

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3849H.02P
Bill No.: Perfected HCS for HB 1659
Subject: Crimes and Punishment; Criminal Procedure; Courts; Judges; Attorneys; Prisons and Jails; Department of Corrections; Animals; Law Enforcement Officers and Agencies
Type: Original
Date: February 13, 2024

Bill Summary: This proposal modifies provisions relating to criminal laws.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue*	Could exceed (\$319,469)	Could exceed (\$661,927)	Could exceed (\$1,151,159)	Could exceed (\$2,772,170)
Total Estimated Net Effect on General Revenue	Could exceed (\$319,469)	Could exceed (\$661,927)	Could exceed (\$1,151,159)	Could exceed (\$2,772,170)

*Beyond the impact reflected above, the DOC notes an increase in prison population by 1,252 offenders and a reduction in the field population by 626 offenders by FY 2049 (p. 4-5).

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Public Defender-Federal and Other Fund**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on Other State Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

**Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund. Oversight assumes this will not meet the \$250,000 threshold.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
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 2034)
General Revenue	2 FTE	4 FTE	6 FTE	10 FTE
Total Estimated Net Effect on FTE	2 FTE	4 FTE	6 FTE	10 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 2034)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§211.071, 211.600, and 217.345 – Certification of juveniles for trial as adults

Officials from the **Department of Corrections (DOC)** assume section 211.071 raises the age for which a child can be tried as an adult from 12 to 14. DOC generally does not receive many offenders who have committed the offense between the ages of 12-14; therefore, DOC anticipates **no impact**.

This part of the proposal has an emergency clause.

§217.690 – Eligibility for parole

DOC states this section excludes offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration.

There are currently (as of 12/15/2023) 183 offenders in prison who are both: 1) incarcerated only on a sentence, or a combination of sentences, for offenses committed when they were less than 18 years, and 2) serving a sentence for a conviction of murder in the second degree. Of those 183 offenders, 12 are excluded from consideration for having a prior release from prison. Of the remaining 171 offenders, 48 have been incarcerated for 15 years or more. Given the parole board is currently reviewing these cases, DOC assumes the passage of this proposal would result in these 48 individuals remaining in prison. It is **unknown** what fiscal impact this will have, as there is no way to determine how many of these individuals would have been denied parole by the board in any case, and therefore how many this change would truly be affecting.

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

§558.019 – Minimum prison terms

DOC states this section defines Armed Criminal Action (ACA) as an unclassified felony in section 571.015, and removes a reference to section 571.015 in 558.019, which prevents 558.019 from being applied to ACA sentences.

There were 313 offenders admitted to prison on a new ACA charge in FY 2023. Given the relatively long length of sentences and prison terms for offenders with ACA sentences, the DOC does not expect to see the impact of the proposed changes in section 558.019 on offender populations **until FY 2044**. At that time, the requirement to serve at least 85% of ACA sentences, in addition to the existing requirement that those sentences be served consecutively, the DOC expects the prison population to start to increase. The cumulative impact is expected to

be an increase in the prison population by 1,252 offenders and a reduction in the field population by 626 offenders by FY 2049.

§565.258 – Stop Cyberstalking and Harassment Task Force

Officials from the **Department of Public Safety - Office of the Director (DPS)** state one (1) part-time FTE will be needed to support the task force.

Oversight notes the legislation does not state the number of meetings the Stop Cyberstalking and Harassment Task Force is required to hold during the year. Oversight also notes this task force will expire on December 31, 2026, unless extended until December 31, 2028, as determined necessary by the Department of Public Safety. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight assumes the 17 members may incur cost of approximately \$11,500 annually if meetings are held quarterly either in-person or by phone and/or video conference. Oversight further assumes DPS is provided with core funding to handle a certain amount of activity each year and, therefore, the expenses related to this proposal could be absorbed by DPS.

Oversight notes multiple bills may be passed by the General Assembly in a given year and, collectively, those costs maybe in excess of what can be sustained within the core budget. If so, the DPS may request funding for the costs of supporting these bills should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Stop Cyberstalking and Harassment Task Force 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 Missouri Senate 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 (17 people) would be approximately \$2,850 per meeting. Oversight assumes four meetings per year for a total of \$11,402. Oversight notes this is not a material amount and will not reflect this in the fiscal note; however, if additional task forces are added in other proposals, additional appropriation authority may be needed.

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.

§568.045 – Endangering the welfare of a child

DOC states the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids, or causes a child less than seventeen years of age to engage in any conduct in subdivision 568.045.1 (3) is expanded to include offenses covered in chapter 571. The proposed legislation extends section 568.045.1 (3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579.

