

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2147H.07P
 Bill No.: Perfected HS for HCS for HB Nos. 1108 & 1181
 Subject: Sexual Offenses; Crimes and Punishment; Criminal Procedure; Courts;
 Department of Public Safety; Highway Patrol; Department of Health And Senior
 Services
 Type: Original
 Date: April 13, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue*	More or less than (\$3,591,176)	More or less than (\$3,950,013)	More or less than (\$4,248,964)	More or less than (\$4,767,925)
Total Estimated Net Effect on General Revenue	More or less than (\$3,591,176)	More or less than (\$3,950,013)	More or less than (\$4,248,964)	More or less than (\$4,767,925)

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Criminal Record System (0671)	Less than \$165,000	Less than \$198,000	Less than \$198,000	Less than \$198,000
State Highways and Transportation Department Fund (0644)	(\$350,250)	(\$420,300)	(\$420,300)	(\$420,300)
Change of Venue for Capital Cases Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Crime Victims' Compensation Fund (0681)	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000
Total Estimated Net Effect on Other State Funds	Unknown, Greater than \$64,750	Unknown, Greater than \$27,700	Unknown, Greater than \$27,700	Unknown, Greater than \$27,700

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Federal Funds*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

*Income and costs are estimated at \$1.5 million annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue	37 FTE	38 FTE	39 FTE	40 FTE
Federal Funds	17 FTE	17 FTE	17 FTE	17 FTE
Total Estimated Net Effect on FTE	54 FTE	55 FTE	56 FTE	57 FTE

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

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Local Government	(Unknown, could exceed \$5,500,000)	More or less than (\$140,100)	More or less than (\$140,100)	More or less than (\$140,100)

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 Oversight has 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.

§37.725 – Disclosures by the Office of Child Advocate

In response to similar legislation from 2023 (Perfected HB 677), officials from the **St. Joseph 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 on the fiscal note for this section.

§§43.539 and 43.540 – Missouri Rap Back Program

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2023 (SB 264), officials from the **St. Joseph 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 this agency.

In response to similar legislation from 2023 (HB 70), the **Missouri Highway Patrol** stated, upon further inquiry, the impact to the Criminal Record System fund is unknown.

§§43.400, 43.401 and 210.795 – Protection of children

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state Section 43.400(1) would require an additional 500 entries per year to be made into the National Center for Missing and Exploited Children (NCMEC) database. The Patrol, with this additional workload, anticipates the need to add one (1) additional Criminal Intelligence Analyst FTE. Funding for this FTE would come from General Revenue (0101).

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

Officials from the **Department of Social Services (DSS), Children's Division (CD)** state §210.795 states that a child in the custody of CD whose whereabouts are unknown to the Division, the child's physical custodian, or contracted service providers, shall be considered missing and the case manager or placement provider shall immediately inform a law

enforcement agency having jurisdiction and the National Center for Missing and Exploited Children (NCMEC) within two hours of discovery that the child is missing.

DSS shall contact law enforcement every seven days and document the information provided and any information received. CD shall not petition the court for a release of jurisdiction for the child or stop searching for the child while the child is missing until the child reaches the age of twenty one.

In SFY 2022, 780 run occurrences were reported for children in the care of the Children's Division. With the new requirements outlined in §210.795, CD estimates an additional 20 hours per run occurrence resulting in 15,600 additional hours (780 * 20 hours) per year. **Therefore, eight (8) Associate Social Services Specialists (SSS) (15,600 hours/2,080 hours) and one (1) Social Services Unit Supervisor will be required.**

Additionally, proposed section 210.795.1(5) would prohibit the Children's Division from petitioning the court for a release of jurisdiction for all youth involved run occurrences until they reach the age of 21, resulting in an additional 36 months of search and documentation efforts. In SFY 2022, 116 run occurrences were youth over the age of 18. CD estimates an additional 10 hours per occurrence per month resulting in 13,920 additional hours (116 youth * 10 hours * 12 months) per year to complete additional requirements. **Therefore, seven (7) Associate Social Services Specialists (13,920 hours/2,080 hours) and one (1) Social Services Unit Supervisor will be needed to cover the additional 36 months of search and documentation efforts.**

Therefore, CD will require a total of 15 Associate Social Services Specialists (SSS) and 2 Social Services Unit Supervisors for a total of 17 FTE to fulfill the provisions of this section.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DSS, CD.

§§57.280 and 488.435 – Collection of court costs

In response to similar legislation from 2023 (HB 77), 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.

Officials from the **Office of the State Treasurer** did not respond to **Oversight's** request for fiscal impact for this proposal.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other counties, circuit clerks, county treasurers and sheriff offices were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

According to DPS’s website, there were 77 county sheriff offices who were subrecipients for the DSSSF fund in FY 2020:

Andrew County	Daviess County	Maries County	Ray County
Audrain County	DeKalb County	McDonald County	Reynolds County
Barry County	Douglas County	Mercer County	Ripley County
Barton County	Dunklin County	Miller County	Schuyler County
Benton County	Gasconade County	Moniteau County	Scott County
Bollinger County	Greene County	Monroe County	Shannon County
Buchanan County	Grundy County	Montgomery County	Shelby County
Butler County	Henry County	Morgan County	Stoddard County
Caldwell County	Hickory County	New Madrid County	Sullivan County
Callaway County	Holt County	Newton County	Taney County
Camden County	Howard County	Oregon County	Texas County
Cape Girardeau County	Howell County	Osage County	Vernon County
Carter County	Iron County	Ozark County	Washington County
Cedar County	Jasper County	Pemiscot County	Wayne County
Chariton County	Johnson County	Perry County	Webster County
Christian County	Laclede County	Pettis County	Worth County
Clinton County	Lawrence County	Pike County	Wright County
Cole County	Linn County	Polk County	
Dade County	Livingston County	Putnam County	
Dallas County	Madison County	Randolph County	

Oversight notes the following number of warrants issued, served and recalled over the last 5 years:

<u>CIRCUIT COURT WARRANTS ISSUED, SERVED & RECALLED</u>						
	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>5yr. Avg.</u>
Issued	88,578	13,086	175,125	202,684	211,642	138,223
Served	103,120	127,917	126,122	151,834	155,641	132,927
Recalled/Withdrawn	28,029	48,137	48,342	60,977	49,475	46,992
Source: Table 77 of OSCA's Annual Judicial & Statistical Report Supplement						

Oversight notes §57.280.5 and §488.435.4 of the proposal is clarifying that the \$10 fee on summons, writs, subpoenas and other court orders shall be collected by the court clerk, paid into the county treasury, sent to the State Treasurer and then deposited into the Deputy Sheriff Salary Supplementation Fund (DSSSF) under §57.278. Additionally, when a person other than a sheriff is specially appointed to serve process in a county, he or she must deliver a check, along with confirmation of service and a notarized affidavit of confirmation, to the circuit clerk to prove that payment was made to the sheriff for the DSSSF. Therefore, Oversight assumes no net fiscal impact for these sections of this proposal.

§§67.145, 70.631, 170.310, 190.091, 650.320, and 650.340 – Telecommunicator first responders

In response to similar legislation from 2023 (HB 567), officials from the **St. Joseph Police Department** and the **Local Government Employees Retirement System (LAGERS)** 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 sections.

§§84.344 and 285.040 – Residency requirements

Oversight notes this proposal removes the residency requirement for certain public safety employees in St. Louis City.

§160.660 – School safety criteria

Officials from the **Department of Elementary and Secondary Education (DESE)** state Section 160.660.1(3) requires that the state board of education shall add to the school facilities and safety criteria provisions the requirement that each school district building have bullet-resistant doors and windows on all first-floor entryways and bullet resistant glass for each exterior window large enough for an intruder to enter through. Section 160.660.2 makes this requirement subject to a specific appropriation to address school safety.

