# COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

#### **FISCAL NOTE**

L.R. No.: 0695H.02P

Bill No.: Perfected HCS for HB 301

Subject: Crimes and Punishment; Criminal Procedure; Firearms; Courts; Law Enforcement

Officers and Agencies; Attorneys; Saint Louis City; Governor and Lt. Governor

Type: Original

Date: February 8, 2023

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

# **FISCAL SUMMARY**

ESTI	MATED NET EFI	FECT ON GENER	RAL REVENUE F	UND
FUND	FY 2024	FY 2025	FY 2026	Fully
AFFECTED				Implemented
				(FY 2028)
General	Could exceed	Could exceed	Could exceed	Could exceed
Revenue*	(\$3,415,925)	(\$4,162,440)	(\$5,108,812)	(\$7,664,562)
<b>Total Estimated</b>				
Net Effect on				
General	Could exceed	Could exceed	Could exceed	Could exceed
Revenue	(\$3,415,925)	(\$4,162,440)	(\$5,108,812)	(\$7,664,562)

<sup>\*</sup>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.

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

<sup>\*</sup>Transfers In and disbursements net to zero.

	ESTIMATED NE	ET EFFECT ON FI	EDERAL FUNDS	
FUND	FY 2024	FY 2025	FY 2026	Fully
AFFECTED				Implemented
				(FY 2028)
<b>Total Estimated</b>				
Net Effect on All				
Federal Funds	\$0	\$0	\$0	\$0

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ESTIMA	ATED NET EFFE	CT ON FULL TIN	ME EQUIVALENT	(FTE)
FUND	FY 2024	FY 2025	FY 2026	Fully
AFFECTED				Implemented
				(FY 2028)
General Revenue	Up to 28 FTE	Up to 24 FTE	Up to 19 FTE	Up to 19 FTE
<b>Total Estimated</b>				
Net Effect on				
FTE	Up to 28 FTE	Up to 24 FTE	Up to 19 FTE	Up to 19 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	FY 2024	FY 2025	FY 2026	Fully							
AFFECTED				Implemented							
				(FY 2028)							
Local	Unknown to	More or Less	More or Less	More or Less							
Government	(Unknown)	than \$1,263,600	than \$2,527,200	than \$5,054,400							

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# **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.

## §301.3175 – Special license plate

In response to a previous version, officials from the **Department of Revenue (DOR)** assumed 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:

In response to a previous version, **DOR** stated they pay \$3.90 per plate for manufacturing flat plates through Missouri Vocational Enterprises (MVE).

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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.

In response to a previous version, **DOR** noted 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

In response to a previous version, **DOR** noted 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.

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# §§590.1070 and 590.1075 – Peace officer tuition reimbursement program

In response to a previous version, officials from the **Office of Administration - Budget and Planning (B&P)** stated 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.

In response to a previous version, officials from the **Department of Public Safety - Office of the Director (DPS)** stated 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 <a href="mailto:up to \$5,000">up to \$5,000</a> 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

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\$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

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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
TOTAL	\$0	\$1,263,600	\$2,527,200	\$3,790,800	\$5,054,400

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.

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.

In response to a previous version, officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

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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.

In response to a previous version, 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 and Missouri Highway Patrol), the Missouri Department of Conservation, the Office of the State Courts Administrator, the Office of the State Public Defender, the Kansas City Police Department, the St. Louis County Police Department, and the Phelps County Sheriff's 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.

# House Amendment 1, AA

# §56.601 – Special prosecutor

In response to a previous version, officials from the **Attorney General's Office (AGO)** stated 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.

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### §217.830 – Services for former inmates

Officials from the **Department of Corrections (DOC)** state the provisions of IDs are no impact. Some of the additional requirements would require more staff time that the DOC is unable to quantify at this time; therefore, this will have an unknown impact.

In response to a previous version, the DOC stated 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.

**Oversight** notes the provisions of this section state the DOC is to develop policies and procedures outlining for offenders how to obtain a birth certificate, Social Security card, and state identification prior to release. This amendment will now include how to apply for Medicaid. Additionally, the DOC is to provide any educational or special training certificate to the offender at the time he or she is released from custody.

Oversight assumes the DOC will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the DOC for fiscal note purposes.

