

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3564H.08R
Bill No.: Re-Perfected HCS#2 for HB 1886
Subject: Political Subdivisions; Children and Minors; County Government; County Officials; Courts; Crimes and Punishment; Corporations; Estates, Wills and Trusts; Judges; Uniform Laws
Type: Original
Date: April 10, 2024

Bill Summary: This proposal modifies provisions relating to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
General Revenue*	(Unknown)	(Unknown)	(Unknown)	Unknown, could exceed (\$166,944)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)	Unknown, could exceed (\$166,944)

*Oversight notes it would take roughly 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000 to General Revenue (p. 9).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
State Highway Fund (0644)	(\$177,151)	(\$216,833)	(\$221,170)	Could Exceed (\$221,170)
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 \$72,849	Unknown, Greater than \$33,167	Unknown, Greater than \$28,830	Unknown, could exceed \$28,830

*Increased revenues from class E felonies of \$46 per case deposited into this fund. Estimates are up to \$400,000 per year.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
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 2032)
State Highway Fund (0644)	1 FTE	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE	1 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 2032)
Local Government	Up to \$42,307 to (Unknown)	Up to \$70,602 to (Unknown)	Up to \$70,602 to (Unknown)	Up to \$70,602 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§347.143 – Court Ordered Dissolutions of LLC’s

In response to similar legislation from 2023, CCS/HCS/SS/SCS/SB 72, 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.

§§435.300, 435.303, 435.306, 435.309 & 435.312 – Alternative Dispute Resolution

As amended, officials from the **Missouri Highway Patrol (MHP)** assume this proposal authorizes an alternative dispute resolution program, similar to federal court, and creates a Uniform Depositions and Discovery Act. With this proposed legislation the MHP anticipates an increased workload related to foreign subpoenas and/or discovery requests. There may also be increased litigation costs associated with non-party subpoena and discovery responses. These increased costs would likely cause a direct impact on the MHP because the Missouri Attorney General's Office does not normally represent the MHP in such cases. Many of these non-party legal matters would likely involve some of the over 30,000 motor vehicle crashes the MHP investigates each year. As a result of the expected workload increase, the MHP forecasts the need to add one (1) FTE Legal Counsel.

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

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.

§§455.010, 455.035 & 455.513 – Orders of Protection

In response to similar legislation from 2023, CCS/HCS/SS/SCS/SB 72, 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.

Officials from the **Clay County Auditor's Office** assume a cost of \$5,000 per year due to the increase in age for appointing a Guardian ad Litem from 17 to 18.

§456.950 – Qualified Spousal Trusts

In response to similar legislation from this year, HB 1782, 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.

§§474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600 – Electronic Estate Planning Documents

In response to similar legislation from 2023, CCS/HCS/SS/SCS/SB 72, 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.

Oversight notes that according to <https://trustandwill.com/learn/e-will>, electronic wills are only accepted in a few states currently. Some states have updated their statutes to allow e-wills. Electronic wills are now legal in Nevada, Florida, Indiana, and Arizona. Utah and Colorado have also recently adopted the Uniform Electronic Wills Act, which is a model law created by the Uniform Laws Commission. In other instances, some state courts have accepted e-wills on a case-by-case basis. COVID-19 also caused some courts to temporarily allow remote witnessing as an emergency measure.

§§475.063 & 488.2300 – Guardianships/Conservatorships & the Family Services and Justice Fund

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 **Office of Administration - Budget and Planning** assume §475.063.3 includes a prohibition against charging certain petitioners fees or court costs under certain circumstances, potentially impacting both 18e and TSR calculations. §488.2300 provides that the section does not bar the general assembly from appropriating funds for transfer to count Family Services and Justice Fund. Presumably, such appropriations might be made from GR in the absence of other funding. B&P is not aware at present of any other available funding source.