The Bipartisan Safer Communities Act funding of \$15 million could be used for the replacement of doors and windows made with bullet-resistant materials. However, DESE cannot require that schools use the BSCA funding on only doors and windows. There are approximately 2,200 public school buildings in Missouri. It is unknown how many currently have bullet-resistant doors and windows. It is also unknown how many doors and windows would need to be replaced. A search on bullet-resistant products showed widely different costs depending on the material and size selected. DESE is unable to estimate an exact cost. The cost is unknown but DESE estimates that it could exceed \$1 million.

Oversight notes the provisions of this bill state beginning in the 2024-25 school year, each school district building to have bullet-resistant doors and windows on all first-floor entryways and bullet resistant glass for each exterior window large enough for an intruder to enter through.

Oversight notes a bullet-resistant door can range in cost from \$2,500 to more than \$4,000 based on a CNN [article](#) from 2019. Oversight notes there are approximately 2,200 public school buildings in Missouri. Oversight is uncertain how many school buildings currently have bullet-resistant doors. However, if this proposal required installing two doors per building in half of the buildings (2,200 doors), the cost is estimated to be \$5,500,000 (assuming a cost of \$2,500 per door). Oversight notes this estimate does not include the installation of bullet-resistant windows on the ground floor. Therefore, Oversight assumes the cost for this provision could substantially exceed \$5,500,000.

§193.265 – Vital records

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation would create Section 193.265.6, which would waive the fee for a certified copy of a birth, death, or marriage certificate if requested by a prosecuting attorney, circuit attorney or the Attorney General. According to a Missouri survey conducted by the National Prosecutors' Consortium (<https://www.prosecutors.mo.gov/files/Missouri%20Survey%20Report.pdf>), in 2018, 41% of Missouri prosecuting offices responded, and on average, each office reviewed 1,219 felony cases and 1,845 misdemeanor cases. For an estimated average total cases of 3,064 per office, per annum. Missouri has 115 elected prosecutors from each of the 114 counties and the City of St. Louis. Combined, this is an average of 352,360 cases reviewed each year across the state. Not all prosecuting offices responded to the Consortium survey, so exact metrics were not available for all local offices. It is also not known how many of these cases would result in a request for a copy of a vital record. Therefore, a range from 0 to 352,360 requests are estimated to be possible.

Moreover, the proposed language does not limit the number of certificate requests that could be made nor does it limit the purpose for which the certificates may be requested for free nor specify or require that the requestor be an official from Missouri. As a result, the number of certificates requested could exceed 352,360. Considering these unknown and/or estimated variables, the number of FTE needed will be an estimated with a range.

While this proposed legislation references birth, death, and marriage certificates, the cheapest and typically most requested certification (death--\$14) will be used to make estimated calculations.

As requests from the Missouri Attorney General (AGO) are also included in this proposed legislation, the estimated 700 criminal appeals (<https://ago.mo.gov/criminal-division/criminal-appeals>) that are handled by the AGO each year are factored into these calculations. This estimate does not include any other appeals or cases that may be handled by the AGO. This would bring the estimated total of potential requests to 353,060.

Estimating from current vital records issuance metrics, an average of 200 certificates issued to the Missouri Attorney General and an average of 150 certificates issued to local circuit/prosecuting attorneys per annum, would result in a total loss of certificate issuance

revenue of \$4,900 per fiscal year.

Death certificates have a current fee split of \$5.00 per certificate to the Children's Trust Fund; \$3.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; \$1.00 to Endowed Care Cemetery; and \$1.00 to the Coroner's Training fund. This is assuming all certificate requests come to the state office. Any requests completed at the local level by local public health agencies (LPHAs), would impact local public health funding.

FTE count comes from the calculation of a ten (10) minute application review, processing, and issuance time average with 2,080 working hours per annum which equals 12,480 applications processed per FTE. Most applications take fifteen (15) minutes, but a shorter time of ten (10) minutes per application was used in this calculation, as requests from "agencies", such as prosecutors and the Attorney General's Office, can usually be done slightly faster due to typically less documentation to review per request.

As a result, the range of FTE would be zero (0) FTE if there were zero (0) certificates requested to twenty-eight (28) FTE if 353,060 certificates were requested. However, due to current staffing levels, the Bureau of Vital Records (BVR) estimates that it could absorb up to 1-2% (3,530-7,061 certificates) of the full amount of certificate requests. The bureau currently issues approximately 68,000 certificates of all types each year.

The Division of Administration would have an Unknown General Revenue cost. Depending on the number of certificates requested, and the number of new staff that is required by the Bureau of Vital Records, the Division could require additional staff to assist in the administrative processes for the program. It is assumed that the Division can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process. For each actual cost, loss, revenue and/or savings, indicate if your agency has existing budget authority that can absorb the cost or be reduced by the savings. The cost/savings must be indicated by the appropriation number, fund number, FTE and amount for the current FY and Governor's recommended budgets.

Oversight assumes based on the current vital records issuance metrics, an average of 200 certificates issued to the Attorney General and an average of 150 certificates issued to local circuit/prosecuting attorneys per annum, would result in a loss of \$4,900 per fiscal year. Oversight assumes these amounts are not material and, therefore, will not reflect a fiscal impact from this change.

In response to a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** stated this provision would provide for a positive fiscal impact to prosecuting attorneys and the circuit attorney since they will not have to pay for birth, death, or marriage certificates. The amount of that positive fiscal impact is unknown.

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

§195.817 – Background checks related to marijuana facilities

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal will have no fiscal impact on their organization.

Oversight obtained additional information from the MHP regarding background check fees. Current background check fees cost \$41.75 each, broken out as follows:

\$20.00	State fee
\$13.25	Federal Fee
<u>\$ 8.50</u>	Vendor fee
\$41.75	Total

In addition to the State fee of \$20, the state receives \$2 as a pass-through fee from federal government. Therefore, for each background check conducted, \$22 will be deposited into the Criminal Record System Fund (0671).

Oversight also obtained additional information from the DHSS projecting the number of ID applications they anticipate receiving as a result of the passage of Amendment 3. DHSS said they anticipate receiving 9,000 agent ID applications for each FY2024 and FY2025 and don't expect agent applications to increase significantly past the numbers projected for FY 2025. Currently, DHSS started issuing agent licenses in April 2020 and the licenses are valid for three years, therefore, DHSS estimates renewals occurring starting in 2023. DHSS projects the same average beyond the period of the fiscal note and doesn't anticipate tapering off of applications.

Since the actual number of applications is unknown, Oversight assumes the impact to the Criminal Records System Fund could be up to \$198,000 annually (\$22 * 9,000 applications).

§210.305 - Grandparent or relative placement preferred in emergency placements

Officials from the **Department of Social Services (DSS)** state this proposal modifies provisions relating to the placement of a child with a grandparent or other relative.

§210.305 currently defines "Diligent search" as, an exhaustive effort to identify and locate the grandparents or relatives whose identity or location is unknown. This bill expands the definition of diligent search.

Proposed §210.305.5 will require additional tasks that need to be completed prior to the Interstate Compact Placement of Children (ICPC) packet and requires the coordination of several agencies that create additional barriers on receiving medical records, school records and

additional social summary information that must all be accessed before the paperwork for the ICPC packet can be completed.

According to CD's Managed Reporting, there was an average of 6,593 children that entered foster care during SFY 2021 and SFY 2022. On average, ICPC packet takes four hours to complete depending on the information that is available to the worker. It is anticipated that there would be a minimum of two ICPC packets per child. That would result in an anticipated increase of 52,744 hours per year (6,593 children * 4 hours * 2 ICPC packets per child) to begin the ICPC process. **Therefore, CD estimates 25 Associate Social Services Specialists (SSS)** (52,744/2,080 hours) and **three (3) Social Service Unit Supervisors** (25 Associate SSS/10 Associate SSS per Supervisors) will be needed to meet the requirements of this section. In addition, **one (1) Social Services Specialist to complete the ICPC data entry process.**

In response to similar legislation from 2023 (HCS HB 1005), officials from the **DSS, Division of Legal Services (DLS)** stated it is anticipated that DLS will need one (1) FTE attorney to represent and prepare CD staff when there is an allegation that the requirements of the statute regarding diligent search have not been met.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DSS, CD and DSS, DLS.

