

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3154H.01I  
 Bill No.: HB 1748  
 Subject: Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: January 10, 2024

Bill Summary: This proposal modifies and creates offenses involving arrests, stops, and detentions.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
General Revenue	(\$32,297)	(\$118,593)	(\$352,815)	(\$502,948)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$32,297)</b>	<b>(\$118,593)</b>	<b>(\$352,815)</b>	<b>(\$502,948)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
General Revenue	0 FTE	0 FTE	0 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>1 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

ASSUMPTION

§§558.019, 575.150, 575.151, <575.200>, and 610.140 – Arrests, stops, and detentions

Officials from the **Department of Corrections (DOC)** state the proposal modifies and creates offenses involving arrests, stops, and detentions. It modifies sections 558.019 and 575.150 to include penalties for attempted escape from custody, which will allow for the repeal of section 575.200. The bill also introduces section 575.150, which creates the specific offenses of resisting arrest by fleeing in or on a motor vehicle and aggravated arrest by fleeing in or on a motor vehicle.

Resisting arrest by fleeing in a motor vehicle becomes a class E felony for the first offense and a class D felony for subsequent offenses, and to aggravated resisting arrest by fleeing in a motor vehicle becomes a class D felony for a first offense and a class C felony for subsequent offenses.

	<b>New Admission</b>	<b>Repetitive Offense</b>
<b>Resis Arr Flee MV</b>	Class E	Class D
<b>Aggrav Resis Arr Flee MV</b>	Class D	Class C

The potential impact of this bill on department operations is difficult to determine because department records do not differentiate between resisting arrest offenses that involve motor vehicles and those that do not. Therefore, the DOC assumes that offenses under section 577.151 that were sentenced as class E felonies will continue to be sentenced as class E felonies unless the offender has a prior sentence under this section, in which case the sentence would be reclassified as a class D felony.

Although the bill also introduces the potential for a class C felony for repeated aggravated resisting arrest, the impact of creating the aggravated resisting arrest offense as a first offense is what is taken into account in this response. This is done by using the department’s standard response to the creation of a new violent class D felony offense.

In FY 2023, there were 411 new court commitments to prison on sentences under section 575.150. Of those, 39 had prior sentences under section 575.150. Therefore, the DOC will estimate there will be 39 persons sentenced for a class D felony instead of a class E felony due to their prior sentences for resisting arrest.

The differences for a class E felony under 575.151 and a possible class D felony under 575.151 are summarized in the table immediately below. Offenders first released from prison in FY 2023 whose longest sentence was for a class E felony served, on average, 1.1 years of a 3.6 year sentence in prison prior to first release. The DOC estimates that 33% of the remaining sentence term, or approximately 0.8 years, will be spent in prison following returns from parole supervision; and, the remaining 1.7 years of the sentence will be spent under parole supervision.

	<b>Class E</b>	<b>Class D</b>	<b>Diff</b>
<b>First release</b>	1.1	1.2	0.1

<b>Total prison</b>	1.9	2.5	0.6
<b>Total Parole</b>	1.7	2.7	1.0
<b>Total Sentence</b>	3.6	5.2	1.6

Offenders first released from prison in FY 2023 whose longest sentence was for a class D felony served, on average, 1.2 years of a 5.2 year sentence in prison prior to first release. The DOC estimates that 33% of the remaining sentence term, or approximately 1.3 years, will be spent in prison following returns from parole supervision; and, the remaining 2.7 years of the sentence will be spent under parole supervision.

As shown in the table, reclassification is likely to lead to an additional 0.6 years in prison, an additional 1.0 years on parole supervision, and an additional 1.6 years of the total sentence for these offenders.