Oversight notes §475.063 specifies what assistance a court clerk must provide or make available for a petitioner filing for emergency or full orders regarding a minor entering adult guardianship or conservatorship. The duties of the court clerk will be performed without cost to the petitioner. No filing fees, court costs, or bond will be assessed to the petitioner as well. The clerk may be reimbursed from the Family Services and Justice Fund for expenses incurred under this section.

Oversight notes §488.2300 allows fees incurred for guardianship or conservatorship proceedings by court-appointed attorneys, physicians, or other professionals, as well as fees incurred by court clerks providing assistance, to be given priority for payment from the "Family Services and Justice Fund". This section also doesn't prohibit the appropriation of funds by the general assembly to the various county family services and justice funds of the family courts of the counties.

§§488.040 & 494.455 – Compensation of Jurors

Officials from the **Office of the State Courts Administrator (OSCA)** assume this proposal states that in any county, or city not within a county, upon adoption by majority vote of the governing body, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county. Section 494.455 also ties the juror mileage rate to the mileage rate as provided by law for state employees (rather than seven cents per mile).

Officials from the **Office of Administration - Budget and Planning** assume §488.040 amends current authorizations for the compensation of jurors and may impact expenditures. §494.455 may impose additional costs on the counties and the state for the compensation of jurors. Both sections may be able to be estimated by the courts.

Oversight notes this section states the court of a judicial circuit may, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for state employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county. Using information from the 2018 – 2022 Annual Supplemental Reports for Jury Trial Information (Table 57) from OSCA, there were 5 circuit who had averaged 3 or more days of service. These circuits were Platte (6), Clay (7), Jackson

(16), Cole (19) and St. Louis County (21). Oversight notes current statute already requires the Greene County Circuit (31) to restructure juror compensation for this proposal.

Oversight notes according to information from the 2018 – 2022 Annual Supplemental Reports for Jury Trial Information (Table 57) from OSCA, there was an average of 897 days and 235 cases where jurors were in session for both civil and criminal cases for these 5 circuits. On average between these circuits, 3.8 days (897/235) were spent for each case. Using the chart below, Oversight assumes if the court votes to adopt this restructure of juror compensation within these 5 circuits, there could be an additional cost of up to \$191,904 each year. If the rest of the circuits were to adopt this restructuring plan, then there could also be a savings of up to \$92,736 each year. This would be the minimum payout and does not include mileage reimbursement to jurors, since Oversight does not have that information available. Therefore, Oversight will reflect an unknown cost to pay jurors that could exceed \$99,168 (\$191,904 – 92,736) annually.

Officials from the **Clay County Auditor’s Office** assume a cost of \$1,000 per year for the increase in mileage reimbursement for jurors.

§488.426 – St. Louis City Circuit Court Civil Case Filing Fee

Officials from the **Office of Administration - Budget and Planning** assume this section appears to alter the scope of circuits to which certain surcharge authorizations apply, potentially impacting both 18e and TSR calculations.

Officials from the **Office of the State Courts Administrator (OSCA)** assume this proposal allows the circuit court in St. Louis City to collect a fee not to exceed twenty dollars, rather than fifteen, to go toward the law library. During the past five years there was an average of 12,933 circuit civil case filings, 5,399 domestic relations civil case filings and 15,361 associate civil and small claims civil case filings, a total of 33,693. Based upon the increase in the collection fee not to exceed \$20.00, rather than \$15.00, to go toward the library, OSCA estimates the increase to be \$0 to \$168,465 (\$5 x 33,693).

Oversight notes using information on the City of St. Louis from OSCA’s Judicial Report Supplement for FY12 thru FY22, Oversight projects the follow:

Circuit Civil	10,668
Domestic Relations	6,488
Associate Civil and Small Claims	<u>16,798</u>
Civil Circuit Total	33,954

Oversight estimates the increase to be \$169,770 (\$5 * 33,954).

Oversight assumes the provisions of this section will not create a material fiscal impact to local political subdivisions other than St. Louis City Circuit Court.