In response to similar legislation from 2023 (HCS HB 1005), officials from the **Office of the State Courts Administrator** and the **Kansas City Police Department** each 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 for this section.

§211.071 – Certification of juveniles for trial as adults

Officials from the **Department of Corrections (DOC)** assume this proposal modifies relating to the certification of juveniles for trial as adults. The proposed legislation does not provide any new penalties or offenses but increases the likelihood that a juvenile could be transferred to a court of general jurisdiction and sentenced there under section 211.071.

It is unknown how many juveniles will be transferred to a court of general jurisdiction and it is unknown the number of those convicted of armed criminal action; therefore, the DOC will have to assume an unknown fiscal impact.

In response to similar legislation from 2023 (SB 406), 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.

Oversight notes the number of juveniles certified to adult court over the last 5 years:

<u>JUVENILE CASES DISPOSED BY DISPOSITION</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg.</u>
Certified to Adult Court	36	32	48	41	60	43
Source: Table 56 of OSCA's Annual Report Supplement						

§§307.018 and 556.021 – Warrants for failure to appear

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 changes, the Department will be required to:

- Complete programming and user acceptance testing to create a new action type in the Missouri Driver License (MODL) system;
- Create new procedures, training manuals, notices, and forms;
- Update the Department website and driver guide; and
- Train Staff.

FY 2024 – Driver License Bureau

Research/Data Assistant 504 hrs. @ \$17.20 per hr. = \$8,669
 Research/Data Analyst 504 hrs. @ \$25.63 per hr. = \$12,918
 Administrative Manager 504 hrs. @ \$27.82 per hr. = \$14,021
 Total \$35,608

FY 2024 – Personnel Services Bureau

2 Associate Research/Data Analyst 336 hrs. @ \$20.54 per hr. \$6,901x 2 = \$13,802

Total Costs **\$49,410**

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.

In response to a previous version, **DOR** noted OA-ITSD services will be required at a cost of **\$33,653** in FY 2024 (354.24 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 a \$20 reinstatement fee is imposed for reinstatement for any license suspension. This is a possible revenue loss if courts choose to use this new legislation instead of the suspension of license based on §302.341 - Instate Failure to Appear statute.

In FY 2021, 28,112 compliances were processed with a potential of \$562,240 reinstatement fees collected. In FY 2022, 28,020 compliances were processed with a potential of \$560,400. (Reinstatement fees are only required for two years from effective date of the action. If compliances are received after two years, the fee is no longer required for the action to be reinstated)

For the purposes of this fiscal note, the Department will estimate a loss of reinstatement fees of unknown to **\$560,400**. Reinstatement fees collected are distributed 75% Highway Fund, 15% cities, and 10% counties.

The fiscal impact estimated above is based on changes in the current Department's Motor Vehicle and Driver Licensing system environment. The implementation of this legislation will be coordinated with the integration of the Department's Motor Vehicle and Driver Licensing software system approved and passed by the general assembly in 2020 (Senate Bill 176). To avoid duplicative technology development and associated costs to the state, it is recommended a delayed effective date be added to this bill to correlate with the installation of the new system.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DOR.

In response to a previous version, officials from the **City of Kansas City** assumed a negative fiscal impact of an indeterminate amount.

MOPS states the delay in collecting traffic infraction fines may cause a negative fiscal impact to MOPS, prosecutors and the circuit attorney. The surcharge is used to fund both the office and training of prosecutors and the circuit attorney. The amount of the negative impact is unknown.

Oversight does not have any information contrary to that provided by MOPS. Therefore, Oversight will reflect MOPS's \$0 to (unknown) impact for fiscal note purposes.

In response to similar legislation from 2023 (HB 305), 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.

Oversight assumes OSCA is provided with core funding to handle a certain amount of activity each year. Oversight assumes OSCA could absorb the costs related to this proposal. If multiple

bills pass which require additional staffing and duties at substantial costs, OSCA could request funding through the appropriation process.

§320.210 – Fire protection employees

In response to a previous version, officials from the **Department of Public Safety - Fire Safety** 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 this section of the proposal.

§321.246.1 – Fire protection districts

In response to similar legislation from 2023 (HB 648), officials from the **Office of Administration - Budget and Planning (B&P)** noted the proposal errs in an attempt to correct the reference to first class counties with a charter form of government. Charter counties are not first class counties. The only charter counties in Missouri are Jackson, Jefferson, St. Louis, and St. Charles counties. In *Leiser v. City of Wildwood*, “the court ruled that no county in Missouri can be a county of the first class and have a charter form of government.” Therefore, B&P states the Subsection 321.246.1 change is incorrect.

Section 321.246.4 – Fire protection districts

In response to similar legislation from 2023 (HB 648), officials from the **Office of Administration - Budget and Planning (B&P)** noted the language in this subsection removes the word “district” from the name of fire protection sales tax trust fund, which aligns the name with the statutory name in section 321.242.

B&P defers to the fire protection districts for the fiscal impact. This proposal:

- Has no direct impact on B&P.
- Has no direct impact on general or total state revenues.
- Will not impact the calculation pursuant to Art. X, Sec. 18(e).

DOR’s 1% administration fee for handling the collection of the taxes will not be impacted by the changes.

In response to similar legislation from 2023 (HB 648), officials from **Jackson County** assumed the proposal will have no fiscal impact. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§547.500 – Conviction Integrity Unit Act

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require hiring three additional staff; two (2) attorneys and an (1) investigator, resulting in a total cost of \$256,000. At present MOPS believes

they can use the paralegal received in FY 2023 to help the unit as needed. MOPS' assumption is based on consideration of the following: (1) Since only two counties (Jackson and St. Louis) and the circuit attorney currently have conviction review units, MOPS would be responsible for reviewing actual innocence claims from 112 counties and any handled by the Attorney General as conflict prosecutor; (2) looking at what other states' statewide units have, and using Jackson County in particular, MOPS will need two experienced attorneys (with backgrounds in prosecution and defense) and an investigator. This bill, recognizing the need for adequate and meaningful staffing, also specifically provides for those three positions. The PS includes maximum salary of \$80,000 for each attorney and \$60,000 for the investigator. Total PS of \$220,000 and E&E of \$36,000. (The E&E is based on E&E of current resource prosecutors). The total cost adding PS and E&E is \$256,000.

Oversight notes that in their FY 2024 budget request, MOPS has asked for these new FTE in a New Decision Item (DI#1282002) for the same amounts described above. Oversight has added to MOPS' estimate the cost of fringe benefits.

Oversight notes in HB 3012 (2022), the Missouri Office of Prosecution Services (not to exceed 12 FTE) budget included four funds:

General Revenue (0101)	\$ 346,750
MOPS – Federal (0107)	\$1,165,341
MOPS Legal (0680)	\$2,197,380
MOPS Revolving (0844).	<u>\$ 161,673</u>
TOTAL	\$3,871,144

For simplicity, Oversight will assume the new conviction review unit will be paid for with by General Revenue funds (as requested in their NDI). Oversight notes the proposal requires MOPS to develop an application process, including fees (which shall be waived for indigence).

The Missouri Office of Prosecution Services shall have the power to create an application process for review of claims of actual innocence which shall not have any excessive fees and fees shall be waived in cases of indigence.

§550.125 – Change of venue

In response to similar legislation from 2023 (HB 83), officials from **Cole County** stated the county has a case set for 2024 that is a triple homicide on a change of venue. The jury will need to be sequestered. The costs associated with sequestering jurors are at this time estimated to be just under \$90,000. There is no expectation that the originating county (Wayne County) will be able to reimburse Cole County for those costs, so that would be a fiscal impact to Cole County that could potentially be alleviated by the establishment of this proposed fund.

