

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0695H.011
 Bill No.: HB 301
 Subject: Crimes and Punishment; Criminal Procedure; Firearms; Courts; Law Enforcement
 Officers and Agencies; Attorneys; Saint Louis City; Governor and Lieutenant
 Governor
 Type: Original
 Date: January 25, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
General Revenue*	Could exceed (\$3,724,399)	Could exceed (\$4,934,160)	Could exceed (\$6,251,148)	Could exceed (\$8,778,348)
Total Estimated Net Effect on General Revenue	Could exceed (\$3,724,399)	Could exceed (\$4,934,160)	Could exceed (\$6,251,148)	Could exceed (\$8,778,348)

*This fiscal impact assumes the Governor appoints a special prosecutor for the City of St. Louis (plus the allowed 30 FTE positions) from §56.601 – this section has an emergency clause.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
Children's Trust	Up to \$41,667	Up to \$50,000	Up to \$50,000	Up to \$50,000
MOPHS	Up to \$41,667	Up to \$50,000	Up to \$50,000	Up to \$50,000
Endowed Care Cemetery Audit	Up to \$8,333	Up to \$10,000	Up to \$10,000	Up to \$10,000
Peace Officer Basic Training Tuition Reimbursement*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other State Funds</u>	Up to \$91,667	Up to \$110,000	Up to \$110,000	Up to \$110,000

*Transfers In and disbursements net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
Federal Funds*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0	\$0

*Income and costs estimated at \$156,000 in FY 24, then \$3,500 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
General Revenue	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE
Total Estimated Net Effect on FTE	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
Local Government	Unknown to (Unknown)	More or Less than \$1,263,600	More or Less than \$2,527,200	More or Less than \$5,054,400

FISCAL ANALYSIS

ASSUMPTION

§56.601 – Special prosecutor

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 56.601 would allow the Governor to appoint a special prosecutor in the City of St. Louis. This position could choose to hire up to thirty additional staff. All positions are funded out of General Revenue. Section 56.601 stipulates that the special prosecutor be paid the same salary as a state circuit court judge.

Oversight notes that B&P did not provide any costs for equipment and expense. Therefore, Oversight will reflect a cost of \$100,000 annually for these expenses. Oversight assumes because the potential for a special prosecutor is speculative, there may or may not be significant costs related to this proposal. Therefore, Oversight will reflect an impact of \$0 (no special prosecutor required) or the impact estimated by B&P to the General Revenue Fund.

This section has an emergency clause.

§208.151.1(28) – Medicaid coverage for persons released from correctional facility for six months

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 208.151 would add ex-offenders to the list of individuals covered by MO HealthNet. Ex-offenders would be eligible for up to six months after release from incarceration. B&P defers to the Department of Corrections and the Department of Social Services as to the cost of covering affected individuals.

Officials from the **Department of Social Services (DSS), Family Support Division (FSD)** state §208.151 is amended to create a MO HealthNet coverage category for any person released from a correctional center, as defined in [§217.010](#) who does not have access to health coverage through a job or through a familial or personal relationship. Eligibility for this coverage will begin upon release from the correctional center and end six months after the release date.

DSS, FSD and the **DSS, MO HealthNet Division (MHD)** state, currently, when an individual with an active MO HealthNet **case** is incarcerated, their existing MO HealthNet **coverage** is suspended for the length of the incarceration and restored to eligible coverage upon release. Additionally, FSD currently has agreements in place with the Department of Corrections (DOC) to assist incarcerated offenders who do not have MO HealthNet coverage upon entry into a correctional facility. This assistance includes the application process and determining eligibility for the MO HealthNet program for which the individual is eligible prior to release from incarceration.

The Centers for Medicare and Medicaid Services (CMS) does not currently offer states the option to create a program specifically for individuals being released from correctional facilities. DSS would request a waiver from CMS to implement the provisions of this legislation. MHD estimates it would take approximately a year to obtain CMS approval of the waiver. Due to the time it takes to obtain the waiver, implementation of the provisions of this legislation could not begin until July 1, 2024. If the waiver was not approved, this bill would not go into effect due to the language in this bill stating that it is subject to the approval of a state plan.

According to DOC, 12,979 individuals were released in FY 22. The number of individuals in this population who have health insurance coverage or access through a job or familial or personal relationship is unknown. The income of these individuals for the first six months after release is also unknown. FSD and MHD assume that individuals released from correctional facilities who do not have access to health coverage through a job or familial or personal relationship would have income at levels below one of the following current MO HealthNet programs FSD administers eligibility for:

- MO HealthNet for Families (coverage for low income parents);
- Adult Expansion Group (coverage for adults aged 19-64 with income below 138% of FPL); and
- Aged, Blind and Disabled (coverage for individuals age 65 or older, blind or disabled)

DSS, FSD and MHD assume all of the individuals affected by this legislation are eligible for an existing MO HealthNet program or have access to other healthcare coverage.