# §558.019 – Minimum prison terms

**DOC** states table 1 includes the numbers used to estimate the potential impact of this proposal. In FY 2022, there were 1,311 new prison commitments of offenders with no dangerous felony sentence and one previous prison commitment. There were 136 prison commitments of offenders with no dangerous felony sentence and two prior prison commitments. There were 84 prison commitments of offenders with no dangerous felony sentence and three or more prior prison commitments.

Table 1. FY 2022 New Commitments and Releases of New Commitments with Prior Prison
Commitments and No Dangerous Felony Sentences

	_ <u>F</u>	Y 2022 R	eleases of	New Com	mitments	<u> </u>	FY 2022	New Comr	mitments
									New
			Ave.	Ave. Stay				Ave.	Ave. Stay
			Sentence	to First				Sentence	to First
Prior Prison			Length	Release	% of			Length	Release
Commitments	N	umber	(Years)	(Years)	Sentence	N	umber	(Years)	(Years)
	1	1,050	6.3	2.2	33%		1,311	6.1	2.4
	2	115	5.9	2	33%		136	6.1	3.5
	3	51	5.6	2.2	39%		84	7.1	5.68

In all instances, it appears that the proposal would increase the proportion of total sentence that these offenders would likely serve prior to first release. New commitments with one prior prison

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commitment would serve 40% of their sentence instead of 33% of their sentence prior to first release. New commitments with two prior prison commitments would serve 50% of their sentence instead of 33% of their sentence prior to first release. New commitments with three or more prior prison commitments would serve 80% of their sentence instead of 39% of their sentence prior to first release.

The two following tables show the immediate and long-term impact they estimate from the change to prison terms in this proposal for offenders with one prior commitment starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 1,311 new commitments who also have a prior commitment to serve 40% of their sentence prior to first release will result in 131 more offenders with no dangerous felony sentence and one prior prison commitment in prison by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	1311	1311	1311	1311	1311	1311	1311	1311	1311	1311
After Legislation	1311	1311	1311	1311	1311	1311	1311	1311	1311	1311
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Lav	v)								
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison				131	131	131	131	131	131	131
Parole				-131	-131	-131	-131	-131	-131	-131
Probation										
Impact										
Prison Population				131	131	131	131	131	131	131
Field Population				-131	-131	-131	-131	-131	-131	-131
Population Change	0	0	0	0	0	0	0	0	0	0

Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 1,311 offenders admitted with one prior commitment in FY 2024, 433 will return with a new commitment in FY 2029. Those offenders will then be required to serve 50% of their sentence prior to first release. Therefore, they expect an additional 303 offenders in prison by FY 2033.

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#### Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	433	433	433	433	433
After Legislation	0	0	0	0	0	433	433	433	433	433
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Lav	v)								
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison									260	303
Parole									-260	-303
Probation										
Impact										
Prison Population									260	303
Field Population									-260	-303
Population Change	0	0	0	0	0	0	0	0	0	0

The two following tables show the immediate and long-term impact DOC estimates from the change to prison terms in this proposal for offenders with two prior commitments starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 136 new commitments who also have two prior commitments to serve 50% of their sentence prior to first release will result in 109 more offenders with no dangerous felony sentence and two prior prison commitments in prison by FY 2028.

#### Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	136	136	136	136	136	136	136	136	136	136
After Legislation	136	136	136	136	136	136	136	136	136	136
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Law	v)								
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison				95	109	109	109	109	109	109
Parole				-95	-109	-95	-82	-82	-82	-82
Probation										
Impact										
Prison Population				95	109	109	109	109	109	109
Field Population				-95	-109	-95	-82	-82	-82	-82
Population Change	0	0	0	0	0	14	27	27	27	27

Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 136 offenders admitted with two prior commitments in FY 2024, 45 will return with a new commitment in FY 2029. Those offenders will then be required to serve 80% of their sentence

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prior to first release. Therefore, they expect an additional 76 offenders in prison by FY 2033. The full impact from this group continues beyond the 10-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	45	45	45	45	45
After Legislation	0	0	0	0	0	45	45	45	45	45
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Lav	v)								
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison									31	76
Parole									-31	-76
Probation										
Impact										
Prison Population									31	76
Field Population									-31	-76
Population Change	0	0	0	0	0	0	0	0	0	0