Oversight does not have information to the contrary. Since the case is set for 2024, Oversight is unclear if the full reimbursement to Cole County would occur in FY24 or FY25. Oversight is also unclear how many other cases in other counties could also be reimbursed from this fund.

Therefore, Oversight will reflect the estimates as \$0 to unknown as stated in the fiscal impact chart below.

In response to a previous version, officials from the **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently due to the unknown number of sequestered jury capital cases on a change of venue with applications submitted for reimbursement from the proposed fund. OSCA may be able to absorb with existing staff and resources but would reflect any actual needs in future budget requests.

Oversight does not have information to the contrary and therefore, Oversight will assume that OSCA will have no direct cost due to this proposal.

In response to similar legislation from 2022 (HB 1548), officials from the **Office of the State Treasurer** 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 to STO for this section.

Oversight notes below is the 5 year average of the occurrence of disposed felony cases that had change of venue in the State of Missouri:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg</u>
Total Circuit Felony Cases Disposed*	35,937	36,008	45,782	46,148	45,132	41,801
Total Change of Venue Cases**	609	592	577	683	753	643
Percentage of Felony Cases with Change of Venue	1.7%	1.6%	1.3%	1.5%	1.7%	1.5%
*Table 1 of OSCA's Annual Report Supplement						
**Table 50 of OSCA's Annual Report Supplement						

Change of Venue cases for Felony Cases represent a small percentage of the overall Felony Cases. It is assumed that capital cases would be an even smaller percent.

Oversight notes that the new fund would be subject to appropriation by the General Assembly and that counties could receive reimbursement for cost associated with a change of venue on a capital case with the sequestering of jurors. Oversight notes that OSCA will disburse the money to the county if they are eligible for reimbursement. Oversight notes not all funds may be reimbursed to the counties. Therefore, Oversight will reflect appropriations going to the new fund from general revenue as a \$0 to unknown and potential reimbursements to counties as a \$0 to unknown from the new fund for this proposal. Oversight notes if 609 cases applied for \$90,000 (example provided by Cole County), this would equate to over \$54 million.

§557.520 – DWI diversion program

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

Administrative Impact

Programming to the current Missouri Driver License (MODL) system would be extensive to enter court ordered diversion information received from the prosecuting or circuit attorney, and notifying the program participant of their compliance requirements through system generated notices.

This proposed language is requiring the DOR to be notified of violations from the ignition interlock device for program participants. The DOR does not currently receive or maintain record of violations. Currently, the DOR requires the approved Missouri manufacturers to track and maintain this data and only certify a driver once they have successfully completed the required monitoring time-period. These legislative changes would require the DOR to track and interpret this data specifically related to this diversion program. There are six approved manufactures in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between the DOR and each manufacturer. This would require an additional file reporting violations to be developed and electronically exchanged for each approved manufacturer. Multiple reports would need to be generated to ensure the integrity of the data and meet the current DOR auditing processes.

If the criminal case has been reinstated, the DOR will need to evaluate the conviction as a second –time offender. This would cause the point value related to the conviction to increase from 8 points to 12 points and add an IID installation to their reinstatement requirements. This also would require changes made to the five and ten-year denial evaluation routine.

In FY22, the DOR received 29,901 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. They assume that if 50% of offenders would be accepted in to this new program, the DOR would plan to receive approximately 14,951 court orders notifying enrollment. DOR would require a new team of personnel to receive these enrollments, track and process the compliance paperwork, manage the vendor relationships with IID changes, and develop/implement a continuous monitoring process for any device violations and court actions for program participants.

A customer service representative can process 224 court-ordered documents per day. The DOR anticipates receiving approximately 59 each day, which would require one additional staff member for processing. In addition to a processing FTE, DOR anticipates a need for two (2) additional FTEs for call center inquiries.

The DOR has no statistics available to anticipate the number of staff required to review and interpret the new violation file exchanges, therefore, additional FTEs may be requested through the appropriations process. These positions would require a more robust skill set including knowledge of court and administrative process, customer and vendor relationship management, and quality assurance tracking and reporting.

Associate Customer Service Rep. (\$2,600 month X 3) =
FY24 = \$ 78,000 (10 months)
FY25 = \$93,600
FY26 = \$93,600

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

- Complete business requirements and design documents to modify the Missouri Driver License System (MODL)
- Complete programming and user acceptance testing for the new diversion program for driving privileges, IID violations and tracking of the violations, dismissed charges of the program, criminal cases imposed and their penalties on the drivers.
- Testing with the ignition interlock manufacturers of the new files exchanges
- MODL generated notices
- CTG programming
- Conviction routine evaluation
- Update policies, procedures, reports, forms, and the DOR website.
- Training for employees

FY 2024 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$25.63 per hr. = \$33,319

Research/Data Assistant 1300 hrs. @ \$17.20 per hr. = \$22,360

Administrative Manager 1000 hrs. @ \$27.82per hr. = \$27,820

Total = \$83,499

FY 2024 – Personnel Services Bureau (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$20.54 per hr. = \$ 6,901

Total= \$90,400

The fiscal impact estimate above is based on changes in the current MO Driver License System environment. The DOR is pursuing an upgraded Motor Vehicle and Driver Licensing system and to reduce duplicative development and reduce cost, the sponsor may want to consider a delayed effective date that would allow the proposed changes be developed within the new proposed environment. The total fiscal potential impact to develop changes in the proposed system in addition to the current environment is unknown.

Administrative Impact GCO

DOR's General Counsel's Office (GCO) notes if the increase is more significant than anticipated or additional laws are passed that impact the GCO, additional FTE or Attorneys may be requested through the appropriations process. It is unclear how many individuals/attorneys will inquire through GCO regarding client questions regarding installation/suspension of the IID or how many individuals will appeal to the Circuit Court once their IID has been cancelled or suspended.

Oversight notes DOR assumes the need for a one-time IT cost of **\$269,222** for 2,833.92 hours of work at \$95 per hour in FY 2024.

Oversight is unclear on the timeframe for updating DOR's Motor Vehicle and Driver Licensing software system and will, therefore, reflect costs estimates as provided by DOR as if the changes were implemented starting in FY24.

Oversight notes §557.520.6(3) requires the person in the program to pay a fee, as determined by DOR, that is sufficient to cover the costs of administration of this section. Oversight will assume an unknown amount of revenue from this provision.

In response to a previous version (SB 74), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. During FY 2017 through FY 2021, the average number of alcohol related case filings 18,680 potentially could be impacted. Any significant changes will be reflected in future budget requests.

Oversight notes the following response from OSCA regarding a potential duplication of their DWI treatment court program:

The DWI Treatment Courts use certified ignition interlock devices with Limited Driving Privileges. Once the participant is in compliance with Section 302.309, RSMo and has completed the required days in the program, the participant must file proof with the DOR that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device. The participant must have the required insurance on file and the court shall indicate the termination date of the privilege, which shall not be later than the end of the period of suspension or revocation.

It is not a duplication of programs as the bill calls the program a "diversion program" not a "treatment court" so Section 478.001, RSMo may not apply. Section 478.001, RSMo classifies DWI court as a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content. Most DWI Court programs focus on felony DWI offenders, some involving crashes with victims.