FSD defers to Office of Administration (OA), Information Technology Services Division (ITSD)/DSS for any systems costs to implement the provisions of this legislation.

Therefore, there is no fiscal impact to DSS, FSD or MHD.

Oversight does not have any information to the contrary. Oversight notes the current income and asset guidelines for the following MO HealthNet programs include, but are not limited to:

Program	Monthly Income Limit	Asset Limit
MO HealthNet for Families (MHF)	Individual: \$141 Couple: \$241	None
Adult Expansion Group (AEG)	Individual: \$1,563 Couple: \$2,106	None
MO HealthNet for Aged, Blind or Disabled	Non-Spend Down: Individual: Elderly or disabled - \$963 Blind - \$1,133 Couple: Elderly or disabled - \$1,297 Blind - \$1,526	Individual: \$5,301.85 Couple: \$10,603.70
	Spend Down No income limit, but participants must spend down their income below the amount listed for non-spend down	

Oversight notes the following information from the Kaiser Family Foundation article, “State Policies Connecting Justice-Involved Populations to Medicaid Coverage and Care,” from December 2021:

One analysis of inmates incarcerated between 2009 and 2013 found that in the first full year after release from incarceration, only 55% of individuals had any reported earnings and among those with jobs, median earnings were only \$10,090. In the 39 states (including DC) that have [adopted Medicaid expansion](#) under the Affordable Care Act, nearly all adults with incomes up to 138% of the federal poverty level (FPL) (\$17,774 for an individual in [2021](#)) are eligible for Medicaid...

Because DSS suspends coverage while maintaining the existing case or application for incarcerated persons, and the number of individuals who would not already qualify for an existing MO HealthNet program is negligible, **Oversight** assumes DSS, FSD and MHD will be able to fulfill the requirements of this proposal with existing staff and resources. Therefore, Oversight will reflect a zero impact in the fiscal note for DSS, FSD and MHD.

Officials from **OA, ITSD/DSS** state updates to the Family Assistance Management Information Systems (FAMIS) and Missouri Eligibility Determination and Enrollment System (MEDES) would be required for this proposal.

At this time, FAMIS does not have a mechanism to track prisoner releases from correctional centers. There are two options to accomplish the changes included in this proposal:

- Option A: The system will generate an auto application based on a trigger related to the release of an incarcerated person and eligibility determination changes. This option would require building a new interface.

- Option B: Once released, the participant applies for benefits and the system is allowed to go through the business rules currently in place. This option would require additional coding to ensure the benefits begin from the day of release from prison and not from the day of application while incarcerated.

FAMIS assumes that implementation would be done via the most cost effective method (Option B) where the individual applies for the benefit at the time of release from a facility.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for FAMIS are estimated at \$95/hour. It is assumed the necessary modifications will require 241.92 hours for a cost of \$22,982 (241.92 * \$95), split 25% GR; 75% Federal (\$5,746 GR; \$17,236 Federal) in FY 24. Ongoing costs are estimated at \$4,711 (\$1,711 GR; \$3,533 Federal) in FY 25 and \$4,829 (\$1,207 GR; \$3,622 Federal) in FY 26, also split 25% GR; 75% Federal.

Because cases for incarcerated MO HealthNet participants do not close, and because DSS, FSD has agreements in place with DOC to assist incarcerated individuals with applying for MO HealthNet coverage prior to release, it seems most likely that this proposal will impact former offenders after they are released. Therefore, **Oversight** will reflect the expenditures for “Option B” as presented by OA, ITSD/DSS.

Officials from **OA, ITSD/DSS** state MEDES currently provides eligibility determinations and case management functions for Family MO HealthNet programs and the Children’s Health Insurance Program (CHIP) using the Modified Adjusted Gross Income (MAGI) criteria established under the Patient Protection and Affordable Care Act of 2010 (ACA). The category would conditionally provide eligibility for persons released from a correctional center from the day they are released until six months after the release date if they don’t have access to health insurance from a job or through a familial or personal relationship.

- Modifications will be required to consider post-incarceration status and new criteria for insurance coverage (employer sponsored insurance (ESI) or dependent).
- MHD’s system will read the individuals included in the eligibility file and query MEDES, Youth Services, the Family and Children Electronic System and the FAMIS to build the complete eligibility history for each individual and transmit it to the Medicaid Management Information System (MMIS).
- MMIS will use the history to process medical claims from health care providers. The new ME code will identify eligibility as post-incarceration coverage.
- A batch interface between MEDES and the Department of Corrections will be added to provide MEDES with data on released inmates.
- MEDES will generate an alert or task to perform an ex parte review and potentially terminate coverage six months after release date.
- Changes will be made to existing system generated notices to include the new coverage type.

