

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3849S.04C
 Bill No.: SCS for HCS for HB 1659
 Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Courts;
 Children and Minors; Probation and Parole; Victims of Crime; Attorneys; Cities,
 Towns, and Villages; Counties; Drugs and Controlled Substances; Animals;
 Sexual Offenses; Internet and E-Mail
 Type: Original
 Date: April 23, 2024

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue*	More or less than (\$4,092,590)	More or less than (\$3,256,961)	More or less than (\$3,825,668)	More or less than (\$5,713,820)
Total Estimated Net Effect on General Revenue	More or less than (\$4,092,590)	More or less than (\$3,256,961)	More or less than (\$3,825,668)	More or less than (\$5,713,820)

*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. 19)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Criminal Records System	\$0 to Could exceed \$176,000	\$0 to Could exceed \$176,000	\$0 to Could exceed \$176,000	\$0 to Could exceed \$176,000
Pretrial Witness Protection***	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Highway Funds	(\$92,812)	(\$111,375)	(\$111,375)	(\$111,375)
988 Public Safety Fund*	\$0	\$0	\$0	\$0
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	Less than \$83,188	Less than \$64,625	Less than \$64,625	Less than \$64,625

*Revenue and expenses net to zero.

**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.

***Reimbursements to law enforcement agencies and/or prosecuting or circuit attorney's offices is assumed to be less than \$250,000 annually based on past disbursements.

Numbers within parentheses: () indicate costs or losses.

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	10 to 12 FTE	12 to 14 FTE	14 to 16 FTE	19 to 21 FTE
Total Estimated Net Effect on FTE	10 to 12 FTE	12 to 14 FTE	14 to 16 FTE	19 to 21 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	More or less than (\$30,938)	More or less than (\$37,125)	More or less than (\$37,125)	More or less than (\$37,125)

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§§43.546, 190.106, 210.487, 301.551, 311.661 and 335.022 – Background checks for certain applicants

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Department of Health and Senior Services (DHSS)** noted this version of the proposal changes “shall” to “may” in §§210.487.1, 311.661.1 and 335.022.1. These modifications do not change DHSS’s response as provided below:

Section 190.106 of the proposed legislation requires the DHSS to collect fingerprint cards on all Emergency Medical Technician (EMT) or Paramedic licensure applicants for the purposes of running state and federal background checks.

Currently, the Division of Regulation and Licensure’s (DRL), Bureau of Emergency Medical Services (BEMS) licenses 18,000 EMTs or Paramedics. First-time applicants in Missouri are fingerprinted and nationwide criminal history is obtained through the Federal Bureau of Investigation (FBI) for a fee of \$45 each. After an initial license is received, the individual is required to renew said license every five years. License renewals only require a Missouri criminal history check, which does not require fingerprinting, for a fee of \$15 each.

Sections 190.142 and 190.903, RSMo and 19 CSR 30-40.342 make it clear that FBI criminal background checks only need to be conducted on initial applicants and those who have not resided in Missouri for the entire five-year relicensure period. These statutes and regulation will allow BEMS to continue with the current relicensure background check process.

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

Oversight has no information to the contrary. Therefore, Oversight will present the no fiscal impact of this proposal as provided by DHSS.

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Department of Revenue (DOR)** stated §301.551 will require applicants for licensure as a new motor vehicle

dealer, used motor vehicle dealer, public motor vehicle action, RV dealer, trailer dealer, boat dealer, manufacture, or boat manufacture to submit fingerprints to the Missouri State Highway Patrol (MSHP) for the purpose of conducting a state and federal fingerprint-based criminal history background check.

The DOR will have the following fiscal impact:

Administrative Impact

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

- Update procedures, correspondence letters, forms, and the Department website;
- Update the Dealer and Business operating manual;
- Update Department Systems
- Send communications to registered dealers
- Need additional FTE; and
- Equipment for new FTE

The DOR will require two (2) additional FTE for reviewing criminal background checks and processing the additional documentation. This legislation will require an employee to access the MSHP managed system, MACHS. Since the new process will give the Motor Vehicle Bureau (MVB) an extensive view of an applicant's criminal history, the DOR is expecting the review times for the applications to be increased. Additionally, the information contained in MACHS is considered SBU (Sensitive but Unclassified) federal information. MVB would ideally restrict the number of employees with access to the system to protect the confidentiality of the data, i.e. the requested data analysts would be accessing/reviewing/approving the MACHS data before MVB grants or renews dealer licenses.

MVB has roughly 8,000 active dealers within Missouri. Based on data from other states who have implemented the same federal fingerprinting requirement, MVB estimates 10% of its current dealers will be denied renewal, or approximately 800 denials. This will increase the volume of calls and correspondence. The same thing could be said about new dealers seeking a dealer license in Missouri.

After completing the required training, MVB would also participate in MSHP's Rap Back Program. The program will automatically notify MVB every time a registered dealer commits a crime and is fingerprinted for said crime. The Associate Research Data Analyst would be responsible for keeping up with those notifications and beginning procedures to revoke licenses if it is a punishable offense.

DOR anticipates an increase in calls, correspondence, and a delay in processing due to the proposed legislation. The additional FTE would assist in the implementation and continuity of the federal fingerprint-based criminal history background checks.

With the changes, new and renewing dealers may be denied a license to operate, the DOR

foresees a need for additional legal resources to pursue such denial actions and defending any appeals which may arise from the denials.