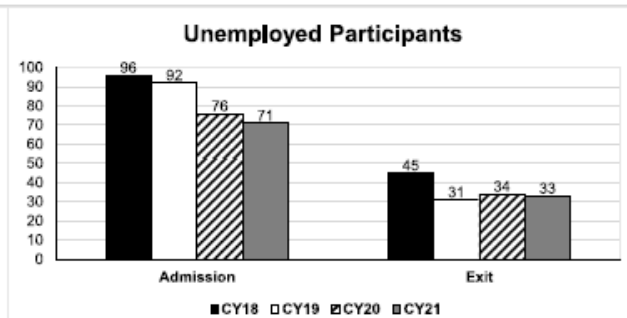
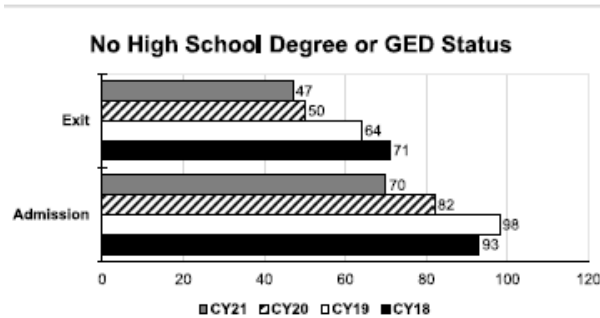
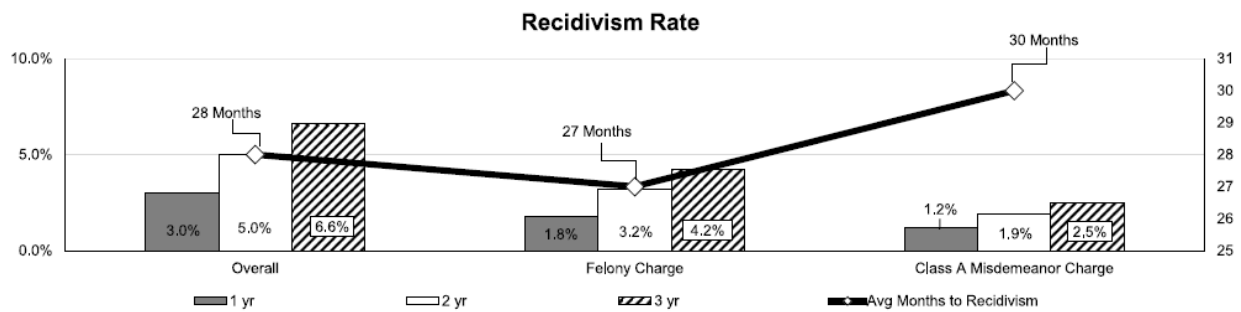
Whereas the proposed bill states after the completion of the DWI diversion program and if the defendant has complied with all the imposed terms and conditions, the court shall dismiss the criminal case against the defendant, record the dismissal, and transmit the record to the Missouri uniform law enforcement system (MULES).

Oversight notes information from OSCA's DWI Treatment Court Program according to their FY24 Budget Book Request:

DWI Treatment Court Activity

DWI court focuses on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or have been found guilty of driving while intoxicated or driving with excessive blood alcohol content.

<u>PROGRAM STATISTICS</u>	<u>CY 21</u>	<u>CY20</u>	<u>CY19</u>	<u>CY18</u>
Participants Served	956	966	1,194	1,284
Programs	23	23	23	22
Community Service Hours Performed	60,790	80,829	81,088	57,035
Retention Rate	N/A	94%	93%	91%
Graduation Rate	88%	92%	89%	82%
Source: OSCA FY24 Budget Request				



Oversight assumes since the DWI diversion program is a separate program from the current DWI Treatment Court Program, OSCA’s case work could increase with the additional work that goes along with the dismissal of cases or holding additional hearings outlined in subsections 8 and 9 of this proposal. Therefore, Oversight will reflect a \$0 to unknown cost for this proposal for OSCA.

In response to similar legislation from 2023 (SCS SB 74), officials from the **Kansas City Police Department** and the **St. Joseph Police Department** each 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 for this section of the proposal.

In response to a previous version (SB 74), officials from **Jefferson City, Kansas City** and the **City of O’Fallon** each 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 for this section of the proposal.

§558.031 – Credit for jail time

DOC states this proposal modifies provisions relating to jail-time credit. The department is unable to project a fiscal impact due to not knowing the amount of “additional” credit that may be awarded.

Oversight notes the provisions of this proposal allow the court to award additional credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred. Therefore, Oversight will reflect a range of \$0 (no additional credit awarded) to **DOC**’s estimated unknown impact for fiscal note purposes.

In response to similar legislation from 2023 (HB 1133), officials from the **St. Joseph 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 for this section.

§565.003 – Homicide offense

In response to a previous version, officials from the **Office of the State Courts Administrator** 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 for this section of the proposal.

§§566.151 and 567.030 – Criminal offenses involving a child

DOC states this proposal modifies provisions relating to criminal offenses involving a child. Section 566.151 changes the age of the victim from any person who is less than fifteen to less than seventeen years of age. Section 567.030 changes the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill changes the existing class D felony to a class B felony.

Regarding section 566.151, the increase in the minimum age under which a person can be considered enticed as a child could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 16 and 17 year olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

Regarding section 567.030, there were two new court commitments to prison and one new probation case under this section during FY 2022. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department would be an additional 6 offenders in prison and an additional (2) offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation-Class B Felony

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
After Legislation	3	3	3	3	3	3	3	3	3	3
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)										
Admissions										
Probations										
Cumulative Populations										
Prison						2	5	6	6	6
Parole						-2	-4	-2	2	2
Probation										
Impact										
Prison Population						2	5	6	6	6
Field Population						-2	-4	-2	2	2
Population Change						1	4	8	8	8

Oversight notes, from information provided by the State Courts Administrator, the following number of felony convictions under §566.151 and §567.030:

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
§566.151 felonies	15	19	25	22
§567.030 felonies	1	0	2	3

§§569.100 and 570.030 – Teller machines

DOC states this proposal modifies and establishes offenses involving teller machines.

Section 569.100 makes the offense of property damage in the first degree a class D felony; unless the purpose is to defraud or obtain any property with a value exceeding \$750, or the damage to the teller machine exceeds \$750, in which case is a class C felony. The offense of obtaining personal financial credentials of another person, or second and subsequent violations, is a class B felony.

Section 570.030 makes the offense of stealing a teller machine (or the contents of including cash, regardless of the amount) is a class C felony.

The intent of the bill is to create one class B felony, two class C felonies and one class D felony.

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.

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 will be served in prison as a parole return, and the rest of the sentence will 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-Class B Felony

	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 Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
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

For one 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 will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Two Class D Felonies (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	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole	0	0	1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

For two new class C felonies, the department estimates 8 people could be sentenced to prison and 12 to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 30 additional offenders in prison and 54 additional offenders on field supervision by FY 2029.

Change in prison admissions and probation openings with legislation-Three Class C Felonies

	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	8	8	8	8	8	8	8	8	8	8
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
Change (After Legislation - Current Law)										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	12	12	12	12	12	12	12	12	12	12
Cumulative Populations										
Prison	8	16	24	30	30	30	30	30	30	30
Parole	0	0	0	2	10	18	26	26	26	26
Probation	12	24	36	36	36	36	36	36	36	36
Impact										
Prison Population	8	16	24	30	30	30	30	30	30	30
Field Population	12	24	36	38	46	54	62	62	62	62
Population Change	20	40	60	68	76	84	92	92	92	92

Additionally, the proposal establishes the offense of mail theft, a class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is

3.4 years of which, 2.1 years could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E 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	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	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under sections 569.100 and 570.030 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result the fiscal impact 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.

§§569.170 and 569.175 – Offenses involving motor vehicles

DOC states section 569.170 creates a new class C felony of burglary in the 2nd degree when a burglary involving a motor vehicle is committed with the possession of a firearm, a new class D felony of burglary in the 2nd degree when a person enters a motor vehicle with the intent to commit a felony or theft, and section 569.175 creates a class E felony when a person unlawfully gains entry into a motor vehicle.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is

3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E 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	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	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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 will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 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	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

For each new class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation-Class C Felony

	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	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

The impact of a new class C felony, a new class D felony and a new class E felony on the department is estimated to be 25 additional offenders in prison and 52 on field supervision by FY 2028.

