative Analyst III	30 hrs. @ \$19.43 per hr.	= \$ 583
Management Analysis Spec I	15 hrs. @ \$18.42 per hr.	= \$ 276
Total		= \$ 859

Total Cost = **\$3,995**

Through conversations with the Missouri Department of Corrections, Missouri has a total of 4,946 corrections officers that would fall under this proposed legislation.

This legislation will result in an increase of confidential record transactions processed by the Department. The Department anticipates being able to absorb the increase in transactions processed and therefore there will be no impact. If the increase is more significant than anticipated, additional FTE may be requested through the appropriations process.

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

Oversight notes there are 10,652 employees at the Department of Corrections that this proposal would apply to.

In response to HCS for HB 1134 (2019), officials from the **Department of Corrections** and **Department of Public Safety - Missouri Highway Patrol** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to HCS for HB 1134 (2019), officials from the **Department of Transportation** assumed the proposal would not have a 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.

ASSUMPTION (continued)

§49.266

In response to similar legislation from this year, SB 464, officials at the **Department of Public Safety's Office of the Director** and the **Division of Fire Safety** each assumed no fiscal impact to their respective agencies from this proposal.

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

In response to similar legislation from this year, SB 464, officials at **St. Louis County** and **Greene County** each assumed no fiscal impact to their respective entities from this proposal.

In response to similar legislation from 2018 (HB 1269), officials at **Boone County** assumed no fiscal impact from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties 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.

§143.1028 Kansas City Law Enforcement Memorial Checkoff

In response to similar legislation filed this year, HB 703, officials at the **Office of Administration Division of Budget and Planning (B&P)** assumed this may increase Total State Revenue by an unknown amount but will not impact the calculation under Article X, Section 18(e).

Section 143.1028.1 would allow taxpayers to dedicate a portion of their tax refund (checkoff) to the Kansas City Regional Law Enforcement Memorial Foundation Fund. Each individual or corporation may designate \$1 or more of their refund to the newly created fund for single returns and \$2 or more for combined returns. Individuals and corporations may also make a separate payment and clearly designate the fund as the recipient.

Section 143.1028.2 creates the Kansas City Regional Law Enforcement Memorial Foundation Fund within the state treasury. The fund shall be a dedicated fund and the treasurer shall distribute collections at least monthly to the Kansas City Regional Law Enforcement Foundation. Section 143.1028.3 requires DOR to deposit all collections at least monthly into the newly created fund, less an amount sufficient to cover the costs of collection.

ASSUMPTION (continued)

In response to similar legislation from this year, HCS for SB 87, officials at the **STO** and the **DOR** assumed there is no fiscal impact from this proposal.

Oversight notes this proposal creates the Kansas City Regional Law Enforcement Memorial Foundation Fund to allow taxpayers to designate a portion of their Missouri tax refund to the Memorial. Individuals and corporations are allowed to designate any amount over \$1 and for combined returns individuals could designate any amount over \$2. The money is collected by the Department of Revenue and deposited at least monthly into the Fund created by the State Treasurer.

According to the Kansas City Star, the Kansas City Regional Law Enforcement Memorial is an effort to raise funds to create a memorial garden to pay tribute to all local, state and federal officers in Kansas City killed in the line of duty. The Memorial is estimated to cost \$4 million. The Kansas City Council contributed \$600,000 toward the creation of the Memorial in 2018.

Oversight for informational purposes is showing the other current tax checkoff programs the state administers and the total amounts they have collected over the previous six years.

Checkoff Program - Fund	Amount Collected FY 2013 - FY 2018 (over 6 years)
Childhood Lead Testing - 0899	\$87,442
Children's Trust Fund - 0694	\$495,469
Military Relief Fund - 0719	\$237,886
Elderly Home Delivered Meals - 0296	\$321,449
National Guard Trust Fund - 0900	\$110,271
Veterans Trust Fund - 0579	\$319,461
Workers Memorial Trust Fund - 0895	\$45,646
Organ Donor Program Fund - 0824	\$107,097
After School Retreat Fund - 0732	\$20,196
American Cancer Society Heartland Div. - 0700	\$41,730
Gateway Area Diabetes Assn - 0713	\$17,418
American Heart Association - 0714	\$17,746

Checkoff Program - Fund	Amount Collected FY 2013 - FY 2018 (over 6 years)
American Lung Association - 0704	\$1,595
ALS Lou Gehrig's Disease - 0703	\$15,174
Muscular Dystrophy Association - 0707	\$7,391
March of Dimes - 0716	\$15,545
National Multiple Sclerosis Society Fund - 0709	\$13,409
Breast Cancer Awareness - 0915	\$16,879
Foster Care/Adoptive Parents - 0979	\$19,268
American Red Cross - 0987	\$23,921
Developmental Disabilities Waiting List - 0986	\$8,153
Puppy Protection Fund - 0985	\$34,294
Pediatric Cancer Research - 0959	\$14,859
MO National Guard Foundation - 0494	\$7,807
General Revenue Fund - 0101	\$55,785
TOTAL COLLECTED (FY 2013 - FY 2018)	\$2,061,809

The Workers Memorial Trust Fund and the MO National Guard Foundation are programs that would be similar to the Kansas City Regional Law Enforcement Memorial Foundation.

Oversight will show in the fiscal note Less than \$10,000 raised annually through the checkoff program based on the history of these similar programs.

§190.092

In response to similar legislation from this year, SB 423, officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** stated this bill modifies the requirements associated with an automated external defibrillator (AED). This bill states that any person or entity who acquires an AED shall comply with all regulations governing the placement of an AED; notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired; ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer, ensure that the AED is tested at least annually and after each use; and ensure that an inspection is made of all AEDs on the premises at least every ninety days for potential issues related to operability of the device. The bill also states that any person who, in good faith renders

ASSUMPTION (continued)

emergency care by use of or provision of an AED, shall not be liable for any civil damages or subject to any criminal penalty as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. The person or entity who provides training to the person using an AED, the person or entity responsible for the site where the AED is located, and the person or entity that owns the AED shall likewise not be held liable for civil damages or subject to any criminal penalty resulting from the use of an AED.

FMDC estimates these changes to the requirements associated with AEDs will not materially alter FMDC's costs associated with AEDs because FMDC rarely "acquires" AED. Therefore, FMDC estimates this fiscal impact can be absorbed with current resources.

Oversight does not have any information to the contrary. Oversight assumes the OA, FMDC has sufficient staff and resources to perform the additional duties required by this legislation and will reflect a zero impact for OA, FMDC in the fiscal note.

