

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0695H.02C  
 Bill No.: HCS for 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: February 6, 2023

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
General Revenue*	Could exceed (\$3,842,537)	Could exceed (\$5,070,431)	Could exceed (\$6,399,655)	Could exceed (\$8,926,855)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$3,842,537)</b>	<b>Could exceed (\$5,070,431)</b>	<b>Could exceed (\$6,399,655)</b>	<b>Could exceed (\$8,926,855)</b>

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

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2028)</b>
Peace Officer Basic Training Tuition Reimbursement*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Transfers In and disbursements net to zero.

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

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2028)</b>
General Revenue	Up to 32 FTE	Up to 32 FTE	Up to 32 FTE	Up to 32 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Up to 32 FTE</b>	<b>Up to 32 FTE</b>	<b>Up to 32 FTE</b>	<b>Up to 32 FTE</b>

- 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.

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

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

#### §56.601 – Special prosecutor

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 56.601 would allow a special committee or the Governor to appoint a special prosecutor in a jurisdiction with a rate of homicide cases that have not been filed, declined, or adjudicated for 12 months exceeding 35 cases per 100,000 people. 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.

Officials from the **Attorney General's Office (AGO)** state they believe the cost of implementing section 56.601 may be higher than that originally estimated by B&P. The AGO estimates the salary for an attorney to handle the types of cases listed in section 56.601(2) should be closer to \$85,000. Additionally, they estimate E&E expenses for each employee to be \$14,485. Therefore, for 31 employees, the AGO estimates E&E expenses at \$448,942.

**Oversight** assumes because the potential for a special prosecutor is speculative, Oversight will reflect an impact of \$0 (no special prosecutor required) or the impact estimated by the AGO 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, the cost for the program would be funded entirely by General Revenue.

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:

<a href="#">Program</a>	<a href="#">Monthly Income Limit</a>	Asset Limit
MO HealthNet for Families (MHF)	<b>Individual:</b> \$141 <b>Couple:</b> \$241	None
Adult Expansion Group (AEG)	<b>Individual:</b> \$1,563 <b>Couple:</b> \$2,106	None
<a href="#">MO HealthNet for Aged, Blind or Disabled</a>	<b>Non-Spend Down:</b> <b>Individual:</b> Elderly or disabled - \$963 Blind - \$1,133 <b>Couple:</b> Elderly or disabled - \$1,297 Blind - \$1,526	<b>Individual:</b> \$5,301.85  <b>Couple:</b> \$10,603.70
	<b>Spend Down</b> 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 Section 208.151 (28). The proposed legislation adds MO HealthNet coverage for persons released for a correctional center within the previous six months and do not have access to health insurance. 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 – Services for former inmates

Officials from the **Department of Corrections (DOC)** state this section mandates the department, working in conjunction with Department of Health and Senior Services and Department of Revenue, 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 IDs to offenders at a cost of \$18 per ID (\$10,872). 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.

#### §301.3175 – Special license plate

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

#### Administrative Impact

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

- Update procedures and the Department website;
- Update the Application for Missouri Personalized and Special License Plates (DOR-1716);
- Communicate with the Missouri Law Enforcement Memorial Foundation for any additional developments of the license plate; and



- Complete programming and user acceptance testing for identified systems.

FY 2024 – Motor Vehicle Bureau

Associate Research Data Analyst 161 hrs. @ \$19.91 per hr. = \$3,206

Research Data Analyst 40 hrs. @ \$24.84 per hr. = \$994

Administrative Manager 20 hrs. @ \$26.97 per hr. = \$539

FY 2024 – Strategy and Communications Office

Associate Research Data Analyst 40 hrs. @ \$19.91 per hr. = \$796

**Total Costs = \$5,535**

**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.

Plate manufacturing cost:

**DOR** states they pay \$3.90 per plate for manufacturing flat plates through Missouri Vocational Enterprises (MVE).

It is unknown how many applicants would continue to apply for these license plates. The Department made 1,409 this year at a cost to the Department of \$10,990, on average DOR keys about 117 of these applications a month, currently.

**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

**DOR** notes OA-ITSD services will be required at a cost of **\$40,528** in FY 2024 (426.61 hours x \$95 per hour).

**Oversight** does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs on the fiscal note.

Revenue Impact

**DOR** notes this legislation will result in an increase in the \$15 specialty plate reservation fees collected. It is unknown how significant of an increase this legislation will have on the issuance of Back the Blue plates, but the increase should be minimal. \$15 specialty plate reservation fees are split 75-15-10 to Highways, Cities, and Counties.