	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	8	8	8	8	8	8	8	8	8	8
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	13	13	13	13	13	13	13	13	13	13
Change (After Legislation - Current Law)										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	13	13	13	13	13	13	13	13	13	13
Cumulative Populations										
Prison	8	16	22	25	25	25	25	25	25	25
Parole	0	0	2	6	13	17	21	21	21	21
Probation	13	26	39	39	39	39	39	39	39	39
Impact										
Prison Population	8	16	22	25	25	25	25	25	25	25
Field Population	13	26	41	45	52	56	60	60	60	60
Population Change	21	42	63	70	77	81	85	85	85	85

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under sections 569.170 and 569.175 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and, as a result, the fiscal impact 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 (HCS HB Nos. 187 & 570), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (569.175) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, officials from the **Office of the State Courts Administrator** 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.

§571.020 – Possession of knuckles

DOC states Section 571.020 is amended to remove knuckles from the list of prohibited weapons. Thus, knowingly possessing, manufacturing, transporting, repairing, or selling knuckles is no

longer punishable with a class A misdemeanor. As misdemeanors fall outside the purview of the department of corrections, they estimate no impact from the proposed changes.

In response to similar legislation from 2023 (HB 1223), officials from the **Kansas City 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 for this section.

§571.030 – Firearms

In response to similar legislation from 2023 (HB 571), officials from the **Kansas City Police Department** and the **St. Joseph 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 this section of the proposal.

§571.031 – Blair’s Law

In response to similar legislation from 2023 (HCS 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 a previous version, officials from the **Office of the State Public Defender (SPD)** stated 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 a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2023 (HCS HB 109), officials from the **Kansas City Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, and the **St. Joseph Police Department** 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 this section of the proposal.

§575.205 – Electronic monitoring equipment

DOC states section 575.205 is modified to include failing to charge or otherwise attempting to disable an electronic monitoring device in the list of actions considered as an offense of tampering with electronic monitoring equipment and specifies that offense as a class E felony.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E 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	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	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the expansion of offenses under section 575.205 will have an unknown impact on SPD. The additional number of cases that would 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 86), officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2023 (HB 86), officials from the **St. Louis County Police Department** estimated if the department received 100 cases annually, it would require two hours of booking, two hours of report writing and warrant application, and one hour of warrant application review for each case. Therefore, at five hours per case, with an average hourly pay of \$46, each case would total \$230 (5 x \$46). This equates to approximately \$23,000 annually.

Oversight notes the estimated cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments for an additional crime; therefore, the impact to local governments will be presented as \$0 (can be absorbed) to an Unknown amount.

§§579.021 and 579.022 – Delivery of controlled substance

DOC states Section 579.021 creates a class C felony offense of delivery of a controlled substance causing serious physical injury, when a person delivers or distributes a controlled substance under section 579.020 and serious physical injury results from the use of such controlled substance.

For each new class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years could be served in prison with 2.1 years to first release. The remaining 3.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation-Class C Felony

	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	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole	0	0	0	1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

Section 579.022 is created to include penalty provisions for the offense of delivering a controlled substance causing death.

These actions are considered a class A felony offense; therefore, the intent of the bill is to create a new class A felony offense.

Given the seriousness of class A felony offenses and that the introduction of a completely new class A 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.

Offenders committed to prison with a class A felony have an average sentence length of 17.1 years and serve, on average, 12.3 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 sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2033 is 10 additional offenders in prison.

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 Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
Impact										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
Population Change	1	2	3	4	5	6	7	8	9	10

Combined Cumulative Estimated Impact for DOC

DOC estimates this proposal could result in an additional 78 offenders in prison and an additional 135 on field supervision by FY 2033. The combined cumulative impact beyond 2033.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
After Legislation	22	22	22	22	22	22	22	22	22	22
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	27	27	27	27	27	27	27	27	27	27
Change (After Legislation - Current Law)										
Admissions	19	19	19	19	19	19	19	19	19	19
Probations	27	27	27	27	27	27	27	27	27	27
Cumulative Populations										
Prison	19	38	54	65	67	70	74	76	77	78
Parole	0	0	3	9	24	35	46	49	54	54
Probation	27	54	81	81	81	81	81	81	81	81
Impact										
Prison Population	19	38	54	65	67	70	74	76	77	78
Field Population	27	54	84	90	105	116	127	130	135	135
Population Change	46	92	138	155	172	186	201	206	212	213

In response to similar legislation from 2023 (HB 1181), Officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes (579.021.3 and 579.022.3) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under section 579.021 and 579.022 which

could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result, the fiscal impact 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.

§579.041 – Drug-masking product

In response to similar legislation from 2023 (HB 468), officials from the **Office of the State Courts Administrator** 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 to OSCA in this section of the fiscal note.

In response to similar legislation from 2023 (HB 468), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates a new offense under Section 579.041 which could result in additional cases eligible for SPD representation. The fiscal impact is unknown in that the number of additional cases 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.

§§579.065 and 579.068 – Trafficking drugs

DOC states the proposed changes to these sections will make less people who are in possession of and distributing substances that contain a cocaine base eligible for sentencing as drug traffickers. Trafficking drugs in the first degree is a class B felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is considered a class A felony. Trafficking drugs in the second degree is a class C felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is a class B

felony. Thus, as it relates to the removal of substance with cocaine base, the intent of this bill is the removal of one class C felony, two class B felonies, and one class A felony.

However, the adjustments to the amount of fentanyl for a violation will result in more people in possession of and distributing fentanyl or carfentanil becoming eligible for sentencing as drug traffickers.

Regarding section 579.065, in FY 2022, the department totaled 17 new prison admissions and 22 new probation cases for sentences of trafficking drugs in the first degree.

Regarding section 579.068, in FY 2022, the department totaled 89 new prison admissions and 77 new probation cases for sentences of trafficking drugs in the second degree.

When an offender is sentenced to imprisonment, the department receives a sentence and judgement form that contains information on the conviction(s) and sentence(s). Most sentence and judgement forms for drug related offenses do not notate the type or amount of the drug associated with the conviction. Given that the drug associated with the offense, and any amount associated with the drug, is unknown in the majority of cases, the department is unable to estimate the number of new admissions related to the possession and or distribution of cocaine. Therefore, the DOC will assume an unknown impact to this legislation.

Statistics from the Drug Enforcement Administration show there were 196,721 cocaine reports submitted to NFLIS-Drug in 2019, and 128,267 reports of heroin to NFLIS-Drug. This indicates cocaine is more predominate of the two. Therefore, the DOC will assume the **unknown impact** as a **cost savings**.

§§589.401 and 589.414 – Sexual offender registry

In response to similar legislation from 2023 (HB 1108), officials from the **Missouri Department of Conservation**, the **St. Joseph Police Department**, and **Gordon Parks Elementary** 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 sections.

§589.403 – Sexual offender

DOC states Section 589.403 mandates the department to notify the chief law enforcement official of the county or city not within a county where the offender is registered of the offender's release. In addition, when an offender is incarcerated in DOC, it mandates the department to complete a check to see if the person is currently a Missouri registered sex offender and notify the chief law enforcement official. This will have an operational impact on the department, but one that can be absorbed and, therefore, will have **no fiscal impact**.

§§590.033, 590.040, and 590.080 – Peace officer standards

In response to a previous version (SB 38), officials from the **Missouri Department of Conservation**, the **Kansas City Police Department**, and the **St. Joseph Police Department** each 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 sections of the proposal.

In response to similar legislation from 2023 (SCS SB 38), officials from the **Oronogo Police Department** indicated this proposal would have a fiscal impact on their organization. However, **Oversight** notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

§595.045 – Crime Victims’ Compensation Fund

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in CY 2022, there were 10,822 class E felony convictions. This data was pulled using charge level felony E with a charge disposition of Guilty Plea, Guilty Plea Written, Tried by Court- Guilty, Jury Verdict - Guilty, and Alford Plea. It does not include juvenile cases.