Oversight notes that the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Public Safety: Director's Office, Capitol Police, Division of Fire Safety**, and the **Missouri State Highway Patrol**, the **Missouri Department of Conservation**, the **City of Kansas City**, the **Andrew County Health Department**, the **Bollinger County Health Center**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Springfield Police Department**, the **Wellsville-Middleton R-1 School District**, and **State Technical College of Missouri** 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 organizations.

In response to similar legislation (HB 1038), officials from **Osage County**, the **Joplin Police Department** and the **St. Louis County Department of Justice Services** assumed the proposal would have no fiscal impact on their organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for these organizations for fiscal note purposes.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other Cities, Counties, Local Public Health Agencies, Ambulances, Fire Departments, Sheriffs' Offices, Police Departments, Schools, and Colleges and Universities 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.

ASSUMPTION (continued)

§190.462

Officials at the **Department of Revenue (DOR)** believe this proposed legislation is clarifying language for SS SCS HCS HB 1456 that was TAFP 2018. All administrative impacts were included in the fiscal note response for HB 1456 (2018).

§210.1014 - Amber Alert System/Hailey's Law

In response to similar legislation from this year, HCS for HB 185, **Oversight** notes that the **Department of Public Safety - Missouri State Highway Patrol (MHP)** has stated the proposal would not have a direct fiscal impact on their organization. The MHP states the Amber Alert is already built into the Missouri Uniform Law Enforcement System (MULES). The MHP is currently working on enhancing a system interface that a law-enforcement agency utilizing the Regional Justice Information Service (REJIS) would be able to use to request an Amber Alert directly from the REJIS system. Therefore, given this work is already underway, the MHP assumes no additional work will be required at the state level to comply with this bill.

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

In response to similar legislation from this year, HCS for HB 185, officials from the **Department of Public Safety - Office of the Director** deferred to the response from the MHP since the systems in this proposal are housed there.

§§211.071, 556.061, and 570.027 - VEHICLE HIJACKING

In response to similar legislation from this year, SCS for HB 113, officials from the **Department of Corrections (DOC)** stated 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 1st 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 1st degree robbery, vehicle hijacking, then it would be included in the general class D car theft offense.

ASSUMPTION (continued)

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.

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Change (After Legislation - Current Law)										
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	3	3	3	3	3	3	3	3	3	3
Cumulative Populations										
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
Impact										
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)

ASSUMPTION (continued)

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.

In response to similar legislation from this year, SCS for HB 113, **Oversight** notes that the **St. Louis County Police Department** 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 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.

§217.195 - INMATE CANTEEN FUND

In response to similar legislation from this year, SCS for HB 113, officials from the **State Treasurer's Office (STO)** stated §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.

In response to similar legislation from this year, SCS for HB 113, 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

In response to similar legislation from this year, SCS for HB 113, officials from the **Department of Corrections (DOC)** stated 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** 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 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.

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.

ASSUMPTION (continued)

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

In response to similar legislation from this year, SCS for HB 113, officials from the **Department of Corrections (DOC)** stated 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.

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.

ASSUMPTION (continued)

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.

§§311.660, 311.710, 311.720, 313.004, 313.255, 572.010 and 572.100 - Gambling

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state this bill addresses the ability of three existing state agencies to take enforcement action against any gambling device defined as "any device, machine, paraphernalia or equipment not approved by the Missouri gaming commission or state lottery commission under the provisions of chapter 313...". The three existing state agencies are Alcohol and Tobacco Control, Missouri Gaming Commission (Patrol by virtue of a Memorandum of Understanding (MOU) with the Gaming Commission), and Missouri Lottery Commission.

In MHP's response to 1513-03, it indicated that 4 Sergeants would be necessary. However, that was based on the assumption that the Patrol would only be assisting local law enforcement agencies with their investigations. It has since been determined that the Patrol will not only be assisting in some cases, but will also be taking a lead role in other cases. The MHP has since received information from the Division of Alcohol and Tobacco Control (ATC) regarding the number of premises with illegal gambling machines, which is substantial. Therefore, the Patrol now assumes it will need a range of 6 to 15 new Sergeants and 1 Clerk Typist to perform the primary function of fulfilling section 313.004.13(1), RSMo. This is based on ATC's estimate of the number of premises with illegal gambling machines being approximately 2,500.

ASSUMPTION (continued)

Each officer could reasonably open up to 50 cases per year, for a total of 300-750 cases per year depending on the number of officers involved (6-15). This is based on factoring in the geographic size of the state, drive time, surveillance, investigation, evidence, and follow-up.

Section 313.004.13(1) states, "The commission shall establish a telephone contact number, which shall be prominently displayed on the commission's website, to receive reports of suspected illegal gambling activities. **Upon the receipt of such report, the commission shall initiate an investigation of such suspected illegal activity....**". This language requires an investigation on every complaint received on the statutorily mandated telephone contact number. The Clerk Typist will be responsible for handling reports, entering them into a database, maintaining property records, responding to record requests, and other administrative duties.

An additional cost will be storage facilities to store the illegal machines during prosecution. A reasonable cost for a 10 x 20 facility would be \$150 per month and for 10 units, the cost would be approximately \$18,000 per year (\$150 x 10 x 12). If the Patrol were assigned 6 new sergeants, they would be assigned throughout the state as follows: 2 at Troop A, 2 at Troop C, and 2 at Troop F, and the Clerk Typist would also be at Troop F. If the Patrol received more than 6 Sergeants, it would determine the most effective way to distribute them.

In addition to the General Revenue expense indicated for the 6-15 Sergeants that will be transferring from the Highway fund, it is assumed there will be some savings to the Highway Fund as those 6-15 formerly Highway-funded Sergeants are ultimately replaced by 6-15 Highway-funded Probationary Troopers. While the exact dollar amount of that savings cannot be determined, due to the cost of promotions that will occur during the backfilling process, etc., there will likely be some amount of savings to the Highway fund.

MHP states §313.255 expands the definition of "gambling device" to now include a machine with a random number generator. This cannot be determined by visual inspection, so the Patrol would need to rely on a nationally recognized and utilized vendor such as Gaming Laboratory Incorporated (GLI). This company charges approximately \$10,000 per device and the Patrol anticipates seizing approximately 30 devices per year. This would result in an annual cost of \$300,000.

Because this legislation states that it is an emergency act and shall be in full force upon its passage and approval, the FY20 impact is shown as a full 12 months.

This legislation does not specifically indicate a funding source for any necessary costs to fulfill the statutory requirements of the bill. Currently, Patrol costs are reimbursed via the gaming industry through a billing process administered by the Missouri Gaming Commission. The Gaming Commission has indicated their belief that the Patrol should be responsible for costs associated with this legislation. Therefore, the Patrol is showing the impact as General Revenue.

