

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5171H.011  
Bill No.: HB 2470  
Subject: Crimes and Punishment; Courts; Prisons and Jails; Immigration; Law Enforcement  
Officers and Agencies; Civil Procedure; Liability  
Type: Original  
Date: February 11, 2024

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Bill Summary: This proposal establishes provisions relating to illegal aliens.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034 )</b>
General Revenue	(\$72,668 to Unknown)	(\$177,890 to Unknown)	(\$252,011 to Unknown)	(\$509,487 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$72,668 to Unknown)</b>	<b>(\$177,890 to Unknown)</b>	<b>(\$252,011 to Unknown)</b>	<b>(\$509,487 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034 )</b>
Gaming Commission	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Water Patrol Division	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
State Highways & Transportation Department	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
State Legal Expense*	\$0	\$0	\$0	\$0
College & University	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Other/Various State Funds	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>

\*Transfers-in and distributions net to \$0.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034 )</b>
Federal	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034 )</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>

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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034 )</b>
<b>Local Government</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§537.656 – 545.835 – Provisions relating to illegal aliens

Officials from the **Office of Administration (OA)** state the provisions of §537.657 has the potential to increase costs to the state Legal Expense Fund (LEF) for actions alleging violation of this provision by an elected/appointed state official or state employee in connection with their official duties on behalf of the state. The cost impact to the state is unknown.

Because this bill creates a possible new cause of action, **Oversight** will show a net \$0 direct fiscal impact for the LEF, and a possible \$0 to (unknown) fiscal impact to General Revenue and other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political subdivisions.

#### §§569.088, 577.675, 577.683 and 577.689 – Offenses relating to illegal aliens

Officials from the **Department of Corrections (DOC)** state this proposal establishes provisions relating to illegal aliens.

Section 569.088 creates the offense of trespass by an illegal alien. The associated penalty is a class E felony when the other offense committed under subsection one is an infraction or violation. The associated penalty is a class C felony when the other offense committed under subsection one is misdemeanor or felony.

For each new nonviolent class E felony, the DOC 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 could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

For each new class C felony, the DOC 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 could be served in prison with 2.1 years to first release. The remaining 3.2 years could be on parole. Probation sentences could 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
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
<b>Population Change</b>	<b>10</b>	<b>20</b>	<b>30</b>	<b>34</b>	<b>38</b>	<b>42</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>

Combined Estimated Cumulative Impact for §569.088

Change in prison admissions and probation openings with legislation

	FY 2025	FY2026	FY2027	FY 2028	FY2029	FY2030	FY2031	FY2032	FY 2033	FY 2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
<b>Change (After Legislation - Current Law)</b>										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	8	8	8	8	8	8	8	8	8	8
<b>Cumulative Populations</b>										
Prison	5	10	14	17	17	17	17	17	17	17
Parole	0	0	1	2	6	10	14	14	14	14
Probation	8	16	24	24	24	24	24	24	24	24
<b>Impact</b>										
Prison Population	5	10	14	17	17	17	17	17	17	17
Field Population	8	16	25	26	30	34	38	38	38	38
<b>Population Change</b>	<b>13</b>	<b>26</b>	<b>39</b>	<b>43</b>	<b>47</b>	<b>51</b>	<b>55</b>	<b>55</b>	<b>55</b>	<b>55</b>

Section 577.675 modifies the definition of offense of transportation of an illegal alien to include activities related to concealment and inducement. The penalty for an offense under this section is also changed from a class D felony to class A felony. There were not any new court commitments under this section in FY 2023. Therefore, DOC estimates the impact of these changes as two new class A felonies.

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 DOC 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 DOC assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

**Change in prison admissions and probation openings with legislation**

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	2	4	6	8	10	12	14	16	18	20
Parole	0	0	0	0	0	0	0	0	0	0
Probation	0	0	0	0	0	0	0	0	0	0
<b>Impact</b>										
Prison Population	2	4	6	8	10	12	14	16	18	20
Field Population	0	0	0	0	0	0	0	0	0	0
<b>Population Change</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>16</b>	<b>18</b>	<b>20</b>

Section 577.683 creates the offense of illegal entry by an illegal alien. A second or subsequent offense under this section is punishable as a class E felony.