FY 2025 - Motor Vehicle Bureau additional FTE costs

Associate Research Data Analyst \$45,006
Equipment costs for laptops and accessories \$664
Additional monitors needed 2 @ \$95 each
Cubicle, chair, calculator \$8,438 each
Phone \$525 each
Headset \$125 each
Total per FTE \$54,948
* 2 FTE
Total \$109,896

FY 2025 – Motor Vehicle Bureau

Research/Data Analyst 30 hrs. @ \$27.00 per hr. =	\$ 810
Administrative Manager 10 hrs. @ \$29.31 per hr. =	\$ 293
Associate Research/Data Analyst 20 hrs. @ \$25.22 per hr. =	<u>\$ 504</u>
Total	\$1,607

FY 2025 – Systems Analysis and Support

Research/Data Analyst 20 hrs. @ \$27.00 per hr. =	\$ 540
Administrative Manager 10 hrs. @ \$29.31 per hr. =	\$ 293
Associate Research/Data Analyst 80 hrs. @ \$22.06 per hr. =	<u>\$ 1,765</u>
Total	\$ 2,598

FY 2025 –Strategy and Communications Office

Research/Data Analyst 30 hrs. @ \$27.00 per hr. =	\$ 810
Administrative Manager 10 hrs. @ \$29.31 per hr. =	\$ 293
Associate Research/Data Analyst 20 hrs. @ \$22.06 per hr. =	<u>\$ 441</u>
Total	\$1,544

Total Costs = \$115,645

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

Fusion Impact

The costs associated with these legislative changes may be outside of the current contract and identified programming work for DOR's incoming integrated system. As such, the DOR has included the potential costs associated with making the changes to the integrated system by the department's current vendor.

To develop a function within Fusion to add data entry fields to the dealer registration and account maintenance processes, FAST estimates a \$50,000 change request to add this to the scope of Motor Vehicles rollout.

Oversight contacted DOR regarding the potential number of new applicants they receive on a yearly basis. DOR indicated they do not separate applications by new versus renewing dealers but assume the 8,000 applications are mostly renewals. The number stays roughly the same from one year to the next. Therefore, there would be some new dealers filing applications, but there is no way to determine that number.

DOR officials assume the applicant would be required to pay any background fees and the moneys would go to the MHP.

Oversight contacted DOR officials regarding background checks for renewals. DOR officials stated applicants need to have a new background check performed each time they apply for a renewal. The first two background checks are only good for a year each (initial licensing year and then the first renewal year). After that, renewals are good for 2 years so the background check would be good for 2 years.

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated HB 1800 proposes a new §301.551 which allows DOR the ability (§301.551.2) to require a fingerprint criminal record check in part of an application process for said licenses. If DOR chooses to do so as a policy decision then as a result revenue would be generated into the Criminal Records System Fund.

Oversight notes that the provisions of §301.551.1 state "The department of revenue may (emphasis added) require that fingerprint submissions be made a part of an application seeking licensure for a new motor vehicle franchise dealer..." In addition, the provisions of subsection 2 state "If (emphasis added) the department of revenue requires that fingerprint submissions be made as part of such application, the department of revenue shall require applicants submit the fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal history background check." Since the language of the proposal is permissive, Oversight will range DOR's fiscal impact from \$0 to the amount provided.

In addition, **Oversight** notes the current fingerprint-based background check fee is \$41.75. The State portion of that fee is \$20 + \$2 retained from the federal fee. Based on DOR's estimate of

8,000 applications annually, the potential income into the Criminal Records System Fund (0671) could be as much as \$176,000 annually attributable to the number of background checks required by DOR alone. However, as stated earlier, the provisions of this proposal are permissive and other state agencies, boards and committees are no longer mandated to require applicants to submit fingerprints when seeking various licenses or permits. Therefore, Oversight will range income into the Criminal Records System Fund as \$0 to \$176,000 for each FY 25, FY26 and FY27.

Officials from the **University of Missouri (UM)** state this bill would only create a fiscal cost for the University if UM chooses to pay licensure costs for individuals in the covered licensed professions/occupations (including the fingerprint costs associated with the bill).

Oversight assumes the University would not incur significant costs if it chooses to cover the cost of background checks for potential employees and the cost would be absorbable within the current funding levels of the University. Therefore, Oversight will present no fiscal impact to the University.

In response to similar legislation from 2024 (HCS HB 1800), officials from the **University of Central Missouri (UCM)** stated this proposal will have an indeterminate fiscal impact on UCM as there may be costs associated with assisting students with fingerprinting if an agency requires it.

Oversight has no information to the contrary. However, Oversight assumes any costs incurred by UCM will be minimal and absorbable within current funding levels. Oversight will present no fiscal impact for UCM for this proposal.

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Office of Administration - Administrative Hearing Commission, the Office of Administration - Budget and Planning, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Mental Health, the Department of Corrections, the Department of Public Safety (DPS), Divisions of: Fire Safety, Director's Office, Missouri Gaming Commission and the Missouri Veterans Commission, the Missouri Department of Conservation, the Missouri Department of Transportation, the Office of the State Public Defender, the City of O'Fallon, the Kansas City Police Department, Northwest Missouri State University, the Missouri Lottery Commission and the Missouri Consolidated Health Care Plan** 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.

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

In response to a previous version of this proposal, officials from the **DPS – Capitol Police** and the **Office of the State Treasurer** each assumed the proposal would have no fiscal impact on their respective organizations.

Officials from the **Attorney General’s Office** did not respond to **Oversight’s** request for a statement of fiscal impact.

Rule Promulgation

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to similar legislation from 2024 (HCS HB 1800), officials from the **Office of the Secretary of State (SOS)** noted 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.

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

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Department of Corrections (DOC)** assumed 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**.