ASSUMPTION (continued)

As currently set up, the MOU between the Gaming Commission and the Highway Patrol deals strictly with Gaming Division members; it would need to be amended to include the Patrol officers assigned to these investigations for purposes of funding.

Oversight notes the MHP assumes not only will the MHP in some cases be assisting local law enforcement agencies with their investigations but will also be taking a lead role in other cases. Oversight also notes the provisions of this legislation do not provide a funding source for conducting investigations.

Oversight does not know how many gray machines exist statewide and has received information stating there are approximately 562 to 2,500 gray machines at various locations throughout the state. Because Oversight cannot determine how many gray machines exist statewide or how many will continue to exist after the passage of this bill (with the threat of losing their liquor license), Oversight will reflect a range for MHP of 1 Sergeant and 1 Clerk Typist to 15 Sergeants and 1 Clerk Typist to the General Revenue fund for fiscal note purposes.

Officials from the **Lottery Commission (LOT)** estimate illegal gambling machines have resulted in \$1.8 million in lost sales over the last six months. This proposal will reduce or eliminate illegal gambling which will then restore lost Lottery sales.

The LOT states 1513-04 adds an emergency clause to the proposal. After further review, the LOT realized an error in the original estimate. The LOT now estimates \$3.5 million in lost sales will be restored in the first year and subsequent years. Lottery proceeds to education will increase by \$848,958 in the first year and each subsequent year.

Oversight notes representatives from the LOT state there has been a significant dip in sales due to “gray machine market penetration”. These machines are no longer limited to fraternal and private clubs but are now in convenience stores, truck stops, bars, clubs, etc. The LOT stated retailers that do not have “gray machines” have higher lottery sales year over year compared to retailers who do have “gray machines”.

Oversight notes the LOT defines a retailer as a licensed Lottery store that sells Missouri Lottery products. Based on information received from the LOT, the total number of LOT retailers included in this analysis is 4,101. The LOT states some retailers were excluded from the analysis for various reasons such as a retailer that is not in good standing (on suspension) or Lottery retailers that didn’t have sales in the “base” period (the comparison year-to-date FY18 in this case). Additionally, sales from Lottery offices or other Lottery-operated promotional events and vending machines sales were not included in the analysis. Of the 4,101 retailers included, 14.63 percent or 600 ($4,101 * 14.63$) are retailer locations with gray machines.

ASSUMPTION (continued)

Oversight received net sales data for retailers with gray machines to retailers without gray machines for July through January for FY17, FY18, and FY19.

	FY17 Net Total Sales	FY18 Net Total Sales	FY17 to FY18 % Change	FY19 Net Total Sales	FY18 to FY19 % Change
With Gray Machines	61,879,959	70,916,706	14.60%	79,016,612	11.42%
Without Gray Machines	520,593,869	596,381,925	14.56%	652,201,116	9.36%

Source: Missouri Lottery Commission

Oversight has requested gross sales instead of net sales to determine a sales trend and has not received this information. Upon the receipt of this additional information, Oversight will review to determine if an updated fiscal note should be prepared and if so, seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Oversight is unsure of LOT's estimate, and therefore, will reflect a positive sales impact of \$0 or Unknown - Up to \$848,958 impact for fiscal note purposes.

Officials from the **Oversight** notes that the **Department of Public Safety - Alcohol and Tobacco Control (ATC)** has stated the proposal would not have a direct fiscal impact on their organization.

ATC states version -04 required liquor licenses to be suspended while Gaming Commission did an investigation of illegal gambling activities. **ATC** believed that the administrative disciplinary process would increase substantially as a result, and therefore asked for 1 Special Agent to prepare Violation reports, and 2 Administrative Office Support Assistants to do the extra paperwork and keep track of the disciplinary process. Version -8 no longer requires **ATC** to suspend licenses while Gaming Commission holds their investigations and, therefore, would no longer require the additional workload that we initially anticipated. The bill does require **ATC** to revoke a license that is found in violation of illegal gambling activities, which will increase the administrative disciplinary process, but with little fiscal impact. For this reason, **ATC** is no longer requesting additional FTE.

ASSUMPTION (continued)

Oversight notes that ATC requested 3 FTE on the previous version (1513-04). Oversight also notes that SS for SCS for SB 431 removes a provision that states, “if the subject of an investigation conducted under this subsection is licensed under chapter 311 to sell intoxicating liquor, or under this chapter, such license shall be temporarily suspended pending completion of the investigation. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Officials from the **Department of Public Safety-Gaming Commission (MGC)** state section 311.660(11) requires MGC to be notified of any suspected illegal gambling activity of any business licensed by ATC.

Section 313.004.9 allows the MGC to enter into an agreement with certain agencies to carry out the duties of the commission which will include investigating and enforcing provisions of Chapter 572 related to illegal gambling. MGC currently has an agreement with the MHP and would revise the agreement to include this responsibility. Any funding for MHP assistance should be provided to MGC to comply with the proposed legislation.

Additionally, section 313.004.13 requires the MGC to establish a telephone contact number and have it displayed on the Commission’s website in order to receive reports of suspected illegal gambling activity. Through the agreement with the MHP, the Patrol will investigate the suspected illegal gambling activity and MGC will notify the subject of such investigation within thirty days. If the subject of the investigation is a person or establishment licensed under Chapter 311, MGC will notify ATC which will temporarily suspend the liquor license pending the completion of the investigation.

Section 313.004.13(4) prohibits any person or business from having a VLT license if convicted or pled guilty to a violation under Chapter 572 and §572.010(5) adds additional language to the definition of gambling device to include equipment not approved by MGC or the Lottery Commission under the provisions of Chapter 313.

The cost for the MGC in fiscal year FY20 totals \$238,523 which includes one (1) Electronic Gaming Device Specialist II at an annual salary of \$56,650 and one (1) Financial Investigator at an annual salary of \$58,392. The EGD Specialist II would provide technical assistance to MHP in support of enforcement activities related to illegal machines. Anticipated travel cost for this employee to respond outside of major cities for a total of 60 nights per year is estimated to be approximately \$10,620. The Financial Investigator would compile financial evidence, analyze, interpret, summarize and report findings. The position would entail tracing funds, asset identification and quantification of financial impact, as well as testifying as an expert witness in criminal investigations. Anticipated travel cost for this employee for a total of 20 nights per year is estimated at \$3,540.

ASSUMPTION (continued)

Forensic evaluations, which would include inspection by an independent testing laboratory, may also be necessary in support of these investigations. These examinations have an estimated cost of \$30,000 annually.