§§491.075, 492.304– Judicial Proceedings

In response to similar legislation from this year, HB 1706, 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.

§§510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521 – Uniform Interstate Depositions and Discovery Act

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.

§534.157 – Rental Properties Transfers of Titles

Oversight assumes this section will have no fiscal impact.

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to judicial proceedings. 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 three new court commitments to prison and five new probation cases under this section during FY 2023. 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 DOC would be an additional 15 offenders in prison and an additional 4 offenders on field supervision by FY 2033.

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	8	8	8	8	8	8	8	8	8	8
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	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison						6	14	15	15	15
Parole						-6	-10	-4	4	4
Probation										
Impact										
Prison Population						6	14	15	15	15
Field Population						-6	-10	-4	4	4
Population Change							4	11	19	19

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 3	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 4	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 5	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 6	6	(\$9,689)	(\$64,185)	0	\$0	-6	(\$64,185)
Year 7	14	(\$9,689)	(\$152,759)	0	\$0	-10	(\$152,759)
Year 8	15	(\$9,689)	(\$166,944)	0	\$0	-4	(\$166,944)
Year 9	15	(\$9,689)	(\$170,283)	0	\$0	4	(\$170,283)
Year 10	15	(\$9,689)	(\$173,689)	0	\$0	4	(\$173,689)

* 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 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
§566.151 felonies	19	25	22	23
§567.030 felonies	0	2	3	2

Oversight notes the felony convictions under §566.151 are a class F felony. Oversight will reflect DOC’s impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000

§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, Alford Plea and a Charge Disposition Date within CY2022. 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>
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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 substantially 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 January 31, 2024, is \$2,080,937.

Officials from the **Office of Administration - Budget and Planning** assume \$595,045.8 expands the application of a current court cost surcharge that generates revenues for the state's Crime Victim Compensation Fund, potentially impacting both 18e and TSR calculations.

§537.529 – Uniform Public Expression Protection Act

In response to similar legislation from 2022, HB 2624, 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.

Bill as a Responses regarding the proposed legislation as a whole

Officials from the **Office of Administration - Administrative Hearing Commission, the Department of Economic Development, the Department of Mental Health, the Department of Labor and Industrial Relations, the Department of Natural Resources, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the Office of Administration, the Petroleum Storage Tank Insurance Fund, the Department of Revenue, the MoDOT & Patrol Employees' Retirement System, the St. Louis City Board of Elections, the Kansas City Police Department, the Newton County Health Department, the County Employees Retirement Fund, the South River Drainage District, the Joint Committee on Administrative Rules, Legislative Research, the Oversight Division, the Missouri Consolidated Health Care Plan, the Missouri Office of Prosecution Services, the Department of Elementary and Secondary Education, the Office of the State Public Defender, the City of Kansas City, the Kansas City Board of Elections, the St. Louis County Board of Elections, the Metropolitan St. Louis Sewer District, the Missouri House of Representatives, the Joint Committee on Education, the Missouri State Employee's Retirement System, the Department of Commerce and Insurance, the Department of Higher Education and Workforce Development, the Office of the Governor, the Department of Social Services, the Missouri Lottery Commission, the State Tax Commission, the Joint Committee on Public Employee Retirement, the Branson Police Department, the St. Louis County Police Department, the Kansas City Public School Retirement System, the Department of Health and Senior Services, the Department of Public Safety (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission, State Emergency**

Management Agency), the Missouri National Guard, the Platte County Board of Elections, the Lincoln County Assessor's Office, the Phelps County Sheriff's Office, the Kansas City Civilian Police Employees' Retirement, the Kansas City Police Retirement System, the Metropolitan St. Louis Sewer District Employees Pension Plan, the Public Education Employees' Retirement System, the Wayne County PWSO #2, the Pulaski County Sewer District #1, the St. Charles County PWSO #2, the Christian County Auditor's Office, the Sheriff's Retirement System, Missouri State University, the University of Central Missouri, the Northwest Missouri State University, the Missouri Higher Education Loan Authority, the Office of the Lieutenant Governor, the Office of the State Auditor and the Missouri Senate 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.