In response to similar legislation from 2024 (SB 887), officials from the **Attorney General’s Office** 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 the following information regarding the number of juveniles who were certified to adult court for the last 5 years:

<u>JUVENILE CASES DISPOSED BY DISPOSITION</u>						
	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>5yr. Avg.</u>
Certified to Adult Court	53	36	32	48	41	42
Source: Table 56 of OSCA's Annual Judicial & Statistical Report Supplement						

DOC stated section 217.345 modifies language related to programs for juvenile offenders who are certified as adults and remanded to the department. The **DOC** anticipates that the changes in this section will have little to no impact.

§217.451 and 221.108 – Telephones in correctional facilities

In response to similar legislation from 2024 (HCS HB 1679/2169), **DOC** assumed the proposal will have no fiscal impact on their organization. The **DOC** states the current phone services contract charges offenders \$0.05 per minute. If this proposal is passed, the department will need to amend its telephone contract to ensure compliance with this legislation.

In response to similar legislation from 2024 (HCS HB 1679/2169), officials from the **Kansas City Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, **Oversight** will reflect a zero impact in the fiscal note.

§217.690 – Eligibility for parole

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated 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 12/15/23) 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. 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.

§§307.018 and 556.021 – Bench warrants

Officials from the **Missouri Office of Prosecution Services (MOPS)** state the delay (or forgiveness) in collecting traffic infraction fines and costs may cause a negative fiscal impact to MOPS, prosecutors and the circuit attorney. The surcharge is used to fund both the office and training of prosecutors and the circuit attorney. The amount of the negative impact is unknown.

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

Officials from the **City of Kansas City** assume the proposed change to section 307.018, RSMo may have a potential positive fiscal impact of an indeterminate amount.

Oversight assumes the City of Kansas City would not realize an overall savings from this proposal but instead would reallocate resources within its operations.

§455.098 – Lifetime Protection Orders

In response to similar legislation from 2024 (SB 869), officials from the **Office of the State Courts Administrator (OSCA)** stated there may have some impact but there is no way to quantify that currently. Section 455.098 would have a technological fiscal impact that would be at least \$750,000 to \$1,000,000. Any significant changes will be reflected in future budget requests.

Oversight inquired OSCA about their response. OSCA states for the protection order to be extended to the lifetime of the respondent, the Statewide Case Management System (SMC) might require modifications and the interface with the Missouri Highway Patrol might require modifications. The uncertainty of the technical requirements/impact of this proposed legislation is what is driving the estimated amount of the fiscal impact. If more information can be provided regarding how the lifetime protection order process will be implemented, the estimated fiscal impact can be revisited.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the OSCA and will also assume the technological modifications would occur as a one-time expense in FY25.

In response to similar legislation from 2024 (SB 869), officials from the **Attorney General's Office**, the **Department of Corrections**, the **Office of the State Public Defender**, and the **Kansas City Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§491.641 – Pretrial witness protection programs

In response to similar legislation from 2024 (SCS SB 1266), officials from the **Department of Public Safety – Office of the Director (DPS)** assume that by adding back in statutory requirements for application, overall spending from the fund will be reduced. It is assumed that approximately \$50,000 - \$75,000 in reimbursements will be requested by law enforcement, county prosecutors and the circuit attorney for FY 2025; between \$75,000 and \$100,000 for FY 2026; and between \$100,000 - \$125,000 for FY 2027.

Oversight notes the Pretrial Witness Protection Fund was enacted by HB 66 during the 2020 Special session and became effective September 21, 2020. One million dollars was transferred into the fund and on June 30, 2021, the fund balance was \$1,000,497. During FY 2022, another \$1 million was transferred into the fund, as well as interest income, but only slightly over \$14,400 was disbursed from the fund. The ending fund balance was just under \$2 million. During FY 2023, distributions were approximately \$39,300 and the year-end fund balance was \$2,012,135. The fund balance as of February 29, 2024 was \$2,035,456.

Oversight contacted DPS officials to determine how DPS came up with the estimates provided above. Officials said this was a best guess, as they have no way to calculate how much might be requested by law enforcement, county prosecutors and the circuit attorney in witness protection costs. Therefore, Oversight will assume an unknown impact to the Pretrial Witness Protection Fund (0868). Based on previous disbursements, Oversight assumes disbursements will be less than \$250,000 annually.

Officials from the **Department of Public Safety - Missouri Highway Patrol** defer to DPS for response relating to the fiscal impact of this proposal on their organization; however, the MHP anticipates no additional fiscal impact.

In response to similar legislation from 2024 (SCS SB 1266), officials from the **Missouri Department of Conservation**, the **Office of the State Treasurer**, the **Kansas City Police Department**, and the **Office of the State Courts Administrator** 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 **Attorney General's Office** did not respond to **Oversight's** request for a statement of fiscal impact.

§547.500 – Conviction Review Unit

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require MOPS to hire three additional staff—two attorneys and an investigator resulting in a total cost of \$256,000. At present MOPS believes they can use the paralegal received in FY 2023 to help the unit as needed. That assumption is based on consideration of the following: (1) Since only two counties (Jackson and St. Louis) and the circuit attorney currently have conviction review units, MOPS would be responsible for reviewing actual innocence claims from 112 counties and any handled by the Attorney General as conflict prosecutor; (2) looking at what other states' statewide units have, and using Jackson County in particular, MOPS will need two experienced attorneys (with backgrounds in prosecution and defense) and an investigator. This bill, recognizing the need for adequate and meaningful staffing, also specifically provides for those three positions. The PS includes maximum salary of \$80,000 for each attorney and \$60,000 for the investigator. Total PS of \$220,000 and E&E of \$36,000. (The E&E is based on E&E of the current resource prosecutors). The total cost adding PS and E&E is \$256,000. General revenue will need to fund these positions, as current MOPS funding sources cannot absorb these positions.