- The creation of a new management report listing cases and individuals covered under this provision will be generated.

Modifications for MEDES must be performed by Redmane. Hourly IT costs under this contract vary by position title and work type. It is estimated to take 960 hours for a total cost of \$186,240 (\$46,560 GR; \$139,680 Federal) in FY 24 exclusively. The federal match rate will be 25% GR; 75% Federal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by OA,ITSD/DSS for fiscal note purposes.

Officials from the **Department of Mental Health (DMH)** defer to the Department of Social Services (DSS) for any fiscal impact related to this proposal. The anticipated fiscal impact to DMH for CPR (Community Psychiatric Rehabilitation), CSTAR (Comprehensive Substance Treatment and Rehabilitation), CCBHO (Certified Community Behavioral Health Organization) and DD (Developmental Disability) waiver services are included in the DSS estimate.

§217.830 – Birth certificates for MO-born offenders and non-driver’s license ID upon release

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 217.830 would require the Department of Corrections to issue Missouri-born offenders with birth certificates and state-issued identification cards prior to release. B&P defers to the Department of Corrections, Department of Health and Senior Services, and the Department of Revenue as to the cost of creating this documentation.

Officials from the **Department of Health and Senior Services (DHSS)** state §217.830.1 of the proposed legislation would require the Department of Corrections (DOC), working in conjunction with the DHSS and the Department of Revenue (DOR), to provide every Missouri-born offender with a certified copy of his or her birth certificate and a state non-driver's identification card before the offender's release upon expiration of his or her sentence. It is not clear if this legislation is attempting to waive the statutorily required search/vital records fee outlined in 193.265, RSMo.

The DHSS, Bureau of Vital Records currently maintains an existing agreement with the DOC Offender Re-entry Program, to provide certified copies of birth certificates. On average, this partnership generates revenue of approximately \$2,000 a month or 266 birth certificates issued a month. The DOC released approximately 13,000 offenders in FY22. This legislation would generate the fees for approximately 10,000 (13,000-3,200) additional birth certificates. DHSS would estimate that the majority, if not all offenders, would need a copy of their birth certificate. Therefore, DHSS estimates revenue generated between 80% and 100% (8,000 to 10,000 additional birth certificates provided.) The additional birth certificates would require one (1) FTE Administrative Support Assistant (\$32,573 annually) for the additional workload. FTE count comes from the calculation of a fifteen (15) minute application review, processing, and issuance time average with 2,080 working hours per annum which equals 8,320 applications processed

per FTE.

Birth certificates have a current fee split of \$5.00 per certificate to the Children’s Trust Fund; \$5.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; and \$1.00 to Endowed Care Cemetery.

Fund Name	FY 2024 (10 mos.)	FY 2025	FY 2026
General Revenue (\$4)	\$33,333	\$40,000	\$40,000
Children’s Trust Fund (\$5)	\$41,667	\$50,000	\$50,000
MOPHS Fund (\$5)	\$41,667	\$50,000	\$50,000
Endowed Care Cemetery Audit Fund (\$1)	\$8,333	\$10,000	\$10,000
TOTAL	\$125,000	\$150,000	\$150,000

General Revenue 10,000* \$4 = \$40,000
 Children’s Trust 10,000* \$5 = \$50,000
 Endowed Care 10,000* \$1 = \$10,000
 MOPHS Fund 10,000* \$5 = \$50,000
 Total \$150,000

It is not known if the recent constitutional amendment relating to Amendment 3 will substantially increase the requests for offender birth certificates.

Oversight does not have any information to the contrary. For fiscal note purposes, Oversight will reflect an increase in DHSS birth certificate fees of “Up To” the amount provided by DHSS since it is possible not all offenders released will be Missouri-born.

Officials from the **Department of Revenue (DOR)** state §217.830.1 of this legislation proposes that the department provide a non-driver’s identification card before the offender’s release of their sentence. Additionally, if the offender has a valid driver’s license and the copy has been lost, stolen, or destroyed; the department shall provide a duplicate of the valid license, instead of issuing a non-driver license. §217.830.2 provides if the offender already has a valid non-driver or driver license, the department shall provide the offender with a duplicate of their already issued credential. The offenders must meet the criteria outlined in the proposed legislation to be eligible for the duplicate credential.