Additional cost would be incurred in training consisting of a two-day, 16-hour training course by an independent testing laboratory at the MGC central office in Jefferson City, with the class size of 30. The cost associated with the shipment of machines and training is \$43,024. Lodging and meals for the class participants in Jefferson City total \$12,600 for a total cost of \$55,624.

If there is sufficient evidence, the MHP will refer the case to the prosecuting attorney. If the prosecuting attorney determines not to file the case, MGC may forward the case to the Attorney General's Office (AGO) for review and possible prosecution. The cost for the telephone contact number and publishing the number of the MGC website is estimated to be under \$1,000 annually. The tracking of complaints and notifying of any investigation of suspected illegal gambling activity to the person, ATC, prosecuting attorney, or AGO will be minimal.

Oversight notes MGC's costs would be inclusive of the MHP costs and would be payable from the MGC to the MHP pursuant to the agreement detailed above. Oversight does not have any information contrary to that provided by MGC. Therefore, Oversight will reflect MGC's impact for fiscal note purposes.

In response to a previous version, officials **Oversight** notes that the **Attorney General's Office, Missouri Office of Prosecution Services, Office of State Courts Administrator, State Public Defender's Office, Springfield Police Department, St. Louis County Police Department, St. Louis County Department of Justice Services** and the **City of Springfield** stated the proposal would not have a direct fiscal impact on their organizations.

In response to a previous version, **Oversight** notes the **Joplin Police Department** 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 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.

This proposal contains an emergency clause.

ASSUMPTION (continued)

In response to similar legislation from this year, SCS for SB 431, officials from the Department of Public Safety - Sergeants are ultimately replaced by 6-15 Highway-funded Probationary Troopers. While the exact dollar amount of that savings cannot be determined, due to the cost of promotions that will occur during the backfilling process, etc., there will likely be some amount of savings to the Highway fund.

Because this legislation states that it is an emergency act and shall be in full force upon its passage and approval, the FY20 impact is shown as a full 12 months.

This legislation does not specifically indicate a funding source for any necessary costs to fulfill the statutory requirements of the bill. Currently, Patrol costs are reimbursed via the gaming industry through a billing process administered by the Missouri Gaming Commission. The Gaming Commission has indicated their belief that the Patrol should be responsible for costs associated with this legislation. Therefore, the Patrol is showing the impact as General Revenue.

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Oversight does not know how many gray machines exist statewide and has received information stating there are approximately 562 to 2,500 gray machines at various locations throughout the state. Because Oversight cannot determine how many gray machines exist statewide or how many will continue to exist after the passage of this bill (with the threat of losing their liquor license), Oversight will reflect a range for MHP of 1 Sergeant and 1 Clerk Typist to 15 Sergeants and 1 Clerk Typist to the General Revenue fund for fiscal note purposes.

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The LOT states 1513-04 adds an emergency clause to the proposal. After further review, the LOT realized an error in the original estimate. The LOT now estimates \$3.5 million in lost sales will be restored in the first year and subsequent years. Lottery proceeds to education will increase by \$848,958 in the first year and each subsequent year.

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ASSUMPTION (continued)

Oversight notes the LOT defines a retailer as a licensed Lottery store that sells Missouri Lottery products. Based on information received from the LOT, the total number of LOT retailers included in this analysis is 4,101. The LOT states some retailers were excluded from the analysis for various reasons such as a retailer that is not in good standing (on suspension) or Lottery retailers that didn't have sales in the "base" period (the comparison year-to-date FY18 in this case). Additionally, sales from Lottery offices or other Lottery-operated promotional events and vending machines sales were not included in the analysis. Of the 4,101 retailers included, 14.63 percent or 600 ($4,101 * 14.63$) are retailer locations with gray machines.

Oversight received net sales data for retailers with gray machines to retailers without gray machines for July through January for FY17, FY18, and FY19.

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Source: Missouri Lottery Commission

Oversight has requested gross sales instead of net sales to determine a sales trend and has not received this information. Upon the receipt of this additional information, Oversight will review to determine if an updated fiscal note should be prepared and if so, seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Oversight is unsure of LOT's estimate, and therefore, will reflect a positive sales impact of \$0 or Unknown - Up to \$848,958 impact for fiscal note purposes.

Officials from the **Oversight** notes that the **Department of Public Safety - Alcohol and Tobacco Control (ATC)** has stated the proposal would not have a direct fiscal impact on their organization.

ASSUMPTION (continued)

In response to similar legislation from this year, SCS for SB 431, officials from the **Department of Public Safety - Alcohol and Tobacco Control (ATC)** estimated as many as 40 percent of retailers could have illegal gambling activities on their premises. ATC is required to refer to the Missouri Gaming Commission any suspected illegal gambling on the premises of liquor licensees. Therefore, $12,767 \text{ retail licensees} \times .40 = 5,107 \text{ licensees}$ who could potentially have their licenses suspended while Gaming Commission investigates. This would be a 94 percent increase in activities in the administrative disciplinary process.

ATC expects to hear 317 cases in FY19. If even half of the 5,107 licensees were to have their licenses suspended, that would require ATC to prepare violation reports, hold 2,554 ($5,107/2$) informal conferences and provide for the appeal process for those who do so.

Additionally, **Oversight** inquired how the ATC determined the percentage of retailers who have illegal gambling activities on their premises. ATC stated the estimate is from agents in the field who came across these machines at a high rate of occurrence while doing routine inspections and investigations. Therefore, based on agents seeing them in the field, ATC can conclude the machines are in high numbers. ATC does not have statistics collected currently to document this but does have a plan in place now to document and report illegal gambling machines at licensed liquor locations.

ATC states version -04 required liquor licenses to be suspended while Gaming Commission did an investigation of illegal gambling activities. ATC believed that the administrative disciplinary process would increase substantially as a result, and therefore asked for 1 Special Agent to prepare Violation reports, and 2 Administrative Office Support Assistants to do the extra paperwork and keep track of the disciplinary process. Version -8 no longer requires ATC to suspend licenses while Gaming Commission holds their investigations and, therefore, would no longer require the additional workload that we initially anticipated. The bill does require ATC to revoke a license that is found in violation of illegal gambling activities, which will increase the administrative disciplinary process, but with little fiscal impact. For this reason, ATC is no longer requesting additional FTE.

Oversight notes that ATC requested 3 FTE on the previous version (1513-04). Oversight also notes that SS for SCS for SB 431 removes a provision that states, "if the subject of an investigation conducted under this subsection is licensed under chapter 311 to sell intoxicating liquor, or under this chapter, such license shall be temporarily suspended pending completion of the investigation. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

ASSUMPTION (continued)

In response to similar legislation, SCS for SB 431, officials **Oversight** notes that the **Attorney General's Office, Missouri Office of Prosecution Services, Office of State Courts Administrator, State Public Defender's Office, Springfield Police Department, St. Louis County Police Department, St. Louis County Department of Justice Services** and the **City of Springfield** stated the proposal would not have a direct fiscal impact on their organizations.