DPS assumes this will bring in an estimated \$500,000 ($\$46 \times 10,822 = \$497,812$) into the Crime Victims’ Compensation Fund.

Oversight notes the provisions of this section state the court shall enter a judgment payable to the Crime Victims’ Compensation Fund of \$46 for a class E felony. Oversight also notes, from information provided by the Office of the State Courts Administrator, the following number of E felony convictions from FY 2019 through FY 2022:

<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
8,677	7,545	8,407	10,575

The average number of E felonies over this four-year period is 8,801 ($8,677 + 7,545 + 8,407 + 10,575$). However, as the exact number of E felony convictions could vary widely from year to year, Oversight will reflect an Unknown, greater than \$250,000 to the Crime Victims’ Compensation Fund. Oversight notes the ending balance in the Crime Victims’ Compensation Fund as of February 28, 2023, is \$2,097,307.

§610.021 – Closure of certain public safety records

In response to similar legislation from 2023 (SB 630), officials from the **Office of the Lieutenant Governor** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section.

Section 1 – Services for exonerees

DOC states Section 1 mandates the department develop procedures to assist exonerees in obtaining a birth certificate, Social Security card, and state identification prior to release from a correctional center. This involves a small population, and specialized circumstances. Therefore it is expected to have no significant impact on the **DOC**.

Bill as a Whole

In response to a previous version, officials from the **Office of Administration - Budget and Planning**, the **Department of Public Safety – Capitol Police**, the **Missouri Ethics Commission**, the **Office of the Governor**, the **University of Missouri**, the **Kansas City Police Department**, the **Cole Camp Ambulance District**, and the **Kansas City Health Department** 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 abovementioned agencies.

DOC notes the cumulative impact on **DOC** for all sections of the proposal.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total savings or cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	27	(\$9,499)	(\$213,728)	0	\$0	40	(\$213,728)
Year 2	54	(\$9,499)	(\$523,205)	1	(\$95,976)	80	(\$619,180)
Year 3	76	(\$9,499)	(\$751,090)	2	(\$185,877)	125	(\$936,967)
Year 4	90	(\$9,499)	(\$907,237)	2	(\$179,336)	135	(\$1,086,573)
Year 5	92	(\$9,499)	(\$945,946)	3	(\$280,800)	157	(\$1,226,746)
Year 6	95	(\$9,499)	(\$996,328)	3	(\$274,753)	172	(\$1,271,081)
Year 7	99	(\$9,499)	(\$1,059,044)	3	(\$277,674)	187	(\$1,336,719)
Year 8	101	(\$9,499)	(\$1,102,048)	3	(\$280,632)	190	(\$1,382,680)
Year 9	102	(\$9,499)	(\$1,135,218)	3	(\$283,623)	195	(\$1,418,842)
Year 10	103	(\$9,499)	(\$1,169,275)	3	(\$286,653)	195	(\$1,455,928)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

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

Responses regarding the proposed legislation as a whole

In response to a previous version, officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Economic Development**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety – Missouri Gaming Commission**, **Legislative Research**, the **Missouri Department of Agriculture**, the **Missouri National Guard**, the **Office of Administration**, and the **Office of the State Auditor** 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, circuit clerks, police and sheriff's departments, fire protection districts, ambulance and EMS, schools, and local public health agencies were requested to

respond to this proposed legislation but did not. A general listing of political subdivisions included in the MOLIS database is available upon request.

House Amendment (HA 1), AA

§494.430 – Jury duty

In response to similar legislation from 2023 (HB 104), officials from the **Office of the State Courts Administrator** 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.

Additionally, HA 1 removes section 570.212 and moves the offense of mail theft, an E felony under statute 570.030.

Bill as a Whole, as amended

Officials from the **Branson Police Department** indicate this proposal would have a fiscal impact on their organization. However, **Oversight** notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