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

Oversight notes in HB 12 (2023), the Missouri Office of Prosecution Services (not to exceed 12 FTE) budget included four funds:

General Revenue (0101)	\$1,658,047
MOPS – Federal (0107)	\$1,198,871
MOPS Legal (0680)	\$2,237,913
MOPS Revolving (0844).	<u>\$ 172,417</u>
TOTAL	\$5,267,248

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

§557.520 – DWI Diversion Program

In response to similar legislation from 2024 (SCS SB 1200), officials from the **Department of Revenue (DOR)** assumed the following:

Administrative Impact – Motor Vehicle Bureau (MVB)

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

This proposed language is requiring the DOR to be notified of violations from the ignition interlock device for program participants. The DOR does not currently receive or maintain record of violations. Currently, the DOR requires the approved Missouri manufacturers to track and maintain this data and only certify a driver once they have successfully completed the required monitoring time-period. These legislative changes would require the DOR to track and interpret this data specifically related to this diversion program. There are currently five (5) approved manufacturers in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between the DOR and each manufacturer. This would require an additional file, reporting violations, to be developed and electronically exchanged for each approved manufacturer. Multiple reports would need to be generated to ensure the integrity of the data and meet the current DOR auditing processes.

Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program, the DOR will evaluate the conviction as a second offense. This would cause the point value related to the conviction to increase from 8 points to 12 points and add an ignition interlock (IID) requirement for reinstatement. This also would require changes made to the five and ten-year denial evaluation routine.

In FY23, the DOR received 30,893 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. If DOR assumes that 50% of offenders would be accepted into this new program, the DOR would plan to receive approximately 15,447 court orders notifying enrollment. DOR would require a new team of personnel to receive these enrollments, track and process the compliance paperwork, manage the vendor relationships with IID changes, and develop/implement a continuous monitoring process for any device violations and court actions for program participants.

A customer service representative can process 224 court-ordered documents per day. DOR anticipates receiving approximately 59 each day, which would require one additional staff member for processing.

Associate Customer Service Rep. (\$2,826 month)

FY25 = \$28,260 (10 months)

FY26 = \$33,912

FY27 = \$33,912

In addition to a processing FTE, the DOR anticipates the need for an additional FTE for call center inquires.

Customer Service Representative – Zone 3 (\$3,426 month)

FY25 = \$34,260 (10 months)

FY26 = \$41,112

FY27 = \$41,112

The DOR estimates a need for at least one FTE to oversee the implementation and management of this new program. This position would require a more robust skill set including knowledge of court and administrative process, customer and vendor relationship management, and quality assurance tracking and reporting.

The Telephone Information Office salary zone has changed since the last pay plan. The below amount is the updated salary amount for this position, and will be reflected on fiscal notes from here forward.

Customer Service Rep. (\$3,052 month)

FY25 = \$30,523 (10 months)

FY26 = \$36,627

FY27 = \$36,627

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

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

FY 2025 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$28.89 per hr. = \$37,557

Research/Data Assistant 1300 hrs. @ \$19.38 per hr. = \$25,194

Administrative Manager 1000 hrs. @ \$31.36 per hr. = \$31,360

Total = \$94,111

FY 2025 – Strategy and Communications Office (forms and website updates)
Associate Research/Data Analyst 336 hrs. @ \$23.15 per hr. = \$ 7,778

The costs associated with these legislative changes may be outside of the current contract and identified programming work for DOR’s incoming integrated system. As such, the DOR has included the potential costs associated with making the changes to the integrated system by the DOR’s current vendor.

FY 2025 – Motor Vehicle and Driver Licensing Integrated System Vendor
Implementation Consultant 200 hrs. @ \$250 per hr. = \$50,000

Total= \$151,889

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

Revenue Impact

Previous fiscal note responses did not include the potential for a loss in reinstatement fees collected by the department. After further review, the department may see a loss in revenue generated due to not receiving first-time DWI convictions, resulting in an action that would require a reinstatement fee to be paid.

In FY22, the DOR generated 3,222 point suspensions for non CDL first time alcohol convictions.

In FY23, the DOR generated 3,299 point suspensions for no CDL first time alcohol convictions.

The reinstatement fee for a first-time alcohol conviction point suspension is \$45.00.

FY2025
\$148,500 Reinstatement fees for 3,300 point suspension actions
/ 12 Number of months in a year

\$ 12,375 Decrease in reinstatement fees collected monthly
x 10 Number of months in first year after bill passage
\$123,750 Decrease in reinstatement fees collected in first year of bill passage

FY2026

\$148,500 Reinstatement fees for 3,300 point suspension actions

Estimated potential decrease in reinstatement fees collected annually = \$148,500

Fees collected are distributed 75% Highway Fund (75% x \$148,500 = **\$111,375**), 15% Cities (15% x \$148,500 = **\$22,275**), and 10% Counties (10% x \$148,500 = **\$14,850**),
Administrative Impact GCO

GCO Anticipates:

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

Oversight notes DOR assumes the need for a one-time IT cost of \$297,562 for 2,833.92 hours of work at \$105 per hour in FY 2025.

Oversight notes §557.520.13 requires the person in the program to pay a fee that is based on a discounted schedule for offenders with income at or below 150% of the federal poverty level. Oversight will assume the fee is paid to the ignition interlock device producer and not to the state. Oversight also notes DOR's response includes that the proposal duplicates another program located in the State Code of Regulations 7, CSR 60-2.