The impact of increasing the penalty for a second offense under section 575.151 does not appear until FY 2028, and would be expected to reach maximum cumulative impact in FY 2030, with 23 additional offenders in prison and 39 additional offenders under field supervision.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	39	39	39	39	39	39	39	39	39	39
After Legislation	39	39	39	39	39	39	39	39	39	39
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison		4	23	23	23	23	23	23	23	23
Parole		-4	-23	-8	31	39	39	39	39	39
Probation										
<b>Impact</b>										
Prison Population		4	23	23	23	23	23	23	23	23
Field Population		-4	-23	-8	31	39	39	39	39	39
<b>Population Change</b>				<b>16</b>	<b>55</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>	<b>62</b>

For each new violent class D felony, the department estimates four people will be sentenced to prison and four to probation. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
<b>Cumulative Populations</b>										
Prison	4	8	12	16	16	16	16	16	16	16
Parole					4	7	7	7	7	7
Probation	4	8	12	16	16	16	16	16	16	16
<b>Impact</b>										
Prison Population	4	8	12	16	16	16	16	16	16	16
Field Population	4	8	12	16	20	23	23	23	23	23
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>32</b>	<b>36</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>

Combined Cumulative Estimated Impact

The **combined** cumulative estimated impact on the department is 39 additional offenders in prison and 51 additional offenders on field supervision by FY 2029.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	39	39	39	39	39	39	39	39	39	39
After Legislation	43	43	43	43	43	43	43	43	43	43
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
<b>Cumulative Populations</b>										
Prison	4	12	35	39	39	39	39	39	39	39
Parole	0	-4	-23	-8	35	46	46	46	46	46
Probation	4	8	12	16	16	16	16	16	16	16
<b>Impact</b>										
Prison Population	4	12	35	39	39	39	39	39	39	39
Field Population	4	4	-11	8	51	62	62	62	62	62
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>48</b>	<b>91</b>	<b>101</b>	<b>101</b>	<b>101</b>	<b>101</b>	<b>101</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	4	(\$9,689)	(\$32,297)	0	\$0	4	(\$32,297)
Year 2	12	(\$9,689)	(\$118,593)	0	\$0	4	(\$118,593)
Year 3	35	(\$9,689)	(\$352,815)	0	\$0	(11)	(\$352,815)
Year 4	39	(\$9,689)	(\$401,000)	0	\$0	8	(\$401,000)
Year 5	39	(\$9,689)	(\$409,020)	1	(\$93,929)	51	(\$502,948)
Year 6	39	(\$9,689)	(\$417,200)	1	(\$85,896)	62	(\$503,096)
Year 7	39	(\$9,689)	(\$425,544)	1	(\$86,814)	62	(\$512,359)
Year 8	39	(\$9,689)	(\$434,055)	1	(\$87,743)	62	(\$521,798)
Year 9	39	(\$9,689)	(\$442,736)	1	(\$88,683)	62	(\$531,419)
Year 10	39	(\$9,689)	(\$451,591)	1	(\$89,633)	62	(\$541,224)

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 \$26.545 per day or an annual cost of \$9,689 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 \$99.90 per day or an annual cost of \$36,464 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 impact for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by the change to Section 575.150 and 575.151 would take approximately twenty-two to thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

**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.

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (575.151) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Transportation**, the **Office of the State Courts Administrator**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each 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.

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

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2029)
<b>GENERAL REVENUE</b>				
<u>Costs – DOC</u> (§§575.150 and 575.151)				
Personal Service	\$0	\$0	\$0	(\$47,224)
Fringe Benefits	\$0	\$0	\$0	(\$33,934)
Exp. & Equip.	\$0	\$0	\$0	(\$12,770)
Increased incarceration costs	(\$32,297)	(\$118,593)	(\$352,815)	(\$409,020)
<b>Total Costs - DOC</b>	<b>(\$32,297)</b>	<b>(\$118,593)</b>	<b>(\$352,815)</b>	<b>(\$502,948)</b>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$32,297)</b>	<b>(\$118,593)</b>	<b>(\$352,815)</b>	<b>(\$502,948)</b>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	1 FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2029)
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.



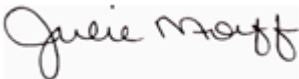
FISCAL DESCRIPTION

This bill modifies and creates offenses involving arrests, stops, and detentions.

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 Corrections  
Department of Public Safety - Missouri Highway Patrol  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



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