DOC estimates the number of offenses outlined in chapter 571 that will be covered by 568.045.1(3) will be in approximately the same proportion as offenses outlined in chapter 579 that are currently covered by 568.045.1 (3). The FY 2023 information for relevant offenses is summarized in the following table. The DOC estimates there will be 7 additional people sentenced to prison and 94 additional people sentenced to probation for a violent class D felony.

Section	Prison Sentences	Probation Sentences
579 - Actual FY 2023	1,253	6,631
568.045.1(3) - Actual FY 2023	96	436
571 - Actual FY 2023	800	1,530
568.045.1(3) – Estimated Additional	7	94

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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
Change (After Legislation - Current Law)										
Admissions	7	7	7	7	7	7	7	7	7	7
Probations	94	94	94	94	94	94	94	94	94	94
Cumulative Populations										
Prison	7	14	21	27	27	27	27	27	27	27
Parole				1	8	13	13	13	13	13
Probation	94	188	282	376	376	376	376	376	376	376
Impact										
Prison Population	7	14	21	27	27	27	27	27	27	27
Field Population	94	188	282	377	384	389	389	389	389	389
Population Change	101	202	303	404	411	416	416	416	416	416

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

568.045 would take approximately 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.

This part of the proposal has an emergency clause.

§§571.015 and 571.070 – Criminal laws

DOC states section 571.015 makes the offense of armed criminal action an unclassified felony.

Section 571.070 changes the penalty associated with unlawful possession of a firearm from a class D felony to a class C felony for people with no prior dangerous felony conviction and no prior conviction for unlawful possession of a firearm. It also changes the penalty for unlawful possession of a firearm from a class C felony to a class B felony for people with a prior dangerous felony conviction and/or a prior conviction for unlawful possession of a firearm.

There were 100 offenders admitted to prison in FY 2023 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, 16 had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, the DOC estimates the impact based on 84 new court commitments per year as class C felonies instead of class D felonies, and 16 new court commitments per year as class B felonies instead of class C felonies.

Change from class D felony to class C felony

The difference in an average sentence length between a nonviolent class D felony and a class C felony is 1.9 years. The difference in average time to first release from prison for a nonviolent class D felony and a class C felony is 0.4 years. When these differences are applied to 84 new court commitments annually, this equates to a maximum cumulative impact of approximately 76 additional offenders in prison and 84 additional offenders on field supervision after seven years.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	84	84	84	84	84	84	84	84	84	84
After Legislation	84	84	84	84	84	84	84	84	84	84
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			17	76	76	76	76	76	76	76
Parole			-17	-76	-76	8	84	84	84	84
Probation										
Impact										
Prison Population			17	76	76	76	76	76	76	76
Field Population			-17	-76	-76	8	84	84	84	84
Population Change						84	160	160	160	160

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class B felony is 2.1 years. The difference in average time to first release from prison for a class C felony and a class B felony is 1.3 years. When these differences are applied to 16 new court commitments annually, this equates to a maximum cumulative impact of approximately 24 additional offenders in prison and 10 additional offenders on field supervision after nine years.

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	16	16	16	16	16	16	16	16	16	16
After Legislation	16	16	16	16	16	16	16	16	16	16
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				5	21	24	24	24	24	24
Parole				-5	-21	-24	-22	-6	10	10
Probation										
Impact										
Prison Population				5	21	24	24	24	24	24
Field Population				-5	-21	-24	-22	-6	10	10
Population Change							2	18	34	34

§571.031 – Unlawful discharge of a firearm

DOC states section 571.031 creates the offense of unlawful discharge of a firearm. 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.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact. 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.

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to section 571.031 would take approximately twenty-two 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 attorney. 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. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

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.

§575.353 – Offenses against police dogs

DOC states section 575.353 intends to create a class A misdemeanor for any injury to a law enforcement animal that does not result in veterinary care; a Class E felony for any injury to a law enforcement animal that results in veterinary care; and a Class D felony for any injury resulting in death of a law enforcement animal.

As misdemeanors fall outside the purview of the DOC, they will not be analyzing their projected impact. Thus, as it relates to DOC, the intent of the bill is to create one new class E felony offense and one new class D felony offense.

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.

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	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.

Change in prison admissions and probation openings with legislation-Class D 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	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

§§579.021 and 579.022 – Delivery of controlled substance

DOC states section 579.021 is created to include penalty provisions for the offense of delivering a controlled substance causing great bodily harm. These actions are considered a class C felony offense.

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.

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

	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	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

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.

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 will be served in prison as a parole return, and the rest of the sentence will 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 2034 is 10 additional offenders in prison.

Change in prison admissions and probation openings with legislation

	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	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

§§579.065 and 579.068 – Trafficking drugs

DOC states section 579.065 removes language that refers to cocaine base from the definition of trafficking drugs in the first degree. Section 579.068 removes language that refers to cocaine base from the definition of trafficking drugs in the second degree.