**Oversight** notes if DOR processes approximately 117 applications for the “Back the Blue” license plate per month, this would equate to approximately \$21,060 per year (117 x \$15 x 12 months). Oversight is not able to determine how many drivers that were not able to obtain the plates due to vehicle weight restrictions will now apply for these specialty plates. Oversight assumes the number of drivers with vehicles in this weight class that will now apply for the “Back the Blue” plates will not be material; therefore, Oversight assumes the increase in revenue from these specialty plates will be minimal.

Officials from the **Missouri Department of Transportation** assume 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 in the fiscal note for MoDOT.

#### §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.

Subdivision 6, subsection 2 appears to conflict with subdivision 2, subsections 1 through 3 as listed below:

- Subdivision 2, subsection 1- establishes eligibility at 40 percent
- Subdivision 2, subsection 2- establishes eligibility at 50 percent
- Subdivision 2, subsection 3- establishes eligibility at 80 percent
- Proposed subdivision 6, subsection 2- appears to apply a blanket 85 percentage

Due to the conflicts between subdivisions of this section, the DOC is unable to estimate a fiscal impact, as it is unclear how to calculate the percentages that would apply to these offenses. Therefore, the DOC assumes an unknown impact to this section.

**Oversight** notes this proposal removes the language which states that provisions of this section apply only to offenses committed on/after August 28, 2003. Therefore, Oversight will reflect DOC’s estimated (unknown) impact for fiscal note purposes.

§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 states 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 \$1 million - \$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.

The portion reimbursing officers for basic training costs appears to duplicate the Missouri Blue Scholarship program administered by the Department of Public Safety, with the primary difference being that this bill would also reimburse law enforcement agencies who foot the bill for basic training costs. It is also worth noting that this program would reimburse trainees up to \$6,000 (or 25%, whichever is less) per person rather than \$5,000 per person with the Missouri Blue Scholarship.

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 x 80% (still employed as full-time peace officers) x \$6,000 (max tuition reimbursement) x 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 <sup>st</sup> year licensees	\$0	\$1,263,600	\$1,263,600	\$1,263,600	\$1,263,600
2 <sup>nd</sup> year licensees	\$0	\$0	\$1,263,600	\$1,263,600	\$1,263,600
3 <sup>rd</sup> year licensees	\$0	\$0	\$0	\$1,263,600	\$1,263,600
4 <sup>th</sup> year licensees	\$0	\$0	\$0	\$0	\$1,263,600
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,263,600</b>	<b>\$2,527,200</b>	<b>\$3,790,800</b>	<b>\$5,054,400</b>

Officials from the **Department of Natural Resources (DNR)** state Missouri State Parks (MSP) sends, on average, five (5) rangers per year for POST certification training. Cost of POST training certification is approximately \$4,500 per person per fiscal year. The reimbursement based on a maximum of five (5) rangers at 25% reimbursement would be \$5,625 per year at maximum dependent on amount of cost of Post Certification remaining the same. Therefore, there will be a cost avoidance of \$5,625 to the Parks Sales Tax Fund for law enforcement training. **Oversight** notes that the balance in the Parks Sales Tax Fund as of January 31, 2023 was \$33,571,909.38 and will consider the savings de minimus and not show them in the fiscal note.

In response to a previous version, officials from the **St. Joseph Police Department** assumed there will be a positive fiscal impact as some trainees' expenses through the academy are paid for by the department.

Bill as a whole

In response to a previous version, officials from the **Office of the Governor (GOV)** stated 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.

In response to a previous version, officials from the **Office of the Secretary of State (SOS)** noted 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 **Attorney General's Office**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Public Safety – Capitol Police**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Phelps County Sheriff's Department** assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Department of Public Safety – Missouri Highway Patrol**, the **Missouri Department of Conservation**, the **Office of the State Public Defender**, the **Kansas City Police Department**, and the **St. Louis County Police Department** 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 in the fiscal note for these agencies.

**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)
<b>GENERAL REVENUE</b>				
<u>Cost – Special Prosecutor (§56.601) p. 4</u>	\$0 or...	\$0 or...	\$0 or...	Could exceed...
Personal service	(\$2,099,000)	(\$2,140,980)	(\$2,183,800)	(\$2,183,800)
Fringe benefits	(\$1,187,016)	(\$1,284,149)	(\$1,300,169)	(\$1,300,169)
Equipment and expense	(\$399,187)	(\$305,070)	(\$311,171)	(\$311,171)
<u>Total Costs – SP</u>	(\$3,685,203)	(\$3,730,199)	(\$3,795,140)	(\$3,795,140)
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>Costs – DOR p. 8-10 (§301.3175) OA-ITSD services</u>	(\$40,528)	\$0	\$0	\$0
<u>Costs – DOC p. 10 (§558.019) Minimum prison terms</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – DPS (§590.060) p. 11</u>				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>	(\$64,500)	(\$74,921)	(\$76,108)	(\$76,108)