To implement the proposed change, the DOR would require:

Administrative Impact

- Submit and maintain project documentation with OA-ITSD.
- Complete business requirements and design documents to modify the Missouri Electronic Driver License (MEDL) issuance system, MEDL central applications and supporting systems (CDIS), and for the DOR and ITSD maintained current Missouri Department of Corrections (DOC) NDL application.
- Requirements for an accounting process and tracking specific to these application types to collect prepayment and issue a voucher or an agreed upon invoice processing to collect payment after the shipment processing.
- Complete programming and user acceptance testing of the Missouri Electronic Driver License (MEDL) issuance applications.
- OA-ITSD Test the file generation and secure transfer process to ensure all required data elements and signature are sent as required.
- Update policies, procedures, the Uniform License Issuance Manual (ULIM), and allow for MOA modifications as necessary.
- Update forms, manuals, and the Department website.
- Develop training materials and complete user training as required for DOR and DOC staff.

DOR/ITSD estimates the necessary changes required by this proposal for all systems will be a one-time cost to the General Revenue Fund of **\$84,132** (\$95/IT consultant hour * 885.6 hours).

FY 2023 – Driver License Bureau

Research/Data Assistant 400hrs. @ \$17.20 per hr. = \$ 6,880
Research/Data Analyst 400hrs. @ \$25.63 per hr. = \$10,252
Administrative Manager 100 hrs. @ \$27.82 per hr. = \$ 2,782
Total \$19,914

FY 2023 – Personnel Services Bureau

Associate Research/Data Analyst 20 hrs. @ \$20.54 per hr. = \$411
Associate Research/Data Analyst 10 hrs. @ \$20.54 per hr. = \$205
Total \$616
Total Costs \$20,530

Revenue Impact

In FY 22, there were a total of 752 new non-driver licenses issued through the current Department of Corrections (DOC) submission process in place per the current agreement with DOR. DOR does not have statistics available to determine of these requests, how many may have had a current driver license on file for which a duplicate or renewal could have been issued in lieu of the non-driver license.

The Department assumes that the fees for the non-driver identification card or driver license will not be waived. As applies today in the current non-driver only program, DOC, in coordination with DSS for TANF (Temporary Assistance for Needy Families) funding or the offenders' individual funds, will submit payment to the DOR for requested documents in accordance with current Missouri non-driver and driver license statutorily defined transaction fees and processing fees.

Oversight does not have any information to the contrary. Oversight assumes DOR can absorb the administrative impact of this proposal (\$20,530) within current staffing and funding levels. Oversight will reflect the one-time IT costs against General Revenue Funds for FY24.

Oversight notes DHSS indicated in their response that DOC released approximately 12,900 offenders in FY22. If DOR issued 752 new non-driver license (NDL) IDs to DOC offenders in FY 22, it appears it would be possible for DOR to issue up to an additional 12,148 NDL IDs annually if this proposal passes ($12,900 - 752 = 12,148$). As DOR assumes the \$18 fee per NDL ID would not be waived, DOR could collect up to \$218,664 ($12,148 * \18) annually in fees to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state this section mandates the department, working in conjunction with department of health/senior services and department of revenue, to provide every Missouri born offender a certified copy of birth certificate and a state non-driver's ID before the offender's release upon expiration of his or her sentence.

In FY 22, the DOC purchased 604 non-driver's license ID's to offenders at a cost of \$18 per ID (\$10,872). It is unknown how many birth certificates would be requested by offenders; however, DOC has a Core Reallocation submission in the FY 24 Budget to address the cost of these services. Therefore, the department anticipates no fiscal impact for this section.

Oversight contacted DOC officials for clarification of their response. Officials stated their 2024 Budget Request contains a Core Reconciliation to reallocate expense and equipment from the Residential Facilities section for the expansion of services to cover costs associated with providing offenders with birth certificates and non-driver's license IDs. The Core Reallocation totals \$1,598,240. Oversight assumes the DOC will incur unknown administrative expenses helping up to 13,000 Missouri-born offenders obtain their birth certificates, NDL IDs, and SS cards, in addition to helping offenders born outside the state of Missouri fill out the required forms/applications to obtain the same information. The reallocation amount appears sufficient to cover the costs associated with the provisions of this section. However, for fiscal note purposes, Oversight will present unknown administrative fees to operate this program as well as the fees that may be paid to DHSS and DOR for birth certificates and non-driver's license IDs.

§544.453 – Release of a defendant

Oversight assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be

implemented and if this will result in a savings or cost to local jails from an increase or decrease in jail days. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this proposal.

§558.019 – Minimum prison terms

Officials from the **DOC** state this section modifies provisions relating to minimum prison terms by applying prior commitments to all classes of felonies except those set forth in Chapters 579 and 195, and those otherwise excluded in subsection 1 of this section. This would apply to offenses committed on/after August 28, 2003.