In response to similar legislation, SCS for SB 431, **Oversight** notes the **Joplin Police Department** 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 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.

This proposal contains an emergency clause.

In response to similar legislation from this year, SCS for SB 431, officials from the **Department of Public Safety-Gaming Commission (MGC)** stated section 313.004.9 allows the MGC to enter into an agreement with certain agencies to carry out the duties of the commission which will include investigating and enforcing of provisions of Chapter 572 related to illegal gambling. MGC currently has an agreement with the MHP and would revise the agreement to include this responsibility.

Additionally, section 313.004.13 requires the MGC to establish a telephone contact number and have it displayed on the Commission's website in order to receive reports of suspected illegal gambling activity. Through the agreement with the MHP, the Patrol will investigate the suspected illegal gambling activity and MGC will notify the subject of such investigation within thirty days. If the subject of the investigation is a person or establishment licensed under Chapter 311, MGC will notify ATC which will temporarily suspend the liquor license pending the completion of the investigation.

If there is sufficient evidence, the MHP will refer the case to the prosecuting attorney. If the prosecuting attorney determines not to file the case, MGC may forward the case to the Attorney General's Office (AGO) for review and possible prosecution. The cost for the telephone contact number and publishing the number of the MGC website is estimated to be under \$1,000 annually. The tracking of complaints and notifying of any investigation of suspected illegal gambling activity to the person, ATC, prosecuting attorney, or AGO will be minimal.

ASSUMPTION (continued)

Oversight does not have any information contrary to that provided by MGC. Therefore, Oversight will reflect MGC's no impact for fiscal note purposes.

In response to similar legislation from this year, SCS for SB 431, **Oversight** noted that the **Attorney General's Office, Missouri Office of Prosecution Services, Office of State Courts Administrator, State Public Defender's Office, Springfield Police Department, St. Louis County Police Department, St. Louis County Department of Justice Services** and the **City of Springfield** have stated the proposal would not have a direct fiscal impact on their organizations.

In response to similar legislation from this year, SCS for SB 431, **Oversight** noted the **Joplin Police Department** 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 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.

§337.068

In response to similar legislation from this year, HB 441, officials from the **Department of Insurance, Financial Institutions and Professional Registration, the Department of Corrections, the Department of Health and Senior Services, the Department of Social Services** and the **Department of Mental Health** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the Department of Insurance, Financial Institutions and Professional Registration, the Department of Corrections, the Department of Health and Senior Services, the Department of Social Services and the Department of Mental Health 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.

ASSUMPTION (continued)

§441.920

In response to similar legislation from this year, SCS for HCS for HB Nos. 243 & 544, officials from the **Office of State Courts Administrator, Office of the State Public Defender, Office of Prosecution Services, Department of Public Safety-Missouri State Highway Patrol, Department of Mental Health, Office of Administration, Department of Labor and Industrial Relations, Department of Corrections, and Department of Social Services** each assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from this year, SCS for HCS for HB Nos. 243 & 544, officials from the **Springfield Police Department, Joplin Police Department, and St. Louis County Department of Justice Services** both 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement 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.

§558.019 - MINIMUM PRISON TERMS

In response to similar legislation from this year, SCS for HB 113, 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.

ASSUMPTION (continued)

Total Impact	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
Prison Population										
Removing MPT	-192	-255	-255	-967	-967	-967	-967	-967	-967	-967
Adding MPT			22	42	42	42	42	42	42	42
Total	-192	-255	-233	-925	-925	-925	-925	-925	-925	-925
Field Population	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:

D) 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.

New admissions with parole hearings in FY18

Serving a minimum prison term

Defined nonviolent offenses

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

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.

ASSUMPTION (continued)**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
40%	436	93	604	1,133	38.5%
50%	227	45	195	467	48.6%
80%	146	48	91	285	51.2%
Total	809	186	890	1,885	42.9%

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.

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.

ASSUMPTION (continued)**Change in prison admissions and probation openings with legislation**

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
New Admissions										
Current Law	809	809	809	809	809	809	809	809	809	809
After Legislation	809	809	809	809	809	809	809	809	809	809
Probation										
Current Law	-	-	-	-	-	-	-	-	-	-
After Legislation	-	-	-	-	-	-	-	-	-	-
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	-	-	-	-712	-712	-712	-712	-712	-712	-712
Parole	-	-	-	712	712	712	712	712	712	712
Probation	-	-	-	0	0	0	0	0	0	0
Impact										
Prison Population	-	-	-	-712	-712	-712	-712	-712	-712	-712
Field Population	-	-	-	712	712	712	712	712	712	712
Population Change	-	-	-	-	-	-	-	-	-	-
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.

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)	Net 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

ASSUMPTION (continued)**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 in 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.

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.

ASSUMPTION (continued)

The DOC cost of incarceration in \$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 **Office of the Attorney General** assumed no fiscal impact from this proposal.

Oversight notes that the Office of the Attorney General 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**, the **Office of Administration**, the **Joplin Police Department**, the **St. Louis County Police Department** and the **Boone County Sheriff's Department** each 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, 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.

§569.086 - CRIMINAL OFFENSES INVOLVING CRITICAL INFRASTRUCTURE FACILITIES

Oversight notes this section is similar to HCS for HB 954 from 2019.

In response to HCS for HB 954 (2019), for the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed 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 Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

ASSUMPTION (continued)

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.

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 - 1st 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.

In response to HCS for HB 954 (2019), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal would have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight notes that the **Department of Corrections, Department of Public Safety (Missouri State Highway Patrol and State Emergency Management Agency), Office of State Courts Administrator and Metropolitan St. Louis Sewer District** have stated the proposal would not have a direct fiscal impact on their organizations.

In response to HCS for HB 954 (2019), the **City Utilities of Springfield Missouri** stated the proposal would not have a direct fiscal impact on their organization.

Oversight does not have any information to the contrary. Oversight notes this version, requires the crime of damage of a critical infrastructure to be "purposely" damage, destroy, or tamper with equipment. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

ASSUMPTION (continued)

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.

§610.021

In response to a similar legislation from this year, HCS for HB 1098, officials from the **Department of Economic Development (Division of Energy, Public Service Commission, Office of Public Counsel)**, the **Attorney General's Office**, **Department of Natural Resources** and the **Metropolitan St. Louis Sewer District** each assumed the proposal would have no fiscal impact on their respective organizations.

Oversight notes that the above mentioned agencies 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 on the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities 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.