In response to similar legislation from 2024 (SCS SB 1200), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

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

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

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

Whereas the proposed bill states after the completion of the DWI diversion program and if the defendant has complied with all the imposed terms and conditions, the court shall dismiss the criminal case against the defendant, record the dismissal, and transmit the record to the central repository upon dismissal. (Subsection 9)

Oversight provides the following information from OSCA’s DWI Treatment Court Program according to their FY25 Budget Book Request:

DWI Treatment Court Activity

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

<u>PROGRAM STATISTICS</u>	<u>CY 22</u>	<u>CY 21</u>	<u>CY20</u>	<u>CY19</u>	<u>CY18</u>
Participants Served	985	956	966	1,194	1,284
Programs	25	23	23	23	22
Community Service Hours Performed	66,026	60,790	80,829	81,088	57,035
Retention Rate	N/A	93%	94%	93%	91%
Graduation Rate	88%	88%	92%	89%	82%
Source: OSCA FY25 Budget Request					



Oversight assumes since the DWI diversion program is a separate program from the current DWI Treatment Court Program, OSCA’s case work could increase. Therefore, Oversight will reflect a \$0 to unknown cost for this proposal for OSCA.

In response to similar legislation from 2024 (SCS SB 1200), officials from the **Department of Corrections**, the **Department of Public Safety - Office of the Director**, the **Missouri Department of Transportation**, the **Office of the State Public Defender**, the **City of Urich**, and the **Kansas City Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **City of O’Fallon** and the **City of Springfield** 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.

§§558.019 and 571.015 – Minimum prison terms for armed criminal action

In response to similar legislation from 2024 (Perfecteds SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated this proposal 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, they do 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, they expect 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. The impacts of these changes are outside of the 10-year reporting scope; therefore, this section will have **no impact for the current reporting period.**

While the proposed changes to section 571.015 have the potential to impact offender populations, they are uncertain how to estimate the impact of these changes given that the additional term of imprisonment is decided by the court. **Therefore, the DOC will assume an unknown impact to this section.**

§565.258 – Cyber Crimes Task Force

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Department of Public Safety - Office of the Director (DPS)** stated 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.

In response to a previous version, officials from the **Missouri Senate (SEN)** anticipated 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 **Missouri House of Representatives (MHR)** assume the proposal will have no fiscal impact on their organization. The MHR will absorb any reasonable expenses of the members serving on the task force.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for the MHR.

In response to a previous version, officials from the **Office of the Governor (GOV)** stated 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.

In response to a previous version, officials from the **Office of the Secretary of State (SOS)** noted 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.

§568.045 – Endangering the welfare of a child

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated 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

§571.031 – Unlawful discharge of a firearm

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair’s Law is believed to have no fiscal impact to the department.

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), Officials from the **Office of the State Public Defender (SPD)** stated 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.

In response to similar legislation from 2024 (SB 788), officials from the **Office of Attorney General (AGO)** assumed any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

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

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2024 (SB 788), officials from the **City of Springfield** and the **City of Urich** 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 on the fiscal note.

§571.070 – Unlawful possession of firearms

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated this section 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; and, it 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, 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

The combined estimated cumulative impact from section 571.070 is 100 additional offenders in prison and 62 on field supervision by FY 2031.

§575.151 – Fleeing a stop or detention of a motor vehicle

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated this proposal creates the offense of aggravated fleeing a stop or detention of a law enforcement motor vehicle. A violation of subdivision (1) of subsection 1 is a class D felony. A violation of subdivision (2) of subsection 1 is a class B felony. A violation of subdivision (3) of subsection 1 is a class A felony. As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class D, class B, and class A felonies.

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

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 16 additional offenders on field supervision by FY 2028.

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	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	4	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
Cumulative Populations										
Prison	4	8	12	16	16	16	16	16	16	16
Parole					4	7	7	7	7	7
Probation	4	8	12	16	16	16	16	16	16	16
Impact										
Prison Population	4	8	12	16	16	16	16	16	16	16
Field Population	4	8	12	16	20	23	23	23	23	23
Population Change	8	16	24	32	36	39	39	39	39	39

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2029.

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	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

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

The combined estimated impact from section 575.151 is 31 additional offenders in prison and 27 additional offenders on field supervision by FY 2034.

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

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed

the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2024 (Perfecting SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **SPD** stated per the recently released National Public Defense Workload Study, the new charge contemplated by the change to Section 575.150 would take approximately thirty-five to ninety-nine 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 five 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 not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2024 (SCS SB 901/820), officials from the **Missouri Department of Transportation** and the **Kansas City Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§575.353 – Offenses against police dogs

In response to similar legislation from 2024 (Perfecting SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated this proposal 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; a class D felony for any injury resulting in death of a law enforcement animal. Misdemeanors fall outside the purview of DOC, and there is no expected impact from that portion of the bill.

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 will 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

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **SPD** stated per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 575.353 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.

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in 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.

In response to a previous version, officials from the **Eureka Fire Protection District – St. Louis** 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.

§§579.021 and 579.022 – Delivery of controlled substance

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated 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

Combined Estimated Cumulative Impact for DOC

The combined cumulative estimated impact on the department could be 193 additional offenders in prison and 570 additional offenders on field supervision by FY 2034, with additional impact from changes to section 558.019 that are beyond the 10-year time frame covered in this response.