Subsection 9 states that the provisions of this section shall apply only to offenses occurring on or after August 28, 2003. The department assumes this subsection makes the new provisions of this legislation retroactive. Under this subsection, the department would recalculate the sentences of many of the offenders who have been committed to the department's custody in that time frame. In addition, many of those offenders have already completed their sentence and been discharged from custody. The department is unsure how to calculate a possible impact from those fully discharged sentences. Therefore, this subsection could result in significant unknown fiscal impact to the department.

Based on discussions with DOC officials, **Oversight** notes DOC assumes a significant unknown fiscal impact means the impact could exceed \$250,000 annually although DOC reaffirmed their statement about not knowing how to calculate the impact. Therefore, for fiscal note purposes, Oversight will present a negative unknown fiscal impact, greater than \$250,000 annually, to the General Revenue Fund.

§571.070 – Felony offenses for those in possession of a firearm

Officials from the **DOC** state this section modifies felony offenses for those in possession of a firearm. The department does not anticipate an impact. The delineation of violent and non-violent does not impact prison admissions or releases.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for this section for the DOC.

§590.060 – Peace officer training

Officials from the **Department of Public Safety - Office of the Director (DPS)** state one (1) Program Specialist will be needed for the implementation of §590.060.

Oversight does not have any information contrary to that provided by DPS. Therefore, Oversight will reflect DPS's impact for fiscal note purposes.

§§590.1070 and 590.1075 – Peace officer tuition reimbursement program

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 590.1070 and 590.1075 state that law enforcement officers who attend a certified basic training course or agencies who cover the costs for officers to such courses are eligible to receive a reimbursement for 25% of their tuition costs, up to \$6,000 per individual trainee. The Department of Public Safety has already received 305 applications for the Missouri Blue Scholarship in FY 2023. Assuming similar participation rates, costs could range from \$1million - \$2 million. B&P has no data to estimate how many additional local law enforcement agencies may participate in such a program.

Section 590.1070 and 590.1075 creates the Peace Officer Basic Training Reimbursement Program and Peace Officer Basic Training Reimbursement Fund. To the extent that contributions or other revenues are deposited into the fund, total state revenues may increase.

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the POST program will need one (1) Program Specialist to annually confirm the employment of a specific peace officer to ensure they have stayed employed in Missouri. The Program Specialist will then need to reimburse the correct individual/entity the correct amount for that year's reimbursement.

DPS states on October 28, 2022, the Missouri Department of Public Safety launched the \$1 million "Missouri Blue Scholarship" fund to help attract more Missourians to law enforcement careers and address officer shortages in law enforcement agencies across Missouri. Governor Parson and the Missouri State Legislature approved funds for this scholarship. The Missouri Blue Scholarship pays **up to \$5,000** toward the cost of a Missouri resident attending a law enforcement academy. As of December 6, 2022, \$381,853 in scholarship funds have been paid to eligible applicants. This existing scholarship addresses the intent of the proposed legislation without any additional administrative costs. DPS states this appropriation is on-going.

Oversight notes HB 3008 states that Missouri law enforcement agencies, both large and small, continue to struggle to hire law enforcement officers. Simply put, there are not enough POST-certified peace officers for the demand in this state. To attract qualified candidates into the law enforcement profession, funds shall provide scholarships for individuals attending state of Missouri licensed training centers and who are willing to commit to a Missouri law enforcement agency for **three years** following their POST certification. According to DPS's website, the \$5,000 is available for each selected non-sponsored law enforcement academy recruit to help cover the cost of attending a Missouri basic training academy. A non-sponsored law enforcement academy recruit is defined as one whose tuition is not being paid by a law enforcement agency. Recruits who attend an academy affiliated with a law enforcement agency and do not pay tuition are not eligible for this scholarship.

Oversight notes to be eligible to receive tuition reimbursement for the Peace Officer Basic training Tuition Reimbursement Program, a person shall be initially employed as a peace officer on or after September 1, 2023, submit an initial application for tuition reimbursement needs, and

meet the criteria outlined in provisions of this bill to include employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application. Government entities can also receive tuition reimbursement under the provisions of this bill even if the individual is no longer employed by the government entity as long as the individual for whom tuition was paid is still continuously employed as a full-time peace officer.

The total amount of tuition reimbursement provided to an eligible person or government entity with respect to an employee, **shall not exceed \$6,000** per person or employee. In order to receive the full amount of tuition paid, reimbursements will be made over a **four-year period** of continuous employment.

Oversight assumes reimbursement will be equal to the amount appropriated and the net effect will be zero to all funds except General Revenue.

Oversight notes the Missouri Blue Scholarship and the Peace Office Basic Training Tuition Reimbursement Program appear to be very similar. Therefore, because DPS did not require any administrative costs to administer the scholarship, Oversight assumes DPS has sufficient staff and resources to handle any increase in workload required under the provisions of this proposal.