For each new nonviolent class E felony, the DOC 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 could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

Section 577.687 creates the offense of refusal to comply with an order to return to a foreign nation by an illegal alien. The penalty is a class B felony.

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 DOC 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 DOC assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>9</b>

**Total Combined Estimated Cumulative Impact from HB 2470**

The total combined estimated cumulative impact on the department is 44 additional offenders in prison and 49 additional offenders on field supervision by FY 2034.

**Change in prison admissions and probation openings with legislation**

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	9	9	9	9	9	9	9	9	9	9
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
<b>Change (After Legislation - Current Law)</b>										
Admissions	9	9	9	9	9	9	9	9	9	9
Probations	10	10	10	10	10	10	10	10	10	10
<b>Cumulative Populations</b>										
Prison	9	18	25	31	34	36	38	40	42	44
Parole	0	0	2	3	7	12	17	18	19	19
Probation	10	20	30	30	30	30	30	30	30	30
<b>Impact</b>										
Prison Population	9	18	25	31	34	36	38	40	42	44
Field Population	10	20	32	33	37	42	47	48	49	49
<b>Population Change</b>	<b>19</b>	<b>38</b>	<b>57</b>	<b>64</b>	<b>71</b>	<b>78</b>	<b>85</b>	<b>88</b>	<b>91</b>	<b>93</b>



\* 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.

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	9	(\$9,689)	(\$72,668)	0	\$0	10	(\$72,668)
Year 2	18	(\$9,689)	(\$177,890)	0	\$0	20	(\$177,890)
Year 3	25	(\$9,689)	(\$252,011)	0	\$0	32	(\$252,011)
Year 4	31	(\$9,689)	(\$318,743)	0	\$0	33	(\$318,743)
Year 5	34	(\$9,689)	(\$356,581)	0	\$0	37	(\$356,581)
Year 6	36	(\$9,689)	(\$385,108)	0	\$0	42	(\$385,108)
Year 7	38	(\$9,689)	(\$414,633)	0	\$0	47	(\$414,633)
Year 8	40	(\$9,689)	(\$445,185)	0	\$0	48	(\$445,185)
Year 9	42	(\$9,689)	(\$476,793)	0	\$0	49	(\$476,793)
Year 10	44	(\$9,689)	(\$509,487)	0	\$0	49	(\$509,487)

**Oversight** has no information to the contrary. Therefore, Oversight will present the fiscal impact of this proposal on the General Revenue Fund as provided by DOC.

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 569.088 and 577.675, creating class A and B felonies, would take approximately fifty-seven to ninety-nine hours of SPD work for reasonably effective representation. Representation in one hundred cases under these sections would result in a need for an additional three 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.

**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. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** states the MHP anticipates there could be a potential fiscal impact due to costs associated with indemnification of enforcement personnel in criminal cases, related to illegal aliens. The proposed language, in Section 537.657.5, authorizes the indemnification as it specifically relates to the enforcement of Sections 577.683 to 577.687, or an order issued under Section 544.245. Currently, the state only indemnifies state employees in instances of civil litigation where the employee's conduct is covered by the Legal Expense Fund. This proposal would most likely increase costs because the state does not currently indemnify state employees in instances where the employee is criminally charged.

The Highway Fund (0644), General Revenue Fund, Water Patrol Fund (0400) and the Gaming Fund (0286) are the primary funding sources for the Patrol's enforcement personnel (troopers & commercial vehicle officers). The Patrol has no way of computing the number of allegations it may have to defend. Due to this, the impact is listed as unknown.

**Oversight** has no information to the contrary. Oversight will present the fiscal impact of this proposal as \$0 to (Unknown) for each of the funds that may be impacted as provided by the MHP.

Officials from the **Office of Administration (OA) - Budget and Planning (B&P)** state this bill creates offenses and expands penalties described in §577.675 and §577.685. To the extent that resulting fines are deposited into the state treasury, this proposal could increase total state revenue beginning August 28, 2024.

