

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3338H.03C
 Bill No.: HCS for HB Nos. 1706 & 1539
 Subject: Professional Registration and Licensing; Sexual Offenses; Health Care
 Professionals; Social Workers; Nurses; Crimes and Punishment; Victims of Crime
 Type: Original
 Date: February 5, 2024

Bill Summary: This proposal modifies provisions relating to human trafficking.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
General Revenue*	Greater than (\$113,450)	Could exceed (\$149,245)	Could exceed (\$161,728)	Could exceed (\$187,706)
Total Estimated Net Effect on General Revenue	Greater than (\$113,450)	Could exceed (\$149,245)	Could exceed (\$161,728)	Could exceed (\$187,706)

*The fiscal impact to General Revenue could exceed the \$250,000 threshold depending on the level of appropriation to the Anti-Trafficking Fund (§210.1505), if any.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Anti-Trafficking Fund*	\$0	\$0	\$0	\$0
Human Trafficking and Sexual Exploitation Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

*Revenue and disbursements net to zero. Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
General Revenue (AGO)	1 FTE	1 FTE	1 FTE	1 FTE
Anti-Trafficking Fund (AGO)	1 FTE	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE	2 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 2025	FY 2026	FY 2027	Fully Implemented (FY 2031)
Local Government*	\$0	\$0	\$0	\$0

*Revenue and disbursements net to zero.

FISCAL ANALYSIS

ASSUMPTION

§27.170 – Committee on Sex and Human Trafficking Training

Oversight notes the provisions of this section, which become effective January 1, 2025, and expire December 31, 2029, establish the Committee on Sex and Human Trafficking Training. On an annual basis, the committee will establish guidelines for the training, which is to be produced and distributed in digital platform, required under sections 56.265, 190.142, 198.082, 211.326, 335.059, 337.618, and 590.050. The legislation provides that agencies may provide the training, and funding for the training is subject to appropriations.

Oversight will reflect the possibility that the General Assembly could appropriate moneys to this training from the General Revenue Fund and assumes a \$0 to unknown cost to produce and develop the training in a digital platform.

§190.142 – Ambulance services and emergency personnel

Officials from the **Department of Health and Senior Services (DHSS)** state section 190.142.2(5) of the proposed legislation requires emergency medical technicians (EMTs), including paramedics, to receive four hours of sex and human trafficking training as part of the continuing education requirements for re-licensure with the DHSS every five years. The Division of Regulation and Licensure's Bureau (DRL) of Emergency Medical Services will have the ability to verify the sex and human trafficking continuing education requirement during the EMT and paramedic re-licensure process.

DHSS assumes they can absorb the costs of this section with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

§210.1505 – Statewide Council Against Adult Trafficking and the Commercial Sexual Exploitation of Children

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Statewide Council Against Adult Trafficking and the Commercial Sexual Exploitation of Children Council meetings.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 256 miles and the current mileage rate, as set by the Office of Administration is \$0.655 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of approximately \$335. The SEN assumes no fiscal responsibility for the other committee members.

Oversight does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire task force (21 people) would be approximately \$3,521 per meeting. Oversight assumes four meetings per year for a total cost of \$14,085.

In response to similar legislation from 2024 (HB 1450), officials from the **Attorney General's Office (AGO)** assumed the need for one (1) Council Chair/Executive Director (210.1505.1(1)) and one (1) administrative support staff to fulfill the duties of section 210.1505.3.

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

Oversight notes the provisions of this section establish the Anti-Trafficking Fund, which consists of moneys appropriated by the General Assembly as well as any gifts, donations, grants, and bequests. Moneys in the fund shall be used solely to pay for the position of the executive director of the statewide council, education and awareness regarding human trafficking, and anti-trafficking efforts through the state.

Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. For fiscal note purposes, Oversight assumes services provided under this proposal will equal income/appropriations and net to zero.

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to human trafficking. The bill modifies the age under which a vulnerable person's statements out of court may be admissible as evidence in court. It also modifies ages in sections 566.151 and 567.030 that expand the applicability of the offenses of enticement of a child and patronizing prostitution, respectively. While these changes have the potential to impact DOC offender populations, DOC does not have the data on past offenses needed to estimate an impact. Therefore, the impact for 566.151 is an **unknown cost**.

The bill also changes penalties for the offense of patronizing prostitution under section 567.030. The existing class B misdemeanor could be changed to a class E felony, the existing class E felony could be a class D felony, and the existing class D felony could be a class B felony.