Oversight assumes individuals and/or state and local agencies could utilize the tuition reimbursement program or may use the Missouri Blue Scholarship; therefore, Oversight will present DPS' impact to the General Revenue Fund as \$0 or up to the reimbursement cost over a four-year period.

According to DPS's budget submission, POST issued the following number of licenses per year:

CY 2018	1,146
CY 2019	1,149
CY 2020	991
CY 2021	987

This averages to roughly 1,068 licenses issued per year. However, also in the budget submission, DPS later noted that the POST Program issues approximately 1,053 new peace officer licenses every calendar year. For purposes of the fiscal note, Oversight will assume 1,053 new peace officers each year will qualify for this program. Oversight will also assume all 1,053 of the new officers (or their hiring local political subdivision) paid \$6,000 or more for their training and 80% of the new licensees will remain full time peace officers after 1 year. Therefore, with these assumptions, Oversight calculates the annual payments out of the fund for each annual class would be $1,053 \times 80\%$ (still employed as full-time peace officers) \times \$6,000 (max tuition reimbursement) \times 25% (reimbursement spread over 4 years) = \$1,263,600.

Therefore, **Oversight** assumes a cumulative impact to General Revenue that will be fully implemented in FY 2028 with four classes impacting the program (25% per year).

	FY '24	FY '25	FY '26	FY '27	FY '28
1 st year licensees	\$0	\$1,263,600	\$1,263,600	\$1,263,600	\$1,263,600
2 nd year licensees	\$0	\$0	\$1,263,600	\$1,263,600	\$1,263,600
3 rd year licensees	\$0	\$0	\$0	\$1,263,600	\$1,263,600
4 th year licensees	\$0	\$0	\$0	\$0	\$1,263,600
TOTAL	\$0	\$1,263,600	\$2,527,200	\$3,790,800	\$5,054,400

Bill as a whole

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor's current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

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

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note 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 its 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.

Officials from the **St. Joseph Police Department** assume there will be a positive fiscal impact as some trainees' expenses through the academy are paid for by the department.

Officials from the **Attorney General's Office**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Public Defender**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
GENERAL REVENUE				
<u>Cost – Special Prosecutor (§56.601) p. 4</u>	\$0 or.....	\$0 or.....	\$0 or.....	Could exceed...
Personal service	(\$1,844,000)	(\$1,880,880)	(\$1,918,498)	(\$1,918,498)
Fringe benefits	(\$1,173,006)	(\$1,186,803)	(\$1,200,876)	(\$1,200,876)
Equipment and expense	(\$100,000)	(\$100,000)	(\$100,000)	(\$100,000)
<u>Total Costs – SP</u>	(\$3,117,006)	(\$3,167,683)	(\$3,219,374)	(\$3,219,374)
FTE Change – SP	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE
<u>Costs - OA, ITSD/DSS p. 4-8 (§208.151.1(28))</u>				Could exceed...
FAMIS	(\$5,746)	(\$1,711)	(\$1,207)	(\$1,207)
MEDES	(\$46,560)	\$0	\$0	\$0
<u>Total Costs - OA, ITSD/DSS</u>	(\$52,306)	(\$1,711)	(\$1,207)	(\$1,207)
<u>Income – DHSS (§217.830) p. 8-9 Birth certificate fees</u>	Up to \$33,333	Up to \$40,000	Up to \$40,000	Up to \$40,000
<u>Income – DOR (§217.830) NDL ID fees p. 9-11</u>	Up to \$182,220	Up to \$218,664	Up to \$218,664	Up to \$218,664
<u>Costs – DHSS (§217.830) p. 8-9</u>				Could exceed...
Personal service	(\$27,144)	(\$33,224)	(\$33,889)	(\$33,889)
Fringe benefits	(\$23,143)	(\$28,015)	(\$28,264)	(\$28,264)
Equipment and expense	(\$14,501)	(\$5,006)	(\$5,106)	(\$5,106)
<u>Total Costs - DHSS</u>	(\$64,788)	(\$66,245)	(\$67,259)	(\$67,259)
FTE Change - DHSS	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
GENERAL REVENUE (continued)				
<u>Costs – DOR p. 9-11</u> (\$217.830) IT consultant costs for system updates	(\$84,132)	\$0	\$0	\$0
<u>Costs – DOC</u> (\$217.830) p. 11				
Administrative costs	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Birth certificate fees	Up to (\$125,000)	Up to (\$150,000)	Up to (\$150,000)	Up to (\$150,000)
NDL ID fees	Up to (\$182,220)	Up to (\$218,664)	Up to (\$218,664)	Up to (\$218,664)
<u>Total Costs - DOC</u>	<u>Could exceed</u> <u>(\$307,220)</u>	<u>Could exceed</u> <u>(\$368,664)</u>	<u>Could exceed</u> <u>(\$368,664)</u>	<u>Could exceed</u> <u>(\$368,664)</u>
<u>Costs – DOC p. 12</u> (\$558.019) Minimum prison terms	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)
<u>Costs – DPS</u> (\$590.060) p. 12				Could exceed...
Personal service	(\$34,752)	(\$42,536)	(\$43,387)	(\$43,387)
Fringe benefits	(\$25,989)	(\$31,499)	(\$31,817)	(\$31,817)
Equipment and expenses	(\$3,759)	(\$886)	(\$904)	(\$904)
<u>Total Costs - DPS</u>	<u>(\$64,500)</u>	<u>(\$74,921)</u>	<u>(\$76,108)</u>	<u>(\$76,108)</u>
FTE Change – DPS	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
GENERAL REVENUE (continued)				
<u>Transfer Out –</u> p. 13-15 (§§590.1070 and 590.1075) To POST Reimbursement Fund	\$0	Up to (\$1,263,600)	Up to (\$2,527,200)	Up to (\$5,054,400)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Could exceed</u> <u>(\$3,724,399)</u>	<u>Could exceed</u> <u>(\$4,934,160)</u>	<u>Could exceed</u> <u>(\$6,251,148)</u>	<u>Could exceed</u> <u>(\$8,778,348)</u>
Estimated Net FTE Change on the General Revenue Fund	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE	Up to 33 FTE
CHILDREN’S TRUST FUND (0694)				
<u>Income – DHSS</u> p. 8-9 (§217.830) Birth certificate fees	<u>Up to \$41,667</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>
ESTIMATED NET EFFECT ON THE CHILDREN’S TRUST FUND	<u>Up to \$41,667</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
MISSOURI PUBLIC HEALTH SERVICES FUND (0298)				
<u>Income – DHSS p. 8-9 (§217.830) Birth certificate fees</u>	<u>Up to \$41,667</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>
ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND	<u>Up to \$41,667</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>	<u>Up to \$50,000</u>
ENDOWED CARE CEMETERY AUDIT FUND				
<u>Income – DHSS p. 8- 9 (§217.830) Birth certificate fees</u>	<u>Up to \$8,333</u>	<u>Up to \$10,000</u>	<u>Up to \$10,000</u>	<u>Up to \$10,000</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>Up to \$8,333</u>	<u>Up to \$10,000</u>	<u>Up to \$10,000</u>	<u>Up to \$10,000</u>