§§640.141, 640.142, 640.144, 640.145, 640.146 & 640.147

Oversight assumes the local political subdivisions (public water systems serving less than 50,000 customers) will incur costs related to this proposal. Oversight will reflect an “unknown” cost to local political subdivisions that will be required to update their systems to comply with the requirements of this proposal.

In response to similar legislation from this year, SCS for HCS for HB 160, officials from the **Office of the Secretary of State (SOS)** assumed 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.

ASSUMPTION (continued)

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 require additional resources.

In response to similar legislation from this year, SCS for HCS for HB 160, officials from the **Joint Committee on Administrative Rules (JCAR)** stated this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

In response to similar legislation from this year, SCS for HCS for HB 160, officials from the **Department of Economic Development (Division of Energy and Office of Public Counsel)**, the **Department of Corrections**, the **Office of Administration**, the **Attorney General's Office**, the **Department of Social Services** and the **Metropolitan St. Louis Sewer District** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year, SCS for HCS for HB 160, officials from the **Department of Natural Resources (DNR)** assumed this version of the proposal would not have a fiscal impact on their agency. Section 640.145 now puts an exemption in for State Parks; therefore, there will be no cost for DNR.

Oversight notes that the above mentioned agencies have 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other utilities 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.

§650.035

Officials at the **Department of Corrections** and the **Department of Mental Health** each assume no fiscal impact to their respective agencies from this proposal.

Oversight assumes this section of the proposal adds the Missouri Law Enforcement Assistance Program to the City of St. Louis. Oversight is unclear of the potential impact but believes there could be a \$0 to unknown positive revenue impact from this section of the proposal.

Senate Amendment 1

Oversight assumes this amendment is a technical change and will have no fiscal impact on state or local governments

ASSUMPTION (continued)

Senate Amendment 2

Oversight notes in similar legislation costs per sign were estimated at \$450. Oversight notes there are approximately 1,273 cities, towns, and villages in Missouri; therefore, Oversight assumes there will be a cost of at least \$572,850 (1,273 x \$450) in FY 2020. Oversight assumes the appropriation will be made from the General Revenue Fund.

In response to a similar proposal from this year (SB 152), officials at the **City of St. Louis** state that according to the Director of the City's Information Technology Services Agency (ITSA), creating a site to manage a payment portal for a text-to-donate activity would have an estimated cost between \$30,000 and \$50,000 in the first year to buy or build a system. It would cost between \$5,000 and \$10,000 for annual maintenance.

In response to a similar proposal from this year (SB 152), officials from the Department of Human Services estimates that it would cost between \$5,000 and \$10,000 annually to handle fiscal and programmatic tasks. The Department of Human Services was also unable to estimate potential revenue for this proposal.

In response to a similar proposal from this year (SB 152), officials at the **City of Kansas City** assume a negligible negative fiscal impact on the City. Without addressing the merits of the legislation itself (which are laudable) there are mandates in subsections (2) and (3) that require a number of actions on the part of the City to facilitate the use of the donations. We also think that while subsection (4) purports to make a one-time appropriation for a pilot project, the appropriation only covers the promotional responsibilities. This small negative impact may end up being inconsequential.

In response to a similar proposal from this year (SB 152), officials at the **Office of Administration's Division of Budget and Planning**, the **Missouri House of Representatives** and the **Missouri Senate** each assume no fiscal impact to their respective agencies from this proposal.

Oversight notes that the proposal states that "The general assembly shall make a one-time appropriation to each city in a sufficient amount to authorize each city to provide initial signage promoting a newly created text-to-donate fund." Oversight is unclear from the proposal when this will occur or how much will be appropriated by the General Assembly. Although it is up to the discretion of the General Assembly to make these decisions, Oversight will assume that the appropriation would be authorized in FY 2021 and will reflect a cost of (up to \$572,850) in FY 2021.

Oversight also assumes, for fiscal note purposes that donations to the text-to-donate funds will be spent on services to the homeless in the year donations are made.

ASSUMPTION (continued)

Senate Amendment 3

Oversight assumes this language will change the inspection of automated external defibrillator from biennially to annually. Oversight will still assume a \$0 to unknown cost to state or local governments.

Senate Amendment 4

Oversight assumes this will have no fiscal impact to state or local governments.

Senate Amendment 5

Oversight assumes this amendment states that a municipality does not have an obligation to respond to calls for service within such area. Oversight assumes this could result in savings to a municipality that is no longer obligated to respond. Oversight will show range of impact of \$0 (no impacted municipalities) to an unknown savings to impacted municipalities.

FISCAL IMPACT -
State GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)**GENERAL
REVENUE FUND**Costs - Joint
Contingency
Expenses - for
mileage
reimbursement for
members of the Task
Force on Substance
Abuse Prevention
and Treatment
(\$21.790)

(\$3,000)

(\$3,000)

(\$3,000)

(\$3,000)

Cost - Joint
Contingency
Expenses - for
mileage
reimbursement for
members of the Joint
Committee on
Juvenile Court
Jurisdiction and
Implementation
(\$21.875)

(\$3,000)

\$0

\$0

\$0

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

FISCAL IMPACT -
State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
<u>Cost - DOC -</u>				
Increased				
incarceration costs				
(§221.111) two-way				
telecommunications				
device	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs - (§313.004)</u>				
Personal Services				(Could exceed
	(\$100,248 to	(\$101,250 to	(\$102,263 to	\$102,263 to
	\$1,181,832)	\$1,193,650)	\$1,205,587)	\$1,205,587)
Fringe benefits				(Could exceed
	(\$89,471 to	(\$90,366 to	(\$91,270 to	\$91,270 to
	\$1,054,785)	\$1,065,333)	\$1,075,986)	\$1,075,986)
Vehicle and	(\$62,657 to			
equipment	\$939,855)	\$0	\$0	\$0
Weapons and	(\$4,475 to			
personal equipment	\$67,125)	\$0	\$0	\$0
Computer				
Equipment	(\$829)	\$0	\$0	\$0
Office Equipment	(\$2,028)	\$0	\$0	\$0
Expenses - gas,				
cell phone, uniform				(Could exceed
allowance, vehicle	(\$12,917 to	(\$13,241 to	(\$13,570 to	\$13,570 to
maintenance	\$184,655)	\$189,273)	\$194,003)	\$194,003)
Lab Analysis				(Could exceed
	(\$300,000)	(\$307,500)	(\$315,188)	\$315,188)
Storage Fees				(Could exceed
	(\$18,000)	(\$18,450)	(\$18,911)	\$18,911)
Total Costs - MHP				(Could exceed
	(\$590,625 to	(\$530,807 to	(\$541,202 to	\$541,202 to
	<u>\$3,749,109)</u>	<u>\$2,774,206)</u>	<u>\$2,809,675)</u>	<u>\$2,809,675)</u>
FTE Change -				Could exceed 2
MHP152148	2 to 16 FTE	2 to 16 FTE	2 to 16 FTE	to 16 FTE
<u>Costs - MGC</u>				
(§313.004)				
Personal Services				(Could exceed
	(\$95,868)	(\$116,192)	(\$117,354)	\$117,354)
Fringe Benefits				(Could exceed
	(\$50,231)	(\$60,628)	(\$60,982)	\$60,982)