**Oversight** notes that violations of §577.683 could result in fines or penalties as a result of a class B misdemeanor. Class B misdemeanors carries a \$1,000 fine in addition to any individual

county/municipal fees and court costs. Oversight also notes per Article IX Section 7 of the Missouri Constitution, fines and penalties collected by counties are distributed to school districts; court fees go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

<b>Fee/Fund Name</b>	<b>Fee Amount</b>
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes (§§577.683 and 577.687) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

#### Bill as a whole

Officials from the **Office of the State Courts Administrator (OSCA)** state House Bill 2470 may have some impact but there is no way to quantify that impact currently. Any significant changes will be reflected in future budget requests.

**Oversight** has no information to the contrary. Therefore, Oversight will present no fiscal impact for OSCA for fiscal note purposes.

Officials from the **City of Kansas City** states the proposed bill has a negative fiscal impact of an indeterminate amount.

Officials from the **Branson Police Department** provided a response but did not address a fiscal impact to their city except to state the increase in incarceration time will result in more funds needed.

**Oversight** notes the impact provided by 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).

Officials from the **University of Missouri System (UM)** state UM has reviewed this proposed legislation and does not anticipate a significant financial impact.

**Oversight** has no information to the contrary. Therefore, Oversight will present no fiscal impact for UM for this proposal.

Officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety (DPS)**, **Missouri Veterans Commission** and **State Emergency Management Agency**, the **Office of the Governor**, the **Missouri National Guard**, the **Office of the State Treasurer**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, the **St. Louis County Police Department**, the **Office of the State Auditor**, the **Missouri House of Representatives** and the **Missouri Senate** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Attorney General's Office**, the **Missouri Ethics Commission** and the **Office of the Lieutenant Governor** did not respond to **Oversight's** request for a statement of fiscal impact.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, various county officials, nursing homes, sheriffs and police departments, schools, hospitals and port authorities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034 )
<b>GENERAL REVENUE FUND</b>				
<u>Cost</u> – Potential increase in payments to the Legal Expense Fund for increase in claims (§537.657) p.4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – DOC (§§569.088, 577.675, 577.683 & 577.687) Increase in incarceration and probation costs p.4-9	(\$72,668)	(\$177,890)	(\$252,011)	(\$509,487)
<u>Cost</u> – MHP (§§537.657) - Indemnification costs p.10	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$72,668 to Unknown)</u></b>	<b><u>(\$177,890 to Unknown)</u></b>	<b><u>(\$252,011 to Unknown)</u></b>	<b><u>(\$509,487 to Unknown)</u></b>
<b>GAMING COMMISSION FUND (0286)</b>				
<u>Cost</u> – MHP (§§537.656 – 577.687) - Indemnification costs p.10	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE GAMING COMMISSION FUND</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034 )
<b>WATER PATROL DIVISION FUND (0400)</b>				
<u>Cost – MHP (§§537.657) - Indemnification costs p.10</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE WATER PATROL DIVISION FUND</b>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)</b>				
<u>Cost – MHP (§§537.657) - Indemnification costs p.10</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND</b>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>STATE LEGAL EXPENSE FUND (0692)</b>				
<u>Transfer In - from GR, Federal, and Other State Funds - potential increase in claims (§537.657) p.4</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer Out - payment of discrimination claims (§537.657) p.4</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034 )
<b>COLLEGE AND UNIVERSITY FUNDS</b>				
<u>Cost - Colleges &amp; Universities - Potential increase in claims (\$537.657) p.4</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON COLLEGE AND UNIVERSITY FUNDS</b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>
<b>OTHER/VARIOUS STATE FUNDS</b>				
<u>Revenue - (\$577.683) Court fees p. 10-11</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost - Potential increase in payments to Legal Expense Fund for increase in claims (\$537.657) p.4</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO OTHER STATE FUNDS</b>	<b>\$0 or Unknown to <u>(Unknown)</u></b>	<b>\$0 or Unknown to <u>(Unknown)</u></b>	<b>\$0 or Unknown to <u>(Unknown)</u></b>	<b>\$0 or Unknown to <u>(Unknown)</u></b>
<b>FEDERAL FUNDS</b>				
<u>Cost - Potential increase in claims (\$537.657) p.4</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>	<b>\$0 to <u>(Unknown)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034 )
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Income</u> – Schools (§577.683) – Fine revenue p. 10-11	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost</u> – Cities (§§537.656 – 577.687) p. 10 – Increase in illegal alien-related incidents	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> - Colleges & Universities - Potential increase in claims (§537.657) p.4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or Unknown to (Unknown)</u></b>	<b><u>\$0 or Unknown to (Unknown)</u></b>	<b><u>\$0 or Unknown to (Unknown)</u></b>	<b><u>\$0 or Unknown to (Unknown)</u></b>