The two following tables show the immediate and long-term impact they estimate from the change to prison terms in this proposal for offenders with three or more prior commitments starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 84 new commitments who also have three or more prior commitments to serve 80% of their sentence prior to first release will result in 235 more offenders with no dangerous felony sentence and two prior prison commitments in prison by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2024	FY 2025	FY 2026	FY2027	FY 2028	FY 2029	FY2030	FY2031	FY 2032	FY 2033
New Admissions										
Current Law	84	84	84	84	84	84	84	84	84	84
After Legislation	84	84	84	84	84	84	84	84	84	84
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Lav	v)								
Admissions										
Probations										
Cumulative Populations										
Prison				59	143	227	235	235	235	235
Parole				-59	-143	-193	-118	-109	-109	-109
Probation										
Impact										
Prison Population				59	143	227	235	235	235	235
Field Population				-59	-143	-193	-118	-109	-109	-109
Population Change	0	0	0	0	0	34	118	126	126	126

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Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 84 offenders admitted with three or more prior commitments in FY 2024, 28 will return with a new commitment in FY 2029. Those offenders will then be required to serve 80% of their sentence prior to first release. Therefore, DOC expects an additional 19 offenders in prison by FY 2033. The full impact from this group continues beyond the 10-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	28	28	28	28	28
After Legislation	0	0	0	0	0	28	28	28	28	28
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current Lav	v)								
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison										19
Parole										-19
Probation										
Impact										
Prison Population										19
Field Population										-19
Population Change	0	0	0	0	0	0	0	0	0	0

# Combined Estimated Cumulative Impact from Changes to Section 558.019

DOC estimates this proposal will result in an additional 873 offenders with no dangerous felony sentence and at least one prior prison commitment in prison by FY 2033, and that there is an additional impact on the prison population beyond the ten-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	1,531	1,531	1,531	1,531	1,531	2,036	2,036	2,036	2,036	2,036
After Legislation	1,531	1,531	1,531	1,531	1,531	2,036	2,036	2,036	2,036	2,036
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislatio	n - Current La	w)								
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	0	0	0	285	383	467	475	475	766	873
Parole	0	0	0	-285	-383	-419	-331	-322	-613	-720
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	0	0	0	285	383	467	475	475	766	873
Field Population	0	0	0	-285	-383	-419	-331	-322	-613	-720
Population Change	0	0	0	0	0	48	145	153	153	153

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**Oversight** notes DOC assumes a significant unknown fiscal impact beyond the ten-year time frame of this response. Therefore, for fiscal note purposes, Oversight will present a negative unknown fiscal impact to the General Revenue Fund.

## §558.043 – Sentencing of a defendant

**DOC** states section 558.043 allows the courts to depart from the minimum prison terms for certain cases. The DOC assumes a \$0 to Unknown cost savings from this legislation change as it is unknown how many cases the court will decide to depart from minimum prison terms.

**Oversight** assumes there will not be enough cases where the court departs from the applicable statutory minimum sentence or minimum prison term required by section 558.019 to create a material impact.

# §571.031 – Blair's Law

In response to similar legislation from 2023 (HB 109), officials from the **Department of Corrections (DOC)** stated the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

In response to similar legislation from 2023 (HB 109), officials from the **Office of the State Public Defender (SPD)** state the creation of Blair's Law under Section 571.031 will have an unknown impact on SPD, as the additional number of cases which will require SPD representation is unknown.

**Oversight** notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2023 (HB 109), officials from the **Department of Public Safety** – (**Missouri National Guard** and **Missouri Highway Patrol**), the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **City of Kansas City**, the **City of Springfield**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** assumed the proposal will have no fiscal impact on their respective organizations.

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In response to similar legislation from 2022 (HB 1568), officials from the **Attorney General's Office (AGO)** 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.

#### <u>§571.070 – Firearms</u>

In response to similar legislation from 2023 (HB 55), officials from the **Department of Corrections (DOC)** stated this section changes the offense of unlawful possession of a firearm by allowing persons who have completed their sentence for a nonviolent felony to possess firearms.

The bill intends to modify the offense of unlawful possession of firearms in order to allow people convicted of a felony offense, other than a dangerous felony, to possess firearms once the terms of their sentence(s) are complete.