In response to a previous version, officials from the **Office of the State Treasurer, the cities of St. Louis & O'Fallon, the Jackson County Board of Elections, the Local Government Employees Retirement System, the Morgan County PWSO #2, the Attorney General's Office, the University of Missouri System, the City of Osceola, the Eureka Fire Protection District and the Osceola Water/Wastewater District** 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.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local election authorities, county health departments, county recorders, nursing homes, county assessors, county auditors, county circuit clerks, county collectors, county prosecutors, county treasurers, county public administrators, local law enforcement, fire protection districts, ambulance districts retirement agencies, schools, utility districts, hospitals and colleges 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 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
GENERAL REVENUE				
<u>Cost – DOC (§§566.151 and 567.030) p. 9 Increased incarceration costs</u>	(Unknown)	(Unknown)	(Unknown)	<u>Unknown, could exceed (\$166,944)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Unknown)	(Unknown)	(Unknown)	<u>Unknown, could exceed (\$166,944)</u>
STATE HIGHWAY FUND (0644)				
<u>Costs – MHP §§435.300, 435.303, 435.306, 435.309 & 435.312 p. 3</u>				Could Exceed
Personnel Service	(\$94,380)	(\$115,521)	(\$117,832)	(\$117,832)
Fringe Benefits	(\$82,771)	(\$101,312)	(\$103,338)	(\$103,338)
Expense & Equipment	\$0	\$0	\$0	\$0
<u>Total Costs -</u>	<u>(\$177,151)</u>	<u>(\$216,833)</u>	<u>(\$221,170)</u>	<u>(\$221,170)</u>
FTE Change	1 FTE	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON STATE HIGHWAY FUNDS (0644)	<u>(\$177,151)</u>	<u>(\$216,833)</u>	<u>(\$221,170)</u>	<u>Could Exceed (\$221,170)</u>
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
CRIME VICTIMS’ COMPENSATION FUND (0681)				
<u>Revenue</u> – DPS (\$595.045) Class E felony fee (\$46 per) p. 10	<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 – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue</u> – St. Louis City Circuit - on filing fees to go towards law library (\$488.426) – from \$15 to \$20 – to beyond p. 6 & 7	Up to \$141,475	Up to \$169,770	Up to \$169,770	Up to \$169,770
<u>Cost</u> – potential increase compensation in certain circuits for jurors (\$494.455) p. 5 & 6	(Unknown, could exceed \$99,168)	(Unknown, could exceed \$99,168)	(Unknown, could exceed \$99,168)	(Unknown, could exceed \$99,168)
<u>Costs</u> – counties - potential increase in costs for Guardians Ad Litem §455.010	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – counties – additional costs from the counties’ Family Services and Justice Fund	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Up to \$42,307 to (Unknown)</u>	<u>Up to \$70,602 to (Unknown)</u>	<u>Up to \$70,602 to (Unknown)</u>	<u>Up to \$70,602 to (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Currently, a limited liability company (LLC) may be dissolved involuntarily by a decree of the circuit court located in the county of the registered office of the LLC upon application by or for a member of the LLC when it is not reasonably practicable to carry on business in conformity with the operating agreement.

This bill expands the circumstances under which an LLC may be dissolved to include when a court determines that:

- (1) Dissolution is necessary for the protection of the rights or interests of complaining members;
- (2) The business of the LLC has been abandoned;
- (3) The management of the LLC is deadlocked or subject to internal dissension, or
- (4) Those in control of the LLC have been found guilty of, or have knowingly allowed, persistent and pervasive fraud, mismanagement, or abuse of authority.