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	122	122	122	122	122	122	122	122	122	122
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	111	111	111	111	111	111	111	111	111	111
Change (After Legislation - Current Law)										
Admissions	22	22	22	22	22	22	22	22	22	22
Probations	111	111	111	111	111	111	111	111	111	111
Cumulative Populations										
Prison	22	44	81	161	180	185	187	189	191	193
Parole	0	0	-15	-74	-72	22	105	122	139	139
Probation	111	222	333	431	431	431	431	431	431	431
Impact										
Prison Population	22	44	81	161	180	185	187	189	191	193
Field Population	111	222	318	357	359	453	536	553	570	570
Population Change	133	266	399	518	539	638	723	742	761	763

	# 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	22	(\$9,689)	(\$177,632)	2	(\$151,826)	111	(\$329,458)
Year 2	44	(\$9,689)	(\$434,842)	4	(\$345,678)	222	(\$780,520)
Year 3	81	(\$9,689)	(\$816,515)	6	(\$516,092)	318	(\$1,332,607)
Year 4	161	(\$9,689)	(\$1,655,409)	7	(\$597,323)	357	(\$2,252,732)
Year 5	180	(\$9,689)	(\$1,887,783)	7	(\$594,927)	359	(\$2,482,711)
Year 6	185	(\$9,689)	(\$1,979,026)	8	(\$696,380)	453	(\$2,675,407)
Year 7	187	(\$9,689)	(\$2,040,429)	10	(\$887,113)	536	(\$2,927,543)
Year 8	189	(\$9,689)	(\$2,103,497)	10	(\$877,434)	553	(\$2,980,932)
Year 9	191	(\$9,689)	(\$2,168,272)	11	(\$985,579)	570	(\$3,153,850)
Year 10	193	(\$9,689)	(\$2,234,796)	11	(\$985,963)	570	(\$3,220,759)

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

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department’s institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.545 per day or an annual cost of \$9,689 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department’s institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$99.90 per day or an annual cost of \$36,464 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

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

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

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

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **SPD** stated per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 579.021 creating a class B or C felony, would take approximately fifty-seven 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 three 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.

Additionally, per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 579.022 which could result in life imprisonment, would take approximately ninety-nine 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 four to five 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 not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

§§579.065 and 579.068 – Trafficking drugs

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated 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.

§590.192 - Critical Incident Stress Management Program

In response to a previous version, officials from the **Department of Public Safety - Fire Safety** assumed the proposal will have no fiscal impact on their organization.

Oversight notes TAFP SS for SCS for SB 57 (FY21) created the "Critical Incident Stress Management Program". This program currently provides services to peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. All peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer's when the check-in is complete. It also created the 988 Public Safety Fund to be used solely by DPS for the purpose of providing services for peace officers affected by a critical incident. This bill modifies the language to include first responders.

Oversight contacted Fire Safety to determine the number of firefighters in Missouri. Fire Safety states the total number of firefighters in the state as of November 2023 is approximately 21,941. This is based on fire department registration information provided to Fire Safety. Fire Safety has seen this number get as high as 24,000 but not lower than 20,000. Therefore, for fiscal note purposes, Oversight will use 22,000 to determine a fiscal impact for firefighters.

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Department of Health and Senior Services (DHSS)** assumed the proposal will have no fiscal impact on their organization. DHSS states there are currently 10,856 EMTs, 123 AEMTs, and 7,506 paramedics in Missouri.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state section 590.192.2 adds the term "first responders" as those required to complete a mental health check-in every three to five years. The term "first responder" is as defined in section 190.1010. The Highway Patrol assumes its communications personnel would fall within the definition in section 190.1010, as the Patrol communication centers are recognized as secondary Public Safety Answering Points (PSAP). This would add 189 Patrol personnel to the enforcement personnel already completing the mental health check-ins. For reference, the Patrol completes these check-ins every three years. The current contracted cost of each check-in is \$150 x 189 Communications personnel = \$28,350 /3 year rotation = \$9,450 per year.

For fiscal note purposes, **Oversight** will use 40,674 (22,000 + 18,485 + 189) to determine the fiscal impact for all first responders. At a cost of \$150 per visit (MHP provided actual contract

cost for FY 23), Oversight will reflect a cost of \$6,101,100 over a four-year rotation period $[(40,674 * \$150)/4 = \mathbf{\$1,525,275}]$. Oversight notes TAFP HB 8 for 2023 included a \$503,511 appropriation for the 988 Public Safety Fund (0864) from General Revenue. Oversight will continue to utilize our estimated impact of \$1,525,275 annually.

Additionally, Oversight will reflect the possibility that the General Assembly could appropriate moneys to this fund from the General Revenue Fund. Oversight assumes all appropriated moneys, if any, will be expended in the same year on services such as consultation, risk assessment, education, intervention, and other crisis intervention services. For fiscal note purposes, Oversight assumes expenses and services provided under this proposal will equal income and net to zero.

Oversight assumes first responders will utilize the services provided through the Critical Incident Stress Management Program to assist them in coping with stress and potential psychological trauma relating to a critical incident or emotionally difficult event and, therefore, will reflect no impact to the Department of Public Safety, Department of Health and Senior Services, and Missouri Highway Patrol for fiscal note purposes.

Officials from the **City of Kansas City** assume section 590.192 has a negative fiscal impact due to the fact that the City MOU requires minimum staffing. If this requirement would take up to 4 hours, the cost in overtime to bring those members in on their off shift is estimated to be around \$190,000.

Oversight notes this proposal provides services for firefighters to assist in coping with stress and potential psychological trauma resulting from a critical incident or emotionally difficult event. Additionally, all firefighters will be required to meet with a program service provider once every three to five years for a mental health check-in. Oversight assumes the City of Kansas City currently makes adjustments for scheduled absences. Therefore, Oversight assumes any impact incurred would be absorbable within currently funding levels.

§600.042 – Public Defender funding

In response to similar legislation from 2024 (Perfectured SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **SPD** stated this proposed legislation amending section 600.042 would authorize the 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.

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.

In response to a previous version, officials from the **Office of Administration - Budget and Planning (B&P)** stated section 600.042 would create the Public Defender Fund. To the extent any donations are made into the fund, TSR could increase.

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Office of the State Treasurer (STO)** stated the STO would require one (1) FTE (a Treasury Coordinator at \$36,000) 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.