The current proposal is to remove the possibility of a new felony conviction for the possession of a firearm by someone who has no history of a dangerous felony offense and who completed the terms of all-prior other types of felony sentences.

# **Operational Impact**

In FY 2022, there were 22 new court commitments of offenders on unlawful firearm possession sentences under Section 571.070 who had no other active sentences and no history of a dangerous felony offense. Their average sentence length was 4.3 years.

In FY 2022, there were 16 offenders who were first released following new court commitments on unlawful firearm possession sentences under Section 571.070 who had no other active sentences at the time of their prison entry and who had no history of a dangerous felony offense. The average sentence length was 4.5 years, and the average stay in prison prior to first release was 1.2 years.

In FY 2022, there were 203 new probation cases opened for offenders with sentences for unlawful firearm possession under section 571.070 who had no other active sentences and who had no history of a dangerous felony offense. The average sentence length was 4.3 years.

Based on FY 2022, this bill could reduce new court commitments to prison by approximately 22 offenders per year and new probation cases by approximately 203 per year. The cumulative impact of these changes is estimated to be approximately 48 fewer people in prison and 627 fewer people under field supervision by FY 2026.

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Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY 2024	FY2025	FY2026	FY 2027	FY2028	FY2029	FY 2080	FY2031	FY 2032	FY 2033
New Admissions										
Current Law	22	22	22	22	22	22	22	22	22	22
After Legislation	0	0	0	0	0	0	0	0	0	0
Probation										
Current Law	203	203	203	203	203	203	203	203	203	203
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislatio	on - Current La	w)								
Admissions	-22	-22	-22	-22	-22	-22	-22	-22	-22	-22
Probations	-203	-203	-203	-203	-203	-203	-203	-203	-203	-203
Cumulative Populations	5									
Prison	-22	-44	-48	-48	-48	-48	-48	-48	-48	-48
Parole			-18	-40	-46	-46	-46	-46	-46	-46
Probation	-203	-406	-609	-609	-609	-609	-609	-609	-609	-609
Impact										
Prison Population	-22	-44	-48	-48	-48	-48	-48	-48	-48	-48
Field Population	-203	-406	-627	-649	-655	-655	-655	-655	-655	-655
Population Change	-225	-450	-675	-697	-703	-703	-703	-703	-703	-703

							Grand Total -
				Change in	Total savings	# to	Prison and
				probation	for	probation	Probation
	# to	Cost per	Total Savings	& parole	probation	and	(includes 2%
	prison	year	for <b>prison</b>	officers	and parole	parole	inflation)
Year 1	(22)	(\$9,499)	\$174,148	(3)	\$191,069	(203)	\$365,217
Year 2	(44)	(\$9,499)	\$426,315	(7)	\$540,690	(406)	\$967,005
Year 3	(48)	(\$9,499)	\$474,372	(12)	\$936,811	(627)	\$1,411,183
Year 4	(48)	(\$9,499)	\$483,860	(12)	\$946,838	(649)	\$1,430,698
Year 5	(48)	(\$9,499)	\$493,537	(12)	\$956,976	(655)	\$1,450,513
Year 6	(48)	(\$9,499)	\$503,408	(12)	\$967,244	(655)	\$1,470,652
Year 7	(48)	(\$9,499)	\$513,476	(12)	\$977,610	(655)	\$1,491,086
Year 8	(48)	(\$9,499)	\$523,746	(12)	\$988,124	(655)	\$1,511,870
Year 9	(48)	(\$9,499)	\$534,220	(12)	\$998,738	(655)	\$1,532,958
Year 10	(48)	(\$9,499)	\$544,905	(12)	\$1,009,484	(655)	\$1,554,389

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

In response to similar legislation from 2023 (HB 55), officials from the **Department of Public Safety** – **Missouri Highway Patrol**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** assumed 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 the above agencies.

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# §§575.095 and 578.710 – Disclosure of personal information

Officials from the **Department of Corrections (DOC)** state section 575.095 creates a new class D felony for the offense of publicly posting the personal information of a judicial officer (or immediate family) on the internet and a new class B felony if the violation results in death.

Section 578.710 creates a new class A misdemeanor for publicly posting the personal information of an elected official (or immediate family). A new class D felony is created if the violation of this section is done to influence the performance of the official's official duties.