There were eight convictions under section 567.030 in FY 2023 with class B misdemeanor penalties. For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. Therefore, DOC estimates that two of the eight additional sentences could be prison sentences and six could be probation sentences. 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.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
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	2	2	2	2	2	2	2	2	2	2
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	2	4	4	4	4	4	4	4	4	4
Parole			2	3	3	3	3	3	3	3
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	2	4	4	4	4	4	4	4	4	4
Field Population	6	12	20	21	21	21	21	21	21	21
Population Change	8	16	24	25						

There were three new court commitments to prison and five new probation cases under section 567.030 during FY 2023. Of the three new commitments to prison, one was a class D felony and two were class E felonies. Of the five new probation cases, one was a class D felony and four were class E felonies. The three new prison commitments could be changed to one class B felony and two class D felonies. The five new probation cases could be changed to one class B felony and four class D felonies.

Estimated Impact from Changing D Penalties to B Penalties

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	1	1	1	1	1	1	1	1	1	1
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	1	1	1	1	1	1	1	1	1	1
After Legislation	1	1	1	1	1	1	1	1	1	1
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison						1	2	2	2	2
Parole						-1	-1	-1	1	1
Probation				1	2	2	2	2	2	2
Impact										
Prison Population						1	2	2	2	2
Field Population				1	2	1	1	2	3	3
Population Change				1	2	2	3	4	5	5

Estimated Impact from Changing E Penalties to D Penalties

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	2	2	2	2	2	2	2	2	2	2
After Legislation	2	2	2	2	2	2	2	2	2	2
Probation										
Current Law	4	4	4	4	4	4	4	4	4	4
After Legislation	4	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			1	1	1	1	1	1	1	1
Parole			-1		2	2	2	2	2	2
Probation										
Impact										
Prison Population			1	1	1	1	1	1	1	1
Field Population			-1		2	2	2	2	2	2
Population Change				1	3	3	3	3	3	3

Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 7 additional offenders in prison and 24 additional offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
After Legislation	5	5	5	5	5	5	5	5	5	5
Probation										
Current Law	5	5	5	5	5	5	5	5	5	5
After Legislation	11	11	11	11	11	11	11	11	11	11
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison	2	4	5	5	5	6	7	7	7	7
Parole	0	0	1	3	5	4	4	4	6	6
Probation	6	12	18	19	20	20	20	20	20	20
Impact										
Prison Population	2	4	5	5	5	6	7	7	7	7
Field Population	6	12	19	22	25	24	24	25	26	26
Population Change	8	16	24	27	30	30	31	32	33	33

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	2	(\$9,689)	(\$16,148)	0	\$0	6	(\$16,148)
Year 2	4	(\$9,689)	(\$39,531)	0	\$0	12	(\$39,531)
Year 3	5	(\$9,689)	(\$50,402)	0	\$0	19	(\$50,402)
Year 4	5	(\$9,689)	(\$51,410)	0	\$0	22	(\$51,410)
Year 5	5	(\$9,689)	(\$52,438)	0	\$0	25	(\$52,438)
Year 6	6	(\$9,689)	(\$64,185)	0	\$0	24	(\$64,185)
Year 7	7	(\$9,689)	(\$76,380)	0	\$0	24	(\$76,380)
Year 8	7	(\$9,689)	(\$77,907)	0	\$0	25	(\$77,907)
Year 9	7	(\$9,689)	(\$79,465)	0	\$0	26	(\$79,465)
Year 10	7	(\$9,689)	(\$81,055)	0	\$0	26	(\$81,055)

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 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>	<u>FY 2023</u>
§566.151 felonies	15	19	25	22	24
§567.030 felonies	1	0	2	3	10

Oversight notes the felony convictions under §566.151 are a class F felony.

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

§589.700 – Human trafficking offenses

Oversight notes the provisions of this bill state in addition to any fine imposed for a violation of section 566.203, 566.206, 566.209, 566.210, 566.211, or 566.215, the court shall enter a judgment of restitution payable to the Human Trafficking and Sexual Exploitation Fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section in the following amounts:

- \$10,000 per each identified victim of the offense(s) identified above; and
- \$2,500 for each county in which such offense(s) occurred.

Upon receipt of the moneys from the fund, a county shall allocate the disbursement as follows:

- \$10,000 per each identified victim of the offense(s) that occurred in the county toward local rehabilitation services such as mental health and substance abuse counseling; parenting skills, housing relief, vocational training, and employment counseling; and
- \$2,500 toward local efforts to prevent human trafficking such as education programs and increasing the number of local law enforcement members charged with enforcing human trafficking laws.