Section 579.065 – In FY 2023, there were 18 new prison admissions and 12 new probation cases for sentences of trafficking drugs in the first degree.

Section 579.068 – In FY 2023, there were 79 new prison admissions and 90 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 which 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.

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

Combined Cumulative Impact for DOC

The combined cumulative estimated impact on the department is 162 additional offenders in prison and 543 additional offenders on field supervision by FY 2034.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	100	100	100	100	100	100	100	100	100	100
After Legislation	116	116	116	116	116	116	116	116	116	116
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	107	107	107	107	107	107	107	107	107	107
Change (After Legislation - Current Law)										
Admissions	16	16	16	16	16	16	16	16	16	16
Probations	107	107	107	107	107	107	107	107	107	107
Cumulative Populations										
Prison	16	32	63	137	154	158	159	160	161	162
Parole	0	0	-15	-74	-76	14	96	112	128	128
Probation	107	214	321	415	415	415	415	415	415	415
Impact										
Prison Population	16	32	63	137	154	158	159	160	161	162
Field Population	107	214	306	341	339	429	511	527	543	543
Population Change	123	246	369	478	493	587	670	687	704	705

	# to prison	Cost per year	Total Costs for prison	Change in # to probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	16	(\$9,689)	(\$140,491)	2	(\$178,978)	107	(\$319,469)
Year 2	32	(\$9,689)	(\$316,249)	4	(\$345,678)	214	(\$661,927)
Year 3	63	(\$9,689)	(\$635,067)	6	(\$516,092)	306	(\$1,151,159)
Year 4	137	(\$9,689)	(\$1,408,640)	6	(\$504,552)	341	(\$1,913,193)
Year 5	154	(\$9,689)	(\$1,615,104)	6	(\$509,938)	339	(\$2,125,042)
Year 6	158	(\$9,689)	(\$1,690,195)	8	(\$705,588)	429	(\$2,395,783)
Year 7	159	(\$9,689)	(\$1,734,911)	10	(\$887,113)	511	(\$2,622,024)
Year 8	160	(\$9,689)	(\$1,780,738)	10	(\$877,434)	527	(\$2,658,173)
Year 9	161	(\$9,689)	(\$1,827,705)	10	(\$886,834)	543	(\$2,714,539)
Year 10	162	(\$9,689)	(\$1,875,839)	10	(\$896,331)	543	(\$2,772,170)

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 will reflect DOC's cumulative impact stated above with additional impact from changes to section 558.019 that are beyond the 10-year time frame covered in this response.

§600.042 – Public Defender funding

SPD states the modification of section 600.042 would authorize SPD to receive and accept gifts. The fiscal impact is unknown.

SPD knows of no donations that have been made to General Revenue (GR) under the current statute. SPD has solicited grants from Americorp Vista for in-kind donations and would like to solicit grants from the DOJ if the Quality Defense Act is passed. That legislation authorizes substantial grants for public defender organizations that have completed workload studies and are working to establish appropriate workloads. SPD would also investigate other grant funding available. The fiscal impact on General Revenue would be minimal, as no funds have been deposited in GR as a result of the current statute.

Oversight assumes since no donations have been received by General Revenue through this statute, changing the designation to the new Public Defender – Federal and Other Fund would not create a material direct fiscal impact to the state.

Officials from the **Office of the State Treasurer (STO)** state the STO would require one (1) FTE (an Analyst at \$42,000) to handle the potential activity.

Oversight assumes the STO is provided with core funding to handle a certain amount of activity each year. Oversight assumes the STO could absorb the costs/duties related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, the STO could request funding through the appropriation process.

Responses regarding the proposed legislation as a whole

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

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 **Office of Administration - Budget and Planning (B&P)** state this bill as a whole expands or creates new offenses. To the extent that these fines are deposited into the state treasury, this proposal could increase total state revenue by an unknown amount beginning August 28, 2024.

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.