As these are new crimes, there is little direct data on which to base an estimate. As such, the department estimates an impact comparable to the creation of a new class B and D felonies.

# **Operational Impact**

The misdemeanor offense does not fall under the purview of DOC.

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which, 2.8 years could be served in prison with 1.7 years to first release. The remaining 2.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 17 additional offenders in prison and 31 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)
-------------------------------------------------------------------------------------------------

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation	on - Current La	w)								
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
<b>Cumulative Population</b>	s									
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60	60

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

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Offenders committed to prison with a class B felony as their most serious sentence, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2028.

#### Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current La	w)								
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

# Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 22 additional offenders in prison and 43 additional offenders on field supervision by FY 2028.

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Change in prison admissions and probation openings with legislation

	FY 2024	FY2025	FY2026	FY 2027	FY2028	FY2029	FY 2030	FY2031	FY 2032	FY 2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation	n - Current La	w)								
Ad mission s	7	7	7	7	7	7	7	7	7	7
Probations .	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	7	14	20	21	22	22	22	22	22	22
Parole	0	0	1	7	13	14	15	16	17	17
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	7	14	20	21	22	22	22	22	22	22
Field Population	10	20	31	37	43	44	45	46	47	47
Population Change	17	34	51	58	65	66	67	68	69	69

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	7	(\$9,499)	(\$55,411)	0	\$0	10	(\$55,411)
Year 2	14	(\$9,499)	(\$135,646)	0	\$0	20	(\$135,646)
Year 3	20	(\$9,499)	(\$197,655)	0	\$0	31	(\$197,655)
Year 4	21	(\$9,499)	(\$211,689)	0	\$0	37	(\$211,689)
Year 5	22	(\$9,499)	(\$226,205)	0	\$0	43	(\$226,205)
Year 6	22	(\$9,499)	(\$230,729)	0	\$0	44	(\$230,729)
Year 7	22	(\$9,499)	(\$235,343)	0	\$0	45	(\$235,343)
Year 8	22	(\$9,499)	(\$240,050)	0	\$0	46	(\$240,050)
Year 9	22	(\$9,499)	(\$244,851)	0	\$0	47	(\$244,851)
Year 10	22	(\$9,499)	(\$249,748)	0	\$0	47	(\$249,748)

**Oversight** assumes the crime has a relatively small victim pool and, therefore, will have a relatively small number of offenders. Therefore, Oversight will reflect a fiscal impact of "Less than" DOC's estimated impact for fiscal note purposes.

In response to similar legislation from 2023 (HB 389), officials from the **Office of the State Public Defender (SPD)** stated the creation of new offenses under section 575.095 and 578.710 would have an unknown fiscal impact on SPD. The creation of these new offenses would result in an unknown number of additional cases eligible for SPD representation.

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**Oversight** notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2023 (HB 389), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (HB 389), officials from the Attorney General's Office, the Department of Commerce and Insurance, the Department of Public Safety – Missouri Highway Patrol, the Missouri Senate, the Office of the Governor, the Office of the Lieutenant Governor, the Office of the State Auditor, the City of Kansas City, and the City of Springfield assumed 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.

# §590.060 – Peace officer training

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

#### Bill as a Whole

Officials from the **Missouri House of Representatives** and the **Missouri Office of Prosecution Services** 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 these agencies.

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FISCAL IMPACT – State Government	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
GENERAL REVENUE				
Savings – DOC (§571.070) (HA 1, AA)				Could exceed
Personal service	\$104,376	\$295,169	\$511,068	\$511,068
Fringe benefits	\$78,014	\$220,622	\$381,992	\$381,992
Equipment and expense	\$8,679	\$24,899	\$43,751	\$43,751
Decreased				
incarceration costs	<u>\$174,148</u>	<u>\$426,315</u>	<u>\$474,372</u>	<u>\$474,372</u>
<u>Total savings</u> - DOC	\$365,217	<u>\$967,005</u>	<u>\$1,411,183</u>	<u>\$1,411,183</u>
FTE Change - DOC	(3) FTE	(7) FTE	(12) FTE	(12) FTE
Cost – Special Prosecutor (§56.601) (HA 1)	\$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	(**************************************	(**)-**;-**;	(42,000)	(**)****/
expense	(\$399,187)	(\$305,070)	<u>(\$311,171)</u>	<u>(\$311,171)</u>
<u>Total Costs</u> – SP	(\$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
Costs – DOR (§301.3175) OA- ITSD services	(\$40,528)	\$0	\$0	\$0
Costs – DOC (§558.019) Minimum prison terms (HA 1)	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Cost – DOC p. (§§575.095 and 578.710) Increased incarceration costs (HA 1, AA)	Less than (\$55,411)	Less than (\$135,646)	Less than (\$197,655)	Less than (\$226,205)