The bill also establishes an alternative dispute resolution process to which a court may refer, by rule or court order, a single case or a category of cases. The parties themselves may enter into a written agreement to resolve their differences through an alternative dispute resolution process and may agree that the provisions of this bill will apply to the process. The process, whether referred by the court or agreed to by the parties, is nonbinding unless the parties agree in writing to it being binding. In an action referred to an alternative dispute resolution process, discovery may proceed as in any other action, except that alternative dispute resolution communications will not be admissible as evidence in any proceeding or subject to discovery. Similarly, evidence or information that is otherwise admissible or subject to discovery will not become inadmissible or protected from discovery solely because of its disclosure or use in an alternative dispute resolution process. Any participant in an alternative dispute resolution process has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by that person during or relating to that process.

If the court has not referred a case to a non-binding alternative dispute resolution process and the parties do not themselves enter into a written agreement to resolve their differences using the

process in this bill, the process the parties use will be considered settlement negotiations and will be subject to rules of confidentiality that generally apply to such negotiations.

The bill changes the definitions of "adult" and "child" as they relate to actions under Chapter 455, RSMo. Under the bill, "adult" refers to someone 18 years of age or older and "child" refers to someone under age 18. Additionally, current law establishes protocol for when the respondent in an ex parte order of protection is under age 17. This bill increases the age to when the respondent is under age 18.

The bill establishes the "Missouri Electronic Wills and Electronic Estate Planning Documents Act", which specifies that an electronic will is considered a will for all purposes of the law of this state and that any written estate planning document may be executed electronically. An "electronic will" is defined in the bill as a record that is readable as text at the time of signing, is signed by the testator or another individual in the testator's name, and is signed in the physical or electronic presence of the testator by at least two individuals after witnessing the signing of the will or the testator's acknowledgment of the signing of the will or acknowledgment of the will itself. Types of estate planning documents include a power of attorney or durable power of attorney, an advance directive, an irrevocable trust, and a beneficiary deed, as well as other types of documents. The bill establishes a process by which an electronic will may be made self-proved as well as how all or part of an electronic will may be revoked.

If there is no evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be found after the testator's death, there will be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located. A person may create a certified paper copy of an electronic will or an electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will or the estate planning document.

The provisions of this bill apply to the will of a decedent who dies on or after August 28, 2024, and to each other written estate planning document signed or remotely witnessed on or after August 28, 2024.

The bill also specifies that certain estate planning documents that were executed during the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to COVID-19 and there was a temporary suspension of physical appearance requirements, will be deemed to have satisfied the physical presence requirements if certain requirements, specified in the bill, were met.

The bill specifies what assistance a court clerk must provide or make available for a petitioner filing for emergency or full orders regarding a minor entering adult guardianship or conservatorship. It allows fees incurred for guardianship or conservatorship proceedings by court-appointed attorneys, physicians, or other professionals, as well as fees incurred by court

clerks providing assistance, to be given priority for payment from the "Family Services and Justice Fund".

Currently, the circuit court in any circuit may collect a fee in civil cases not to exceed \$15, and that fee will go toward maintenance and upkeep of the law library in the designated county. Jackson County and any circuit that reimburses the state for salaries of family court commissioners are allowed to charge a fee not to exceed \$20. The bill adds the Circuit Court in the City of St. Louis to the circuits that may charge a fee not to exceed \$20.

Currently, under certain circumstances, a statement made by a child under the age of 14 or by a vulnerable person, or the visual and aural recording of a verbal or nonverbal statement of such child or vulnerable person, is admissible in evidence in criminal proceedings as substantive evidence to prove the truth of the matter asserted. This bill increases the age to a child under the age of 18 and it amends the definition of "vulnerable person" to include a person whose developmental level does not exceed that of an ordinary child of 17 years of age, increased from 14 years of age.

This bill specifies that each grand and petit juror will receive at least \$6 per day for every day the juror actually serves and a mileage reimbursement rate as provided by law for state employees. Each county and the City of St. Louis may authorize additional compensation for its jurors. Alternatively, the court of a judicial circuit may, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for state employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county.