§610.140 – Expungements

MHP states the proposed language in section 610.140.13 increases the total number of eligible felony offenses from one (1) to two (2) and misdemeanor offenses from three (3) to five (5) in one's lifetime. As a result, the number of petitions received for reviewing and processing is expected to increase which would impact the Patrol's daily work for missing disposition research for complete and accurate criminal history records for officer safety and criminal record checks for positions of public trust.

As a result of the proposed legislation, the Patrol expects the petition workload to at least double and be more time intensive, which would require the addition of two (2) to three (3) Criminal Justice Information Services (CJIS) Technician III FTEs for processing this increased workload. Due to the type of activity, the funding for these positions would need to be from General Revenue.

Oversight notes the cost provided by the MHP is for ten months for FY 2025. Therefore, Oversight has adjusted the cost for FY 2025 to six months due to the delayed implementation date of January 1, 2025, for this section.

Additionally, Oversight will reflect MHP's impact to the General Revenue fund for two (2) FTE. However, if additional duties require increased staffing, the MHP may request additional funding through the appropriations process.

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), **DOC** stated this section allows a person to submit a petition for expungement if it has been at least three years from the date the individual completed any authorized

disposition for a felony offense. It also increases the number of expungements that a person can receive for felony offenses from one to two.

Expunging these records for the specified offenses through destruction, redacting or removal will result in an increase in workload for DOC's Institutional Records Officers, as they are the custodian of records for DOC's offender files. This may also affect records kept at Probation and Parole Offices.

While the department assumes a \$0 - Unknown impact, there is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the department.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

Oversight assumes the DOC is provided with core funding to handle a certain amount of activity each year. Oversight assumes the DOC could absorb the costs related to this proposal. However, the DOC may seek additional appropriations if the proposal results in a significant increase in the number of expungements requests.

In response to similar legislation from 2024 (Perfecting SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **City of Kansas City** assumed a negative fiscal impact of an indeterminate amount.

Oversight notes the cost for the City of Kansas City; however, Oversight is unable to project a statewide cost. Therefore, the impact to local governments will be presented as \$0 to (Unknown).

This part of the proposal has a delayed implementation date of January 1, 2025.

Bill as a whole

Officials from the **Department of Social Services (DSS)** state any creation of a crime or modification of offense provisions in this legislation would potentially increase the number of youth committed to the Division of Youth Services. It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth's case, making the impact more difficult to calculate.

Oversight assumes Department of Social Services could absorb any increase with current staff and funding levels. However, if additional duties require increased staffing, the DSS may request additional funding through the appropriations process.

In response to a previous version, **B&P** stated 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.

In response to similar legislation from 2024 (Perfected SS #2 SCS SB Nos. 754, 746, 788, 765, 841, 887 & 861), officials from the **Department of Elementary and Secondary Education**, the **Department of Mental Health**, the **Department of Revenue**, the **Missouri Department of Agriculture**, and the **Missouri National Guard** 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.

In response to a previous version, officials from the **Department of Higher Education and Workforce Development**, the **Missouri Department of Conservation**, the **Department of Public Safety – Capitol Police**, the **Missouri Department of Transportation**, the **Office of Administration**, the **City of O’Fallon**, the **City of Osceola**, and the **Kansas City Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, 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.

In response to similar legislation from 2024 (SCS SB 1115), officials from the **Missouri Department of Transportation** and the **City of O’Fallon** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Responses regarding the proposed legislation as a whole

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

Officials from the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety - Division of Alcohol and Tobacco Control**, the **Phelps County Sheriff’s Department**, and the **St. Louis County Police Department** assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
GENERAL REVENUE				
<u>Income</u> – MOPS (§547.500) Application fees for review of a claim of actual innocence p. 13	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 33-34	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – DOC p. (§217.690) Change in parole eligibility p. 10-11	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – DOR (§301.551) p. 4-7	\$0 to...	\$0 to...	\$0 to...	\$0 or could exceed...
Personal Service	(\$75,010)	(\$91,812)	(\$93,648)	(\$93,648)
Fringe Benefits	(\$54,106)	(\$65,624)	(\$66,336)	(\$66,336)
Exp. & Equip.	(\$19,884)	\$0	\$0	\$0
Contract programming costs	(\$50,000)	\$0	\$0	\$0
Total Costs - DOR	(\$199,000)	(\$157,436)	(\$159,984)	(\$159,984)
FTE Change - DOR	0 to 2 FTE	0 to 2 FTE	0 to 2 FTE	0 to 2 FTE
<u>Costs</u> – MOPS (§307.018) Delay in fine collection p. 11	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – OSCA (§455.098) p. 11 Technological modifications to the SMC System	(\$750,000 to \$1,000,000)	\$0	\$0	\$0
<u>Costs</u> – MOPS (§547.500) New Conviction Review Unit (“may establish”) p. 13	\$0 or....	\$0 or...	\$0 or....	\$0 or could exceed...
Personal Service	(\$183,333)	(\$224,400)	(\$228,888)	(\$228,888)
Fringe Benefits	(\$108,611)	(\$132,039)	(\$133,779)	(\$133,779)
Exp. & Equip.	(\$30,000)	(\$36,720)	(\$37,454)	(\$37,454)
Total Costs - MOPS	(\$321,944)	(\$393,159)	(\$400,121)	(\$400,121)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<u>Costs – DOR</u> (§557.520) p. 13-19				Could exceed...
Personal Service	(\$93,043)	(\$113,884)	(\$116,162)	(\$116,162)
Fringe Benefits	(\$73,611)	(\$89,198)	(\$90,081)	(\$90,081)
Administrative Costs	(\$151,889)	\$0	\$0	\$0
ITSD Costs	(\$297,562)	\$0	\$0	\$0
<u>Total Costs – DOR</u>	<u>(\$616,105)</u>	<u>(\$203,082)</u>	<u>(\$206,243)</u>	<u>(\$206,243)</u>
FTE Change – DOR	3 FTE	3 FTE	3 FTE	3 FTE
<u>Costs – OSCA</u> (§557.520) Potential increase in additional case work from this program p. 13-19	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DOC</u> (§§568.045, 571.070, 575.151, 575.353, 579.021, 579.022) p. 21-32				
Personal Service	(\$75,638)	(\$183,344)	(\$277,770)	(\$545,974)
Fringe Benefits	(\$54,350)	(\$131,745)	(\$199,594)	(\$392,317)
Exp. & Equip.	(\$21,838)	(\$30,589)	(\$38,728)	(\$47,672)
Increased incarceration costs	(\$177,632)	(\$434,842)	(\$816,515)	(\$2,234,796)
<u>Total Costs - DOC</u>	<u>(\$329,458)</u>	<u>(\$780,520)</u>	<u>(\$1,332,607)</u>	<u>(\$3,220,759)</u>
FTE Change - DOC	2 FTE	4 FTE	6 FTE	11 FTE
<u>Costs – DOC</u> (§571.015) p. 19 Minimum prison terms for ACA	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – MHP</u> (§610.140) p. 36 Processing expungements				Could exceed...
Personal Service	(\$51,576)	(\$105,215)	(\$107,319)	(\$107,319)
Fringe Benefits	(\$45,232)	(\$92,274)	(\$94,119)	(\$94,119)
Exp. and Equip.	(\$4,000)	\$0	\$0	\$0
<u>Total Costs - MHP</u>	<u>(\$100,808)</u>	<u>(\$197,489)</u>	<u>(\$201,438)</u>	<u>(\$201,438)</u>
FTE Change - MHP	2 FTE	2 FTE	2 FTE	2 FTE
<u>Transfer Out – to the 988 Public Safety Fund</u> p. 34-35	(\$1,525,275)	(\$1,525,275)	(\$1,525,275)	(\$1,525,275)