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FISCAL IMPACT –	FY 2024	FY 2025	FY 2026	Fully
	ΓΙ 202 <del>4</del>	Г 1 2023	Г 1 2020	•
State Government				Implemented
(continued)				(FY 2028)
GENERAL				
REVENUE				
(continued)				
(continued)				
Transfer Out –				
p. (§§590.1070 and				
590.1075) To POST		<u>Up to</u>	Up to	Up to
Reimbursement Fund	\$0	(\$1,263,600)	(\$2,527,200)	(\$5,054,400)
	-		<del></del>	<del></del>
ESTIMATED NET				
EFFECT ON THE				
GENERAL	<b>Could exceed</b>	<b>Could exceed</b>	<b>Could exceed</b>	<b>Could exceed</b>
REVENUE FUND	(\$3,415,925)	(\$4,162,440)	(\$5,108,812)	(\$7,664,562)
Estimated Net FTE				
Change on the				
General Revenue				
Fund	Up to 28 FTE	Up to 24 FTE	Up to 19 FTE	Up to 19 FTE
DE A CE OFFICED				
PEACE OFFICER				
BASIC TRAINING				
REIMBURSEMENT				
FUND				
Tuanafan In				
$\frac{\text{Transfer In}}{($500,1070,and)} - p.$				
(§590.1070 and		I In to	I I.a. 4 a	I In to
590.1075) From	60	Up to	Up to	Up to
General Revenue	\$0	\$1,263,600	\$2,527,200	\$5,054,400
Cost - (§590.1070 and				
590.1075)				
Reimbursement to				
individuals or				
departments for basic				
		1		
law enforcement training p.	\$0	(Unknown)	(Unknown)	(Unknown)

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FISCAL IMPACT –	FY 2024	FY 2025	FY 2026	Fully
State Government				Implemented
(continued)				(FY 2028)
<u>Transfer Out</u> –				
p. 11-13 (§590.1070				
and 590.1075) Local				
Political Subdivisions				
(Police and Sheriff's		(Less than	(Less than	(Less than
Departments)	<u>\$0</u>	\$1,263,600)	\$2,527,200)	\$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>

FISCAL IMPACT – Local Government	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2028)
POLICE AND SHERIFF'S DEPARTMENTS				
Transfer In – p. (§590.1070 and 590.1075) From Peace Officer Basic Training Reimbursement Fund	\$0	Less than \$1,263,600	Less than \$2,527,200	Less than \$5,054,400
Savings/Cost – (§544.453) p. Implementing new provisions relating to setting bail or conditions of release	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

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ESTIMATED NET				
EFFECT ON				
POLICE AND		More or	More or	More or
SHERIFF'S	<u>Unknown to</u>	Less than	<b>Less than</b>	Less than
DEPARTMENTS	(Unknown)	\$1,263,600	\$2,527,200	\$5,054,400

#### FISCAL IMPACT – Small Business

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

# FISCAL DESCRIPTION

This proposal modifies and establishes provisions relating to public safety.

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 Commerce and Insurance

Department of Corrections

Department of Elementary and Secondary Education

Department of Health and Senior Services

Department of Mental Health

Department of Natural Resources

Department of Public Safety

Department of Revenue

Department of Social Services

Joint Committee on Administrative Rules

Missouri Department of Conservation

Missouri Department of Transportation

Missouri House of Representatives

Missouri Office of Prosecution Services

Missouri Senate

Office of the Governor

Office of the Lieutenant Governor

Office of the Secretary of State

Office of the State Auditor

Office of the State Courts Administrator

Office of the State Public Defender

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City of Kansas City
City of Springfield
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department

Julie Morff Director

February 8, 2023

Ross Strope Assistant Director February 8, 2023