FISCAL IMPACT -State Government

	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029) (Could exceed 1060 (Could exceed \$224,732)
Equipment & expenses	<u>(\$92,424)</u>	<u>(\$45,265)</u>	<u>(\$46,396)</u>	
Total Cost - MGC	<u>(\$238,523)</u>	<u>(\$222,085)</u>	<u>(\$224,732)</u>	
FTE Change - MCG	2 FTE	2 FTE	2 FTE	2 FTE

Cost - DOC -

additional Probation
and Parole Officer
for decreased
number of offenders
in prisons (additional
4 FTE) (\$558,019)

\$0 \$0 \$0 (\$285,660)

Cost - MOCS

numbers that could
lead to additional
Class D felonies
(\$569,086)

(Unknown) (Unknown) (Unknown) (Unknown)

Cost Avoidance -

DOC - reduction of
prisoner population
(\$558,019)

\$895,898 \$1,365,914 \$1,111,969 \$6,078,314

Cost - to appropriate
funds for advertising
text-to-donate
programs (SA2)

\$0 (Up to \$572,850) \$0 \$0

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

**Unknown less
than (\$191,398)
to Unknown,
less than
(\$3,349,882)**

**Unknown less
than (\$242,405)
to Unknown,
less than
(\$2,485,804)**

**Unknown less
than \$60,458 to
Unknown, less
than
(\$2,208,015)**

**Unknown less
than \$2,472,670
to less than
\$4,741,143)**

Estimated Net FTE
Change for General
Revenue

4 to 18 FTE 4 to 18 FTE 4 to 18 FTE 4 to 18 FTE

FISCAL IMPACT -
State GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)**KANSAS CITY
REGIONAL LAW
ENFORCEMENT
MEMORIAL
FOUNDATION
FUND**Revenue - DOR

§143.1028

taxpayer's refund
donationLess than
\$10,000Less than
\$10,000Less than
\$10,000Less than
\$10,000Distribution - to
Memorial(Less than
\$10,000)(Less than
\$10,000)(Less than
\$10,000)(Less than
\$10,000)**ESTIMATED NET
EFFECT ON THE
KANSAS CITY
REGIONAL LAW
ENFORCEMENT
MEMORIAL
FOUNDATION
FUND**\$0\$0\$0\$0

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
INMATE CANTEEN FUND				
<u>Income - STO</u> (§217.195)				
Interest Earned to fund	\$152,148	\$182,577	\$182,577	\$182,577
<u>Transfer In - DOC</u> (§217.195)				
Transfer in from Canteen Fund post- August 28, 2019	\$9,000,000	\$0	\$0	\$0
<u>Transfer Out - DOC</u> (§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>
ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND	<u>\$152,148</u>	<u>\$182,577</u>	<u>\$182,577</u>	<u>\$182,577</u>
LOTTERY PROCEEDS FUND (0291)				
<u>Income - LOT</u> (§313.255)				
Increased sales and profits from elimination of illegal machines	\$0 or Unknown, <u>Up to \$848,958</u>	\$0 or Unknown, <u>Up to \$848,958</u>	\$0 or Unknown, <u>Up to \$848,958</u>	\$0 or Unknown, <u>Up to \$848,958</u>
ESTIMATED NET EFFECT ON THE LOTTERY PROCEEDS FUND	<u>\$0 or Unknown, Up to \$848,958</u>	<u>\$0 or Unknown, Up to \$848,958</u>	<u>\$0 or Unknown, Up to \$848,958</u>	<u>\$0 or Unknown, Up to \$848,958</u>

FISCAL IMPACT -
State GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)**HIGHWAY**
FUNDS (0644)Savings - MHP
(§313.255)Replacing existing
Sergeant(s) with
probationary
troopers (less
expensive)

Unknown

Unknown

Unknown

Unknown

ESTIMATED NET
EFFECT TO
HIGHWAY
FUNDS**Unknown****Unknown****Unknown****Unknown**Estimated Net FTE
Change for the
Highway Fund

0 FTE

0 FTE

0 FTE

0 FTE

FISCAL IMPACT -
State GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)**DIVISION
ALCOHOL AND
TOBACCO
CONTROL FUND
(0544)****Costs - ATC**
(§313.004)

Personal Service

(\$121,112)

(\$122,323)

(\$123,546)

(Could exceed
\$123,546)

Fringe benefits

(\$74,739)

(\$75,108)

(\$75,480)

(Could exceed
\$75,480)Equipment and
expense

(\$135,703)

(\$64,983)

(\$67,916)

(Could exceed
\$67,916)**Total Costs - ATC**

(\$331,554)

(\$262,414)

(\$266,942)

(Could exceed
\$266,942)FTE Change -
ATC

3 FTE

3 FTE

3 FTE

Could exceed 3
FTE**ESTIMATED NET
EFFECT ON
DIVISION
ALCOHOL &
TOBACCO
CONTROL FUND****(Less than
\$331,554)****(Less than
\$262,414)****(Less than
\$266,942)****(Could exceed
\$266,942)**Estimated Net FTE
change for the
Division Alcohol
and Tobacco Control
Fund

3 FTE

3 FTE

3 FTE

Could exceed 3
FTE

FISCAL IMPACT -
State GovernmentFY 2020
(10 Mo.)