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
PEACE OFFICER BASIC TRAINING REIMBURSEMENT FUND				
<u>Transfer In – p. 13-15 (§§590.1070 and 590.1075) From General Revenue</u>	\$0	Up to \$1,263,600	Up to \$2,527,200	Up to \$5,054,400
<u>Cost - (§§590.1070 and 590.1075) Reimbursement to individuals or departments for basic law enforcement training p. 13-15</u>	\$0	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out – p. 13-15 (§§590.1070 and 590.1075) Local Political Subdivisions (Police and Sheriff’s Departments)</u>	\$0	(Less than \$1,263,600)	(Less than \$2,527,200)	(Less than \$5,054,400)
ESTIMATED NET EFFECT ON THE PEACE OFFICER BASIC TRAINING TUITION REIMBURSEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
FEDERAL FUNDS				
<u>Income</u> - OA, ITSD/DSS (§208.151.1(28)) Reimbursement for FAMIS and MEDES changes p. 4-8	\$156,916	\$3,533	\$3,622	\$3,622
<u>Costs</u> - OA, ITSD/ DSS (§208.151.1(28)) p. 4-8				
FAMIS updates	(\$17,236)	(\$3,533)	(\$3,622)	(\$3,622)
MEDES updates	(\$139,680)	\$0	\$0	\$0
<u>Total Costs</u> - OA, ITSD/DSS	(\$156,916)	(\$3,533)	(\$3,622)	(\$3,622)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	\$0	\$0	\$0	\$0

<u>FISCAL IMPACT – Local Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
POLICE AND SHERIFF'S DEPARTMENTS				
<u>Transfer In</u> - (§§590.1070 and 590.1075) From Peace Officer Basic Training Reimbursement Fund p. 13-15	\$0	Less than \$1,263,600	Less than \$2,527,200	Less than \$5,054,400

<u>Savings/Cost –</u> (§544.453) p. 11-12 Implementing new provisions relating to setting bail or conditions of release	<u>Unknown to</u> <u>(Unknown)</u>	<u>Unknown to</u> <u>(Unknown)</u>	<u>Unknown to</u> <u>(Unknown)</u>	<u>Unknown to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLICE AND SHERIFF’S DEPARTMENTS	<u>Unknown to</u> <u>(Unknown)</u>	<u>More or</u> <u>Less than</u> <u>\$1,263,600</u>	<u>More or</u> <u>Less than</u> <u>\$2,527,200</u>	<u>More or</u> <u>Less than</u> <u>\$5,054,400</u>

FISCAL IMPACT – Small Business

This proposal could impact certain small businesses that provide training to law enforcement agencies or departments.