This bill establishes the "Uniform Interstate Depositions and Discovery Act". This bill provides procedures and processes for when a subpoena for discovery or a deposition is submitted in Missouri by a party in a foreign jurisdiction.

This bill establishes the "Uniform Public Expression Protection Act".

The bill relates to causes of action filed against individuals who exercise certain constitutional rights. The bill specifies that, when a person, defined in the bill as "an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity", has a cause of action filed against him or her or it based upon his or her or its communication in a governmental proceeding or on an issue under consideration in a governmental proceeding, or when he or she or it exercises his or her or its right of freedom of speech or of the press, the right to assemble, or the right of association, that person may file a special motion to dismiss the cause of action.

The bill establishes procedures for such special motions to dismiss. The bill specifies under which circumstances a court may award costs, reasonable attorneys' fees, and reasonable litigation expenses. The provisions of the bill apply to civil actions filed on or after August 28, 2024.

Currently, information and data obtained by a probation and parole officer is privileged information. This bill excludes criminal proceedings from the circumstances under which such information is privileged.

Currently, a person 21 years old or older commits the offense of enticement of a child if he or she satisfies the elements of the offense and the child is under 15 years old. This bill increases the age of the child to under 17 years old. The bill also amends the offense of patronizing prostitution. Under existing law, the offense is a class E felony if the person being patronized is under 18 years old but older than 14 years old. This bill increases the minimum age for a class E felony to older than 15 years old. The offense is currently a class D felony if the person being patronized is 14 years of age or younger. This bill increases the age to 15 years of age or older and increases the penalty to a class B felony.

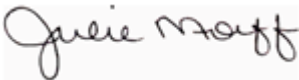
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

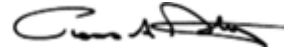
Office of the State Courts Administrator
St. Louis City
Department of Corrections
Attorney General's Office
Office of Administration
 Office of Administration - Budget and Planning
 Office of the Commissioner
 Administrative Hearing Commission
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety
 Division of Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Office of the Director
 Missouri Gaming Commission
 Missouri Highway Patrol
 Missouri Veterans Commission

State Emergency Management Agency
Department of Social Services
Office of the Governor
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation
Missouri National Guard
MoDOT & Patrol Employees' Retirement System
Petroleum Storage Tank Insurance Fund
Office of the State Public Defender
Office of the State Treasurer
University of Missouri System
Kansas City
Kansas City Board of Elections
O'Fallon
Osceola
Jackson County Board of Elections
Platte County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Newton County Health Department
Lincoln County Assessor's Office
Phelps County Sheriff's Office
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Eureka Fire Protection District
County Employees Retirement Fund
Kansas City Public School Retirement System
Local Government Employees Retirement System
Metropolitan St. Louis Sewer District Employees Pension Plan
Public Education Employees' Retirement System
Sheriff's Retirement System
Metropolitan St. Louis Sewer District
Morgan County PWSD #2
Osceola Water/Wastewater District
South River Drainage District
St. Charles County PWSD #2
Wayne County PWSD #2
Missouri State University
Northwest Missouri State University
University of Central Missouri
Office of the State Auditor

Missouri House of Representatives
Joint Committee on Administrative Rules
Joint Committee on Education
Joint Committee on Public Employee Retirement
Legislative Research
Oversight Division
Missouri Senate
Missouri Lottery Commission
Missouri Consolidated Health Care Plan
Missouri Office of Prosecution Services
Missouri State Employee's Retirement System
State Tax Commission
Office of the Secretary of State
Clay County Auditor's Office
Christian County Auditor's Office
Kansas City Civilian Police Employees' Retirement
Kansas City Police Retirement System
Pulaski County Sewer District #1
Office of the Lieutenant Governor
Missouri Higher Education Loan Authority



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April 10, 2024



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April 10, 2024