FY 2021

FY 2022

Fully
Implemented
(FY 2029)**COLLEGES AND
UNIVERSITIES**Costs - Colleges and
UniversitiesAED maintenance
and upkeep

(\$190.092)

\$0 or (Unknown) \$0 or (Unknown) \$0 or (Unknown) \$0 or (Unknown)**ESTIMATED NET
EFFECT ON
COLLEGES AND
UNIVERSITIES****\$0 or**
(Unknown)**\$0 or**
(Unknown)**\$0 or**
(Unknown)**\$0 or**
(Unknown)

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022	Fully Implemented (FY 2029)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue - for school districts (§§217.850 & 577.800)</u>				
Fine revenue from violations - unmanned aircraft	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Fine Revenue - for school districts - (§§569.086 & 567.050) - from violations on trespass on a critical infrastructure facility</u>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Savings - (SA5) - to municipalities for less response calls received</u>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost - Update water systems - (§§640.141 to 640.145)</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Revenue - St. Louis City - (§650.035) potential increase in revenues</u>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Costs - Local Governments - AED maintenance and upkeep (§190.092)	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<u>FISCAL IMPACT -</u>				Fully
<u>Local Government</u>	FY 2020	FY 2021	FY 2022	Implemented
	(10 Mo.)			(FY 2029)
ESTIMATED NET				
EFFECT ON				
LOCAL				
POLITICAL				
SUBDIVISIONS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT - Small Business

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

§§311.660, 311.710, 311.720, 313.004, 313.255, 572.010 and 572.100 may cause small businesses convicted of, or who have pleaded guilty to, having illegal gambling devices shall have their Lottery retailer license and liquor license permanently revoked and may possibly face prosecution.

FISCAL DESCRIPTION

This act modifies provisions relating to public safety.

TASK FORCE ON SUBSTANCE ABUSE PREVENTION AND TREATMENT (§21.790)

This bill creates the Task Force on Substance Abuse Prevention and Treatment. The committee is made up of six members of the House of Representatives appointed by the Speaker, six members of the Senate appointed by the President Pro Tem, and four members appointed by the Governor.

The task force must meet at least once during each legislative session. The committee will conduct hearings on current and future drug and substance abuse, explore solutions to substance abuse issues, and draft or modify legislation as necessary to reach the goals of finding and funding education and treatment solutions to combat drug and substance use and abuse. The committee will send a report of recommendations for legislation to the Governor and the General Assembly each year.

§21.875

This bill creates the "Interim Joint Committee on Juvenile Court Jurisdiction and Implementation," with the purpose of implementing the raising of the age of juvenile court jurisdiction to 17, which goes into effect in 2021. The committee shall be made up of two members of the Senate appointed by the President Pro Tem and the Minority Leader of the Senate, two members of the House of Representatives appointed by the Speaker and the Minority Floor Leader and the bill specifies other members of the committee and what the committee's duties will be, including how often it will meet. The committee will be required to compile a full report of its activities for submission to the General Assembly by January 15, 2020.

§143.1028

For all tax years beginning on or after January 1, 2019, and ending before January 1, 2024, this bill creates the Kansas City Regional Law Enforcement Memorial Foundation Fund to allow a taxpayer to donate a portion of his or her tax refund to the fund. The Department of Revenue will distribute moneys deposited into the fund to the Kansas City Regional Law Enforcement Memorial Foundation.

§190.092

Currently, persons or entities that have acquired an automated external defibrillator (AED) are required to ensure that expected users receive CPR and AED training from the American Red Cross, American Heart Association, or other equivalent training course, that the AED user activate the emergency medical services system as soon as possible, and that an AED placed outside of a health care facility have a physician review the protocol and training. This act repeals these provisions and requires that a person or entity who acquires an AED to comply with all regulations governing placement of the AED, notify the local emergency medical services agency of the AED's existence, location, and type, ensure that the AED is maintained and tested to the manufacturer's guidelines, ensure that testing of the AED occurs at least biannually and after each use, and ensure that an inspection of all AEDs is made every 90 days.

Currently, a person who gratuitously and in good faith renders emergency care through the use or provision of an AED shall not be held liable for any civil damages unless acting in a willful and wanton or reckless manner. This act extends this immunity to criminal penalties. Additionally, a person or entity that provides training, owns the AED, or is responsible for the site where the AED is located shall likewise not be held liable.

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.

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.

§321.480

This bill creates a process by which any city of the fourth classification with more than 5,000 but fewer than 5,500 inhabitants and located in any county with a charter form of government and with more than 600,000 but fewer than 700,000 inhabitants may detach, by ordinance, an area of the city within a fire protection district from the fire protection district. This process contains certain notice and hearing requirements.

If an ordinance is passed, the fire protection district shall no longer provide fire protection and ambulance services to the excluded area, and shall not levy any tax upon the property within the excluded area upon the effective date of the ordinance, except that such property shall be subject to taxation for the payment of any indebtedness of the fire protection district outstanding as of the ordinance's effective date.

The provisions of this bill shall not apply in any county in which a boundary commission has been established pursuant to Section 72.400, RSMo.

§§311.660, 311.710, 311.720, 313.004, 313.255, 572.010 & 572.100

Current law allows the Missouri Gaming Commission to enter into agreements with various federal, state, and local agencies to carry out the duties of the Commission. This act also allows the Commission to enter into agreements with such agencies for investigations relating to and the enforcement of criminal provisions relating to illegal gambling.

This act requires the Gaming Commission to establish a telephone contact number, which shall be prominently displayed on the Commission's website, to receive reports of suspected illegal gambling activity. The Commission shall initiate an investigation upon receiving such report. If the subject of an investigation is licensed under the Liquor Control Law or under provisions of law relating to gaming, such license shall be suspended pending the outcome of the investigation. If the Commission finds sufficient evidence of illegal gambling, it shall refer such violation to the prosecuting attorney. If the prosecuting attorney determines not to commence a case for such violation, the Commission may forward the case to the Attorney General's office for review. If the Attorney General determines there is probable cause of a violation of state law, the Attorney General may prosecute such case.

Any person or establishment licensed under current law relating to gaming that is convicted of or pleads guilty to illegal gambling, and any affiliated company of such person or establishment, shall be permanently prohibited from being licensed to participate in any way in a program implementing video lottery gaming terminals should such a program be implemented in this state. (Section 313.004)

This act also allows the supervisor of liquor control to refer to the Commission any suspected illegal gambling activity being conducted on the premises of a location licensed under the Liquor Control Law. (Section 311.660)

Current law allows a sheriff, peace officer, or eight or more citizens of a county or city to bring an action in circuit court to initiate proceedings to suspend or revoke a license issued under the Liquor Control Law as a result of certain offenses committed by a licensee. This act adds permitting illegal gambling on the licensed premises of a licensee to such list of offenses. (Section 311.710)

This act provides that any conviction in this state for illegal gambling shall result in the automatic and permanent revocation of a license issued under the Liquor Control Law, as well as any lottery game retailer license. (Sections 311.720 and 313.255)

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.

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.

§488.5050

Currently, a court surcharge in all criminal cases for deposit into the DNA Profiling Analysis Fund shall expire on August 28, 2019. This act extends the expiration of the surcharge to August 28, 2029.

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.

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
Office of the Director
Division of Fire Safety

Missouri Highway Patrol
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
State Auditor's Office
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
May 17, 2019

Ross Strobe
Assistant Director
May 17, 2019