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 **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Fire Safety, and Missouri Highway Patrol)**, the **Department of Revenue**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri National Guard**, the **Office of Administration**, the **City of Kansas City**, 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 cities, counties, circuit clerks, local law enforcement, and fire protection districts 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> – State Government	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
GENERAL REVENUE				
<u>Savings</u> – DOC (§§579.065 and 579.068) p. 12 Trafficking drugs	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – DOC (§217.690) Change in parole eligibility p. 4	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – DOC (§§558.019, 568.045, 571.070, 575.353, 579.021, 579.022) p. 4-14				
Personal Service	(\$90,764)	(\$183,344)	(\$277,770)	(\$496,340)
Fringe Benefits	(\$65,220)	(\$131,745)	(\$199,594)	(\$356,652)
Exp. & Equip.	(\$22,994)	(\$30,589)	(\$38,728)	(\$43,339)
Increased incarceration costs	(\$140,491)	(\$316,249)	(\$635,067)	(\$1,875,839)
Total Costs - DOC	(\$319,469)	(\$661,927)	(\$1,151,159)	(\$2,772,170)
FTE Change - DOC	2 FTE	4 FTE	6 FTE	10 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Could exceed</u> <u>(\$319,469)</u>	<u>Could exceed</u> <u>(\$661,927)</u>	<u>Could exceed</u> <u>(\$1,151,159)</u>	<u>Could exceed</u> <u>(\$2,772,170)</u>

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Estimated Net FTE Change on the General Revenue Fund	2 FTE	4 FTE	6 FTE	10 FTE
PUBLIC DEFENDER – FEDERAL AND OTHER FUND				
<u>Income</u> – SPD (\$600.042) p. 14 Government grants, private gifts, donations, and bequests made to the Office of the Public Defender	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
	<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

This bill modifies provisions regarding public safety.

JUVENILE OFFENDERS (Sections 211.071, 211.600, 217.345, and 217.690) Currently, the juvenile court has exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases can be taken by the court of the circuit in which the child resides or in which the violation is alleged to have occurred.

Additionally, under current law, a court is required to hold a hearing to determine whether a child should be certified for trial as an adult if the child commits certain offenses. This bill clarifies that such mandatory certification hearings apply to children between the ages of 12 and 18. The bill also adds dangerous felonies to the list of offenses for which a certification hearing is required.

This bill provides that the Office of the State Courts Administrator shall collect certain information as provided in the bill relating to petitions to certify juveniles as adults and make such information publicly available annually.

The bill modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. The programs shall include physical separation from offenders 18 years of age or older and shall include education programs that award a high school diploma or its equivalent.

Currently, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This bill adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree when such person knowingly causes the death of another person.

ARMED CRIMINAL ACTION (Sections 558.019 and 571.015)

Currently, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions.

This bill repeals the exclusion of the offense of armed criminal action. This bill provides that the offense of armed criminal action will be an unclassified felony.

ENDANGERING THE WELFARE OF A CHILD (Section 568.045)

This bill adds to the offense of endangering the welfare of a child in the first degree when any person knowingly encourages, aids, or causes a child less than 17 years of age to engage in any conduct violating the law relating to weapons offenses. Under the provisions of the bill, any such person shall be guilty of a class D felony.

UNLAWFUL POSSESSION OF A FIREARM (Section 571.070)

Currently, unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony, in which case it is a class C felony.

This bill changes the penalty for the offense to a class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, in which case it is a class B felony.

LAW ENFORCEMENT ANIMALS (Sections 575.010, 575.353, 578.007, and 578.022)
This bill creates "Max's Law."

Currently, the offense of assault on a law enforcement animal is a class C misdemeanor.

This bill provides that the offense of assault on a law enforcement animal is a class A misdemeanor if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a class D felony if the assault results in the death of such animal.

Additionally, exemptions to the offenses of agroterrorism, animal neglect, and animal abuse shall not apply to the killing or injuring of a law enforcement animal while the animal is working.

Finally, this bill adds that any dog that is owned by or in the service of a law enforcement agency and that bites or injures another animal or human is exempt from the penalties of the offense of animal abuse.

DRUG TRAFFICKING (Sections 579.021, 579.022, 579.065, and 579.068)

This bill creates the offense of delivery of a controlled substance causing serious physical injury, which is a class C felony, and it creates the offense of delivery of a controlled substance causing death, which is a class A felony. For the purposes of these sections, the term "controlled substance" is limited to Schedule I and Schedule II controlled substances.

Additionally, under current law, a person commits the offense of drug trafficking in the first or second degree if he or she is distributing or purchasing more than 8 grams or more than 24 grams of a mixture containing a cocaine base. This bill repeals those provisions.

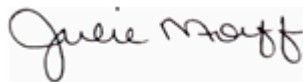
OFFICE OF PUBLIC DEFENDER (Section 600.042)

This bill creates the "Public Defender - Federal and Other Fund" and requires moneys from any government grant, private gift, donation, bequest, or other sources to be deposited into the fund. The money must be used for the sole purpose of funding local offices of the office of the State Public Defender.

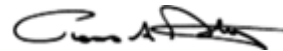
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Missouri Department of Conservation
Missouri Department of Transportation
Missouri House of Representatives
Missouri National Guard
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Governor
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
City of Kansas City
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
February 13, 2024



Ross Strope
Assistant Director
February 13, 2024