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>More or less than</u> <u>(\$4,092,590)</u>	<u>More or less than</u> <u>(\$3,256,961)</u>	<u>More or less than</u> <u>(\$3,825,668)</u>	<u>More or less than</u> <u>(\$5,713,820)</u>
Estimated Net FTE Change on the General Revenue Fund	10 to 12 FTE	12 to 14 FTE	14 to 16 FTE	19 to 21 FTE
CRIMINAL RECORDS SYSTEM FUND (0671)				
<u>Income</u> – MHP (§301.551) – fingerprint background check fees p. 4-7	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS SYSTEM FUND	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>	<u>\$0 to Could exceed</u> <u>\$176,000</u>
PRETRIAL WITNESS PROTECTION FUND (0868)				
<u>Costs</u> – DPS (§491.641) – reimbursement of pretrial witness protection costs p. 12	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE PRETRIAL WITNESS PROTECTION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
HIGHWAY FUNDS (0644)				
<u>Revenue Loss – DOR</u> (\$557.520) From reinstatement fees p. 13-19	<u>(\$92,812)</u>	<u>(\$111,375)</u>	<u>(\$111,375)</u>	<u>(\$111,375)</u>
ESTIMATED NET EFFECT ON HIGHWAY FUNDS (0644)	<u>(\$92,812)</u>	<u>(\$111,375)</u>	<u>(\$111,375)</u>	<u>(\$111,375)</u>
988 PUBLIC SAFETY FUND				
<u>Transfer In – from General Revenue p. 34-35</u>	\$1,525,275	\$1,525,275	\$1,525,275	\$1,525,275
<u>Costs – Firefighters evaluation/check-in (\$590.192) (new to program) (22,000 x \$150 / once every 4 years) p. 34-35</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>
ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND (0864)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
PUBLIC DEFENDER – FEDERAL & OTHER FUND				
<u>Income - (\$600.042) p. 35-36</u> Government grants, private gifts, donations, and bequests made to the Office of the Public Defender	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL & OTHER FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
LOCAL POLITICAL SUBDIVISIONS				
<u>Income</u> – County Prosecutors/ Law Enforcement (§491.641) – Reimbursement of pretrial witness protection costs p. 12	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – Cities (§610.140) p. 37 Processing expungements	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Revenue Loss</u> – Cities/Counties (§557.520) From reinstatement fees p. 13-19	(\$30,938)	(\$37,125)	(\$37,125)	(\$37,125)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>More or less than</u> (\$30,938)	<u>More or less than</u> (\$37,125)	<u>More or less than</u> (\$37,125)	<u>More or less than</u> (\$37,125)

FISCAL IMPACT – Small Business

This proposal will impact small businesses that are required to have background checks performed before receiving licenses to operate. (§301.551)

FISCAL DESCRIPTION

The proposed legislation modifies provisions relating to public safety.

The repeal and reenactment of section 610.140 shall become effective on January 1, 2025.

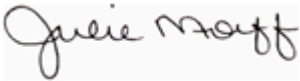
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

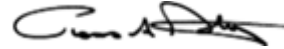
Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education and Workforce Development
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Missouri Department of Agriculture
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
University of Missouri
City of Kansas City
City of O'Fallon
City of Osceola
City of Springfield
City of Urich
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Eureka Fire Protection District – St. Louis
Northwest Missouri State University
University of Central Missouri

L.R. No. 3849S.04C
Bill No. SCS for HCS for HB 1659
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April 23, 2024

Missouri Lottery
Missouri Consolidated Health Care Plan
Missouri Office of Prosecution Services



Julie Morff
Director
April 23, 2024



Ross Strobe
Assistant Director
April 23, 2024