FISCAL IMPACT – Small Business

This proposal may have a fiscal impact on small businesses if they commit an offense related to an illegal alien.

FISCAL DESCRIPTION

This bill specifies that a person who is an illegal alien, as defined in the bill, commits the offense of illegal entry if the person enters or attempts to enter this State directly from a foreign nation at any location other than a lawful port of entry.

The offense of illegal entry is a class B misdemeanor unless the person has been previously convicted of an offense listed in the bill in which case it is a class E felony. The bill states what is and what is not considered an affirmative defense to prosecution resulting from an offense of illegal entry. A person convicted of illegal entry shall not be eligible for suspended imposition or execution of sentence or parole.



The bill specifies that a person who is an illegal alien commits the offense of refusal to comply with an order to return to a foreign nation if: the person has been charged with or convicted of either the offense of illegal entry or illegal reentry; a judge has issued an order for the person to return to the foreign nation from which the person entered or attempted to enter; and the person refuses to comply with the order. The offense of refusal to comply with an order to return to a foreign nation is a class B felony. A person convicted of refusal to comply with an order to return to a foreign nation shall not be eligible for suspended imposition or execution of sentence or parole.

The bill specifies that if a person commits an offense in violation of a State law or county or municipal ordinance and the person is not a citizen of the United States and is in the state illegally, the person shall also be guilty of trespass by an illegal alien. The bill lists the penalty provisions associated with this offense. The punishment for the offense of trespass by an illegal alien shall be in addition to the punishment for the initial offense in violation of state law or county or municipal ordinance. This offense does not apply to a person who maintains authorization to remain in the United States.

The bill specifies that a person commits the offense of transportation, concealment, or inducement of an illegal alien if he or she knowingly conceals, harbors, or shields or attempts to conceal, harbor, or shield an illegal alien from detection in any place in this State if the person knowingly or recklessly disregards the alien is illegally in the United States; or causes an illegal alien to come to this State if the person knowingly or recklessly disregards the fact that such coming is illegal. This offense is a class A felony with a minimum 10 year sentence.

The bill specifies protections for certain individuals enforcing offenses listed in the bill. A law enforcement officer shall not arrest or detain a person for purposes of enforcing specific offenses listed in the bill if the person is on the premises or grounds of certain locations.

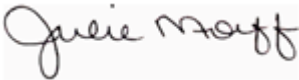
If after a person is arrested for violation of specific offenses listed in the bill the person appears before a judge for such violation, the judge may order the person to be released and may issue a written order that discharges the person and require the person to return to the foreign nation from which the person entered or attempted to enter. This order shall only be issued if the requirements listed in the bill are fulfilled. (§§537.656, 537.657, 537.658, 544.182, 544.245, 545.835, 569.088, 577.675, 577.683, 577.685, and 577.687)

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

#### SOURCES OF INFORMATION

Office of Administration - Budget and Planning  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Mental Health

Department of Natural Resources  
Department of Corrections  
Department of Labor and Industrial Relations  
Department of Public Safety –  
    Missouri Highway Patrol  
    Missouri Veterans Commission  
    State Emergency Management Agency  
Office of the Governor  
Missouri National Guard  
Office of Administration  
Office of the State Public Defender  
Office of the State Treasurer  
University of Missouri System  
City of Kansas City  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department  
Office of the State Auditor  
Missouri House of Representatives  
Missouri Senate  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator



Julie Morff  
Director  
February 11, 2024



Ross Strope  
Assistant Director  
February 11, 2024