FTE Change – DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
<b>GENERAL REVENUE</b> (continued)				
<u>Transfer Out – p. 11-13 (§§590.1070 and 590.1075) To POST Reimbursement Fund</u>	\$0	Up to (\$1,263,600)	Up to (\$2,527,200)	Up to (\$5,054,400)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<u>Could exceed</u> <u>(\$3,842,537)</u>	<u>Could exceed</u> <u>(\$5,070,431)</u>	<u>Could exceed</u> <u>(\$6,399,655)</u>	<u>Could exceed</u> <u>(\$8,926,855)</u>
Estimated Net FTE Change on the General Revenue Fund	Up to 32 FTE	Up to 32 FTE	Up to 32 FTE	Up to 32 FTE
<b>PEACE OFFICER BASIC TRAINING REIMBURSEMENT FUND</b>				
<u>Transfer In – p. 11-13 (§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</u>				



departments for basic law enforcement training p. 11-13	\$0	(Unknown)	(Unknown)	(Unknown)
<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
<u>Transfer Out –</u> p. 11-13 (§590.1070 and 590.1075) Local Political Subdivisions (Police and Sheriff’s Departments)	\$0	(Less than \$1,263,600)	(Less than \$2,527,200)	(Less than \$5,054,400)
<b>ESTIMATED NET EFFECT ON THE PEACE OFFICER BASIC TRAINING TUITION REIMBURSEMENT FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>FEDERAL FUNDS</b>				
<u>Income - OA, ITSD/DSS</u> (§208.151.1(28)) Reimbursement for FAMIS and MEDES changes p. 4-8	\$156,916	\$3,533	\$3,622	\$3,622
<u>Costs - OA, ITSD/DSS</u> (§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 - OA, ITSD/DSS</u>	<u>(\$156,916)</u>	<u>(\$3,533)</u>	<u>(\$3,622)</u>	<u>(\$3,622)</u>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT – Local Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
<b>POLICE AND SHERIFF’S DEPARTMENTS</b>				
<u>Transfer In - (\$590.1070 and 590.1075) From Peace Officer Basic Training Reimbursement Fund p. 11-13</u>	\$0	Less than \$1,263,600	Less than \$2,527,200	Less than \$5,054,400
<u>Savings/Cost – (\$544.453) p. 10 Implementing new provisions relating to setting bail or conditions of release</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON POLICE AND SHERIFF’S DEPARTMENTS</b>	<u>Unknown to (Unknown)</u>	<u>More or Less than \$1,263,600</u>	<u>More or Less than \$2,527,200</u>	<u>More or Less than \$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 (Sections 56.110 and 56.601)

This bill allows the Governor to appoint a special prosecutor for a period of up to five years if the rate of homicides in any circuit or prosecuting attorney's jurisdiction exceeds 35 cases per every 100,000 people and, after a review of certain crime statistics, the Governor determines there is a threat to public safety and health. If the Governor makes such a determination he or she shall submit a request to the Missouri Special Prosecutor Appointment Committee to select an attorney to serve as the special prosecutor. The bill creates the "Missouri Special Prosecutor Appointment Committee" which will be comprised of five members, as specified in the bill. If the committee does not give the Governor the name of a person to appoint, within 30 days of the receiving the request, the Governor will select a person himself or herself. The special prosecutor will have exclusive jurisdiction to initiate and prosecute certain offenses as specified in the bill. Funds for the special prosecutor will be provided by the state from the General Revenue Fund. The special prosecutor will have a budget and 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 must create a policy and procedures outlining for offenders how to obtain various documentation, including his or her birth certificate, Social Security card, and a state identification card, prior to the offender's release.

#### SPECIAL LICENSE PLATES (Section 301.3175)

This bill directs the Department of Revenue to issue the Back the Blue special license plate for non-apportioned vehicles of any classification for which it issues plates.

#### 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 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. Such offenders will no longer be subject to the minimum prison terms if they complete certain requirements, such as completing a drug treatment program and passing a drug test prior to release. It also provides that offenders convicted of a sexually violent crime or any unlawful sexual offense under Chapter 566, RSMo, will be required to serve 100% of their sentences prior to being eligible for probation or parole. The bill also clarifies that these provisions do not prohibit offenders from earning credits through DOC for various reasons.

#### 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.

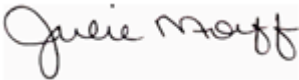
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

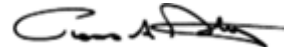
Attorney General's Office  
Office of Administration - Budget and Planning  
Department of Health and Senior Services  
Department of Mental Health  
Department of Natural Resources

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Department of Corrections  
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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  
February 6, 2023



Ross Strobe  
Assistant Director  
February 6, 2023