Oversight notes OSCA reported the following number of guilty convictions in 2019 – 2023:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
§566.203	0	0	0	0	0
§566.206	0	0	0	0	0
§566.209	1	0	0	0	1
§566.210	0	0	0	1	0
§566.211	3	1	1	2	3
§566.215	0	0	0	0	0

Oversight has no way to determine the number of victims associated with each guilty conviction listed above; therefore, Oversight will assume an (unknown) impact to the new Human Trafficking and Sexual Exploitation Fund. For fiscal note purposes, Oversight assumes services provided by the counties will equal income and net to zero.

Bill as a whole

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

Officials from the **Office of State Courts Administrator (OSCA)** state 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 **St. Louis County Police Department** state the proposed legislation would have a fiscal impact. If passed, the Department would be required to update policy and conduct training to inform officers of the changes in law. Policy creation and updating would require 8 hours of policy research and 4 hours of policy authoring. The average hourly wage of the policy development position is \$46.69. The total cost of policy development is \$560.28. The training development would require 8 hours at the same hourly wage of \$46.69. The total cost of training development is \$373.52.

All 820 commissioned officers would be required to attend the two-hour training. The average rate of a police officer is \$53.03. The total cost of attending training is \$86,969. This cost does not include covering shifts for officers at the training, which will likely result in required overtime.

Oversight notes because the training is provided on a digital platform and since the language is permissive, Oversight assumes the St. Louis County Police Department will be able to absorb the costs associated with this proposal.

Officials from the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Mental Health**, the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri House of Representatives**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Public Defender**, the **Branson Police Department**, and the **Kansas City Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2024 (HB 1450), 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 for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other counties, county prosecutors, nursing homes, local law enforcement,

ambulance/EMS, and hospitals 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 – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
GENERAL REVENUE				
<u>Costs</u> - (§27.170) To produce and develop training in a digital platform - p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0
<u>Costs</u> – AGO (§210.1505) p. 3-4				Could exceed...
Personal Service	(\$41,667)	(\$51,000)	(\$52,020)	(\$52,020)
Fringe Benefits	(\$28,667)	(\$34,788)	(\$35,183)	(\$35,183)
Exp. & Equip.	(\$12,883)	(\$9,841)	(\$10,038)	(\$10,038)
Meeting expenses	(\$14,085)	(\$14,085)	(\$14,085)	(\$14,085)
<u>Total Costs - AGO</u>	<u>(\$97,302)</u>	<u>(\$109,714)</u>	<u>(\$111,326)</u>	<u>(\$111,326)</u>
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs</u> – DOC (§§566.151 and 567.030) Increased incarceration costs p.4-8	Could exceed (\$16,148)	Could exceed (\$39,531)	Could exceed (\$50,402)	Could exceed (\$76,380)
<u>Transfer Out</u> – (§210.1505) To the Anti-Trafficking Fund p. 3-4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Greater than (\$113,450)</u>	<u>Could exceed (\$149,245)</u>	<u>Could exceed (\$161,728)</u>	<u>Could exceed (\$187,706)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE	1 FTE
ANTI-TRAFFICKING FUND				
<u>Income –</u> (\$210.1505) Gifts, grants, donations	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer In –</u> (\$210.1505) From General Revenue p.3-4	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs – AGO</u> (\$210.1505) Training and anti-trafficking efforts p. 3-4	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – AGO</u> (\$210.1505) Executive Director position p. 3-4				Could exceed...
Personal Service	(\$70,833)	(\$86,700)	(\$88,434)	(\$88,434)
Fringe Benefits	(\$39,972)	(\$48,626)	(\$49,298)	(\$49,298)
Exp. & Equip.	(\$12,883)	(\$9,841)	(\$10,038)	(\$10,038)
Total Costs - AGO	(\$123,688)	(\$145,167)	(\$147,770)	(\$147,770)
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE ANTI-TRAFFICKING FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
Estimated Net FTE Change on the Anti-Trafficking Fund	1 FTE	1 FTE	1 FTE	1 FTE
HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND				
<u>Revenue – (\$589.700) Restitution revenue p. 8</u>	Unknown	Unknown	Unknown	Unknown
<u>Transfer Out – To Counties</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT</u> – <u>Local</u> <u>Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2031)
LOCAL POLITICAL SUBDIVISIONS				
<u>Transfer In</u> – Counties (\$589.700) From Human Trafficking and Sexual Exploitation Fund	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> - (\$589.700) Local rehab services, education programs, etc.	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

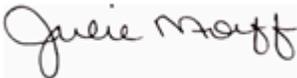
The proposed legislation modifies provisions relating to human trafficking.

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

SOURCES OF INFORMATION

Attorney General’s Office

Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Public Safety
Department of Social Services
Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Governor
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
February 5, 2024



Ross Strobe
Assistant Director
February 5, 2024