

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4652H.011
Bill No.: HB 1996
Subject: Drugs and Controlled Substances; Crimes and Punishment; Criminal Procedure
Type: Original
Date: February 16, 2024

Bill Summary: This proposal modifies provisions relating to drug offenses involving persons under the age of twenty-two years old.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue	Unknown	Unknown	Unknown

*Oversight assumes the fiscal impact (savings) would not reach the \$250,000 threshold. To reach the \$250,000 threshold, a reduction of 26 prisoners would be required at the estimated incarceration rate of \$9,689 cost per year per prisoner.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

- 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
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§579.030, 579.055, and 579.065 – Drug offenses

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to drug offenses involving persons under the age of twenty-two years old. Section 579.030 modifies the class A felony offense of distribution of a controlled substance in a protected location to add an age requirement. It will only apply to when a person is knowingly distributing, selling, or delivering a controlled substance to a person under 22 years of age. It does not apply if the offense is committed by a person under 22 years of age.

Section 579.055 modifies the class B felony offense of manufacturing or attempting to manufacture any amount of controlled substance when committed within 2,000 feet of a real property comprising of a school, college or university to add an age requirement. It will only apply to when a person involves another person under 22 years of age while committing the offense. It does not apply if the offense is committed by a person under 22 years of age.

Section 579.065 modifies the class A felony offense of trafficking drugs in the 1st degree to add an age requirement. It will only apply when a person distributes more than 30 grams to a person under 22 years of age and the location of the offense was within 2,000 feet of a school, college, university, school bus, public housing, motor vehicle, or hotel/motel. It does not apply if the offense is committed by a person under 22 years of age.

There is no available data to determine the age of the person involved in the drug offense and, consequently, to whom this change in legislation could have potentially applied. Therefore, the impact is an unknown savings on the department.

Oversight notes the Office of the State Courts Administrator (OSCA) reported the following total number of guilty convictions in 2019 – 2023:

	<u>FY 2023</u>	<u>FY 2022</u>	<u>FY 2021</u>	<u>FY 2020</u>	<u>FY 2019</u>
§579.030/A Felony	22	19	11	9	22
§579.055/B Felony	4	2	3	2	4
§579.065/A Felony	14	7	2	18	11

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.

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

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Sections 579.030 and 579.055, creating a class A felony 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.

Officials from the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Natural Resources**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **University of Missouri**, the **City of Kansas City**, **Northwest Missouri State University**, and the **University of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, schools, charter schools, colleges and community colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Savings</u> – DOC (§§579.030, 579.055, and 579.065) Decreased incarceration costs from narrowing offense	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

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

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Currently, a person commits the offense of distribution of a controlled substance in a protected location if he or she knowingly distributes, sells, or delivers any controlled substance, other than up to 35 grams of marijuana or synthetic cannabinoid, to a person of any age and satisfies other factors of the offense. This bill amends the offense to apply to offenders who are 22 years old or older and the distribution must be to a person who is under 22 years old.

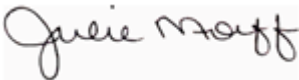
The bill also amends the offense of manufacture of a controlled substance when it is a class B felony. Currently, the offense is a class B felony when a person manufactures or attempts to manufacture a controlled substance when it is committed within 2000 feet of a public or private elementary, vocational, or secondary school or a community college or university. This bill adds that the offender was at least 22 years old and involved a person under 22 years old in the commission of the offense.

Finally, the bill amends the offense of trafficking drugs in the first degree when a person commits the offense and the quantity involved is more than 30 grams of certain illegal substances and the substance is distributed in certain protected locations. Under this bill, to be an offense, the provision requires the person distributing the substances to be at least 22 years old and the distribution must be to a person under the age of 22.

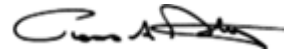
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Natural Resources
Department of Public Safety – Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
University of Missouri
City of Kansas City
Northwest Missouri State University
University of Central Missouri



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