Officials from the **Attorney General’s Office**, the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety – (Division of Alcohol and Tobacco Control, Missouri Veterans Commission, and State Emergency Management Agency)**, the **Missouri Department of Transportation**, the **MoDOT and Patrol Employees’ Retirement System**, the **Missouri House of Representatives**, the **Joint Committee on Administrative Rules**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, **Missouri Lottery Commission**, the **Missouri Consolidated Health Care Plan**, the **Missouri Senate**, the **Missouri State Employees Retirement System**, the **Oversight Division**, the **State Tax Commission**, the **City of Springfield**, the **Newton County Health Department**, the **St. Louis County Health Department**, and the **Phelps County Sheriff’s Department** assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
GENERAL REVENUE				
<u>Income</u> – (§547.500) p.15-16 Application fees for review of a claim of actual innocence p	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – MOPS (§193.265) Vital records requests p. 8-9	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (§558.031) Jail-time credit p. 22	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 35-36	Unknown	Unknown	Unknown	Unknown
<u>Cost</u> – MHP (§43.401) p. 4				Could exceed...
Personal service	(\$43,760)	(\$53,562)	(\$54,633)	(\$54,633)
Fringe benefits	(\$38,968)	(\$47,697)	(\$48,651)	(\$48,651)
Equipment and expense	(\$8,500)	\$0	\$0	\$0
Total cost – MHP	(\$91,228)	(\$101,259)	(\$103,284)	(\$103,284)
FTE Change - MHP	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost</u> – DSS/CD (§210.305) p. 10-11				Could exceed...
Personal service	(\$649,587)	(\$787,299)	(\$795,172)	(\$795,172)
Fringe benefits	(\$474,266)	(\$571,963)	(\$574,835)	(\$574,835)
Equipment and expense	(\$316,973)	(\$204,533)	(\$209,647)	(\$209,647)
Total cost - DSS/CD	(\$1,440,826)	(\$1,563,796)	(\$1,579,654)	(\$1,579,654)
FTE Change – DSS/CD	18.3 FTE	18.3 FTE	18.3 FTE	18.3 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
<u>Cost – DSS/DLS</u> (§210.305) p. 10-11				Could exceed...
Personal service	(\$60,820)	(\$73,714)	(\$74,451)	(\$74,451)
Fringe benefits	(\$35,176)	(\$42,477)	(\$42,746)	(\$42,746)
Equipment and expense	(\$14,941)	(\$11,195)	(\$11,475)	(\$11,475)
<u>Total cost - DSS/DLS</u>	<u>(\$110,937)</u>	<u>(\$127,386)</u>	<u>(\$128,672)</u>	<u>(\$128,672)</u>
FTE Change – DSS/DLS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DSS/CD</u> (§210.795) p. 4-5				Could exceed...
Personal service	(\$381,301)	(\$462,137)	(\$466,759)	(\$466,759)
Fringe benefits	(\$278,204)	(\$335,513)	(\$337,199)	(\$337,199)
Equipment and expense	(\$184,960)	(\$119,898)	(\$122,896)	(\$122,896)
<u>Total cost - DSS/CD</u>	<u>(\$844,465)</u>	<u>(\$917,548)</u>	<u>(\$926,854)</u>	<u>(\$926,854)</u>
FTE Change – DSS/CD	10.7 FTE	10.7 FTE	10.7 FTE	10.7 FTE
<u>Cost – DOC</u> (§211.071) Potential increase in incarceration costs p. 11	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost – MOPS</u> (§307.018) Delay in fine collection p. 13	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost – DOR</u> (§§307.018 and 556.021) OA-ITSD services p. 12-13	(\$33,653)	\$0	\$0	\$0
<u>Cost – MOPS</u> (§547.500) New Conviction_Review Unit p. 15-16	\$0 or....	\$0 or...	\$0 or....	\$0 or could exceed...
Personal Service (3 FTE)	(\$183,333)	(\$222,200)	(\$224,422)	(\$224,422)
Fringe Benefits	(\$107,554)	(\$129,887)	(\$130,719)	(\$130,719)
Expense & Equipment	(\$30,000)	(\$36,900)	(\$37,823)	(\$37,823)
<u>Total cost – MOPS</u>	<u>(\$320,887)</u>	<u>(\$388,897)</u>	<u>(\$392,964)</u>	<u>(\$392,964)</u>
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
				Could exceed...
<u>Cost – DOR</u> (§557.520) p. 17-19				
Personal Service	(\$78,000)	(\$95,472)	(\$97,381)	(\$97,381)
Fringe Benefits	(\$68,145)	(\$82,474)	(\$83,188)	(\$83,188)
One-time Equipment Costs	(\$29,685)	\$0	\$0	\$0
Administrative Costs	(\$90,400)	\$0	\$0	\$0
ITSD Costs	(\$269,222)	\$0	\$0	\$0
<u>Total cost – DOR</u>	<u>(\$535,452)</u>	<u>(\$177,946)</u>	<u>(\$180,569)</u>	<u>(\$180,569)</u>
FTE Change – DOR	3 FTE	3 FTE	3 FTE	3 FTE
<u>Cost – OSCA</u> (§557.520) p. 20 Potential increase in additional case work from this program	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost – DOC</u> (§§566.151, 567.030, 569.100, 569.170, 569.175, 570.030, 575.205, 579.021) p. 22-34 and 37-38	Could exceed...	Could exceed...	Could exceed...	Could exceed...
Personal service	\$0	(\$49,847)	(\$100,690)	(\$161,931)
Fringe benefits	\$0	(\$34,391)	(\$69,469)	(\$111,720)
Equipment and expense	\$0	(\$11,738)	(\$15,718)	(\$13,002)
Increased incarceration costs	(\$213,728)	(\$523,205)	(\$751,090)	(\$1,169,275)
<u>Total cost – DOC</u>	<u>(\$213,728)</u>	<u>(\$619,181)</u>	<u>(\$936,967)</u>	<u>(\$1,455,928)</u>
FTE Change – DOC	0 FTE	1 FTE	2 FTE	3 FTE
<u>Transfer Out</u> – (§550.125) Appropriated funds to the Change of Venue for Capital Cases Fund p. 16-17	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>More or less than</u> <u>(\$3,591,176)</u>	<u>More or less than</u> <u>(\$3,950,013)</u>	<u>More or less than</u> <u>(\$4,248,964)</u>	<u>More or less than</u> <u>(\$4,767,925)</u>
Estimated Net FTE Change on the General Revenue Fund	37 FTE	38 FTE	39 FTE	40 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
CRIMINAL RECORD SYSTEM FUND (0671)				
<u>Income</u> – MHP (§195.817) Increase in background checks p. 10	Up to \$165,000	Up to \$198,000	Up to \$198,000	Up to \$198,000
<u>Loss</u> – (\$43.539) From foregone fees for criminal reviews p. 4	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND	<u>Less than \$165,000</u>	<u>Less than \$198,000</u>	<u>Less than \$198,000</u>	<u>Less than \$198,000</u>
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)				
<u>Loss</u> – DOR (§§307.018 and 556.021) Loss of reinstatement fees p. 12-13	<u>(\$350,250)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>
ESTIMATED NET EFFECT ON THE STATE HIGHWAYS AND TRANSPORTATION FUND	<u>(\$350,250)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
CHANGE OF VENUE FOR CAPITAL CASES FUND				
<u>Transfer In</u> – (§550.125) Appropriated funds from General Revenue p. 16-17	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – OSCA (§550.125) Reimbursement to counties that have a change of venue on a capital case from another county that sequestered jurors p. 16-17	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
CRIME VICTIMS’ COMPENSATION FUND (0681)				
<u>Revenue</u> – DPS (§595.045) Class E felony fee p. 37	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>
ESTIMATED NET EFFECT ON THE CRIME VICTIMS’ COMPENSATION FUND	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
FEDERAL FUNDS				
				Could exceed...
<u>Income</u> – DSS/CD (§210.305) Program reimbursements for ICPC packet compilation p. 10-11	\$846,198	\$918,420	\$927,734	\$927,734
<u>Income</u> – DSS/CD (§210.795) Program reimbursement for tracking/reporting run occurrences p. 4-5	\$495,955	\$538,878	\$544,343	\$544,343
<u>Costs</u> – DSS/CD (§210.305) p. 10-11				
Personal service	(\$381,503)	(\$462,382)	(\$467,006)	(\$467,006)
Fringe benefits	(\$278,537)	(\$335,915)	(\$337,602)	(\$337,602)
Equipment and expense	(\$186,158)	(\$120,123)	(\$123,126)	(\$123,126)
Total Costs - DSS/CD	(\$846,198)	(\$918,420)	(\$927,734)	(\$927,734)
FTE Change – DSS/CD	10.7 FTE	10.7 FTE	10.7 FTE	10.7 FTE
<u>Costs</u> – DSS/CD (§210.795) p. 4-5				
Personal service	(\$223,939)	(\$271,414)	(\$274,128)	(\$274,128)
Fringe benefits	(\$163,389)	(\$197,047)	(\$198,038)	(\$198,038)
Equipment and expense	(\$108,627)	(\$70,417)	(\$72,177)	(\$72,177)
Total costs - DSS/CD	(\$495,955)	(\$538,878)	(\$544,343)	(\$544,343)
FTE Change – DSS/CD	6.3 FTE	6.3 FTE	6.3 FTE	6.3 FTE
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change on the Federal Funds	17 FTE	17 FTE	17 FTE	17 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
LOCAL POLITICAL SUBDIVISIONS				
Reimbursement of Costs – Counties (§550.125) State payments for a change of venue for a capital case held in counties p. 16-17	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Cost – Schools (§160.660) School safety renovations p. 7-8	(Unknown, could exceed \$5,500,000)	\$0	\$0	\$0
Cost – Police and Sheriff’s Departments (§575.205) Increased labor hours to process cases p.	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Loss – (Cities 15%) (§§307.018 and 556.021) Loss of reinstatement fees p. 12-13	(\$70,050)	(\$84,060)	(\$84,060)	(\$84,060)
Loss – (Counties 10%) (§§307.018 and 556.021) Loss of reinstatement fees p. 12-13	(\$46,700)	(\$56,040)	(\$56,040)	(\$56,040)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown, could exceed \$5,500,000)</u>	<u>More or less than (\$140,100)</u>	<u>More or less than (\$140,100)</u>	<u>More or less than (\$140,100)</u>

FISCAL IMPACT – Small Business

Small businesses may be impacted by this proposal if they pay the background check fees of employees. (§195.817)

Small businesses who install a certified ignition interlock system could be impacted from this proposal. (§557.520)

FISCAL DESCRIPTION

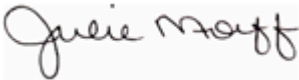
This proposal modifies provisions relating to public safety.

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 Economic Development
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education and Workforce Development
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Revenue
Department of Public Safety
Department of Social Services
Joint Committee on Administrative Rules
Legislative Research
Local Government Employees Retirement System
Missouri House of Representatives
Missouri Lottery Commission
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Department of Transportation
Missouri National Guard
Missouri Senate
MoDOT & Patrol Employees' Retirement System
Missouri State Employees Retirement System
Missouri Office of Prosecution Services
Office of Administration
Office of Administration –
 Administrative Hearing Commission
 Budget and Planning
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
Office of the State Treasurer
Oversight Division
State Tax Commission
City of Jefferson City
City of Kansas City
City of O'Fallon
City of Springfield
Branson Police Department
Kansas City Police Department
Oronogo Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department
LAGERS
Gordon Parks Elementary
Cole County
Jackson County
Cole Camp Ambulance District
Kansas City Health Department
Newton County Health Department
St. Louis County Health Department



Julie Morff
Director
April 13, 2023



Ross Strope
Assistant Director
April 13, 2023