FISCAL DESCRIPTION

SPECIAL PROSECUTOR (Section 56.601)

This bill allows the Governor to appoint a special prosecutor in the City of St. Louis for a period of five years if, after reviewing various relevant statistics, the Governor determines that a threat to public safety and health exists in the City of St. Louis. The Governor will be able to renew the five-year term of the special prosecutor if the Governor determines that the threat to the public safety and health continues. The special prosecutor will have exclusive jurisdiction to initiate and prosecute certain offenses as specified in the bill. The Governor may remove the special prosecutor for felony criminal misconduct or incompetency. Funds for the special prosecutor will be provided by the state from the General Revenue Fund. The special prosecutor will have a budget and will be authorized to hire up to 15 assistant special prosecuting attorneys and up to 15 staff members. These provisions are subject to an emergency clause.

SERVICES FOR FORMER INMATES (Sections 208.151 and 217.830)

The bill provides that, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services, any person who has been released from the custody of the Department of Corrections (DOC) within the previous six months and who does not have access to health insurance through a job or other avenues shall be eligible to receive MO HealthNet benefits for six months. Additionally, DOC, working with the Department of Health and Senior Services and the Department of Revenue, must provide every Missouri-born offender with various documentation, including his or her birth certificate and a state identification card, prior to the offender's release upon the expiration of his or her sentence. For offenders born outside the state,

DOC must assist the offender in completing the necessary forms and applications to obtain the necessary documentation.

CONDITIONS OF RELEASE (Section 544.453)

The bill establishes certain factors that must be considered when a judge or judicial officer sets bail. The factors include whether the person poses a danger, is a flight risk, has committed certain offenses in the last five years, or has failed to appear in court as a condition for probation or parole for certain offenses with the last three years.

MINIMUM PRISON TERMS (Sections 217.760 and 558.019)

Currently, certain offenses, including second degree murder, voluntary and involuntary manslaughter, first degree assault, and other offenses, have minimum prison terms for offenders with prior felony convictions. This bill repeals those provisions relating to certain offenses and provides that all classes of felonies, except controlled substance offenses, shall be subject to minimum prison terms for offenders with prior felony convictions. The bill also repeals provisions that allow offenders convicted prior to August 28, 2019, to no longer be subject to these minimum prison terms. The bill provides that these provisions shall apply only to offenses occurring on or after August 28, 2003.

UNLAWFUL POSSESSION OF A FIREARM (Section 571.070) Current law provides that a person commits the offense of unlawful possession of a firearm if the person knowingly possesses a firearm and the person has been convicted of a felony. This bill changes the provision to apply only to individuals who have been convicted of a violent felony. The bill also specifies that a person commits the offense of unlawful possession of a firearm if the person knowingly has a firearm in his or her possession and the person is either on probation or parole for a nonviolent felony or the person is under 18 years of age, is on public property, is not accompanied by an adult 21 years old or older, and is not possessing the firearm as otherwise allowed by law.

LAW ENFORCEMENT (Sections 590.060, 590.1070, and 590.1075)

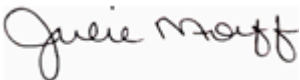
The bill also specifies that no law enforcement agency or political subdivision empowered by law to maintain a law enforcement agency will contract with any public or private entity to provide law enforcement training unless the entity's instructors and curriculum have been approved by the Department of Public Safety. The bill also establishes the "Peace Officer Basic Training Tuition Reimbursement Program". Missouri residents who attend a basic law enforcement academy for training required to be a peace officer and who obtain full-time employment with a law enforcement agency, on or after September 1, 2023, may apply to have their tuition reimbursed under the program at a rate of 25% per year of employment, with full tuition reimbursed by the end of four years of employment. Qualifying government entities that pay for a person to attend the academy may submit for tuition reimbursement at the same rate. The POST Commission will be the administrative agency for implementation of the

reimbursement program. The bill also establishes the "Peace Officer Basic Training Tuition Reimbursement Fund", which will consist of moneys appropriated by the General Assembly, as well as any gifts, bequests, or donations, and the funds are to be used solely for the administration of the reimbursement program.

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Revenue
Department of Public Safety
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of Administration - Budget and Planning
Office of the Governor
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



Julie Morff
Director
January 25, 2023



Ross Strobe
Assistant Director
January 25, 2023