

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5555H.01P
 Bill No.: Perfected HJR 132
 Subject: Constitutional Amendments; Children and Minors; Crimes and Punishment;
 Courts
 Type: Original
 Date: April 16, 2024

Bill Summary: This proposal proposes a constitutional amendment relating to certain sexual offenses involving children.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | | |
|--|---|------------------------------|------------------------------|-----------------------------------|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2034) |
| General Revenue* | \$0 or (More than \$8,004,037) | \$0 or (\$19,766) | \$0 or (\$30,241) | \$0 or (\$115,793) |
| Total Estimated Net Effect on General Revenue | \$0 or (More than \$8,004,037) | \$0 or (\$19,766) | \$0 or (\$30,241) | \$0 or (\$115,793) |

*The potential fiscal impact of “(More than \$8,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters. The additional impact from DOC would only be realized if the joint resolution is approved by voters (reflected as “\$0 or”).

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | | |
|---|------------|------------|------------|-----------------------------------|
| FUND AFFECTED | FY 2025 | FY 2026 | FY 2027 | Fully Implemented (FY 2034) |
| | | | | |
| Total Estimated Net Effect on <u>Other State Funds</u> | \$0 | \$0 | \$0 | \$0 |

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 <u>All</u> 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) |
| | | | | |
| | | | | |
| Total Estimated Net Effect on FTE | 0 | 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 | Fully Implemented (FY 2034) |
| | | | | |
| | | | | |
| Local Government* | \$0* | \$0 | \$0 | \$0 |

*Possible costs and state reimbursements in FY 2025 net to zero **if** the issue is put before the voters at a special election.

FISCAL ANALYSIS

ASSUMPTION

Oversight notes the provisions of this proposal are subject to a vote of the people. In the event the proposal does not pass, the provisions would not be implemented and the fiscal impact to implement the changes would be \$0. Therefore, for fiscal note purposes, all costs will be ranged as “\$0 or...” for the appropriate agency and fund.

Article III, Section 38(e) – Sexual offenses involving children

Officials from **Office of the Secretary of State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$8 million based on the cost of the 2022 primary and general election reimbursements.

The Secretary of State’s office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY25 petitions cycle, the SOS estimates publication costs at \$60,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State’s office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2025. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide general election is in November 2024 (FY 2025). It is assumed the subject within this proposal could be on this ballot; however, it could also be on a special election called for by the Governor (a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2025.

Officials from the **Department of Corrections (DOC)** state this legislation proposes a constitutional amendment relating to certain sexual offenses involving children.

This is a joint resolution to submit to qualified voters of the State of Missouri for their approval, the amendment of Section 38(e) to Article III of the Constitution of the state of Missouri. That amendment would make the term of imprisonment life without eligibility for probation or parole for a person found guilty of an offense of sexual trafficking of a child in the first degree. Given life without parole sentences are class A felonies in most instances, DOC estimates the impact of this proposal on the department as the creation of a new 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 could be served in prison as a parole return, and the rest of the sentence could 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.

| | # 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 | 1 | (\$9,689) | (\$4,037) | 0 | \$0 | 0 | (\$4,037) |
| Year 2 | 2 | (\$9,689) | (\$19,766) | 0 | \$0 | 0 | (\$19,766) |
| Year 3 | 3 | (\$9,689) | (\$30,241) | 0 | \$0 | 0 | (\$30,241) |
| Year 4 | 4 | (\$9,689) | (\$41,128) | 0 | \$0 | 0 | (\$41,128) |
| Year 5 | 5 | (\$9,689) | (\$52,438) | 0 | \$0 | 0 | (\$52,438) |
| Year 6 | 6 | (\$9,689) | (\$64,185) | 0 | \$0 | 0 | (\$64,185) |
| Year 7 | 7 | (\$9,689) | (\$76,380) | 0 | \$0 | 0 | (\$76,380) |
| Year 8 | 8 | (\$9,689) | (\$89,037) | 0 | \$0 | 0 | (\$89,037) |
| Year 9 | 9 | (\$9,689) | (\$102,170) | 0 | \$0 | 0 | (\$102,170) |
| Year 10 | 10 | (\$9,689) | (\$115,793) | 0 | \$0 | 0 | (\$115,793) |

Officials from 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**, and the **Office of the State Public Defender** 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** did not respond to **Oversight’s** request for fiscal impact for this proposal.

| <u>FISCAL IMPACT – State Government</u> | FY 2025 (6 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2034) |
|--|--|---------------------------------|---------------------------------|----------------------------------|
| GENERAL REVENUE | | | | |
| <u>Costs – DOC – Increased incarceration costs</u> | \$0 or (\$4,037) | \$0 or (\$19,766) | \$0 or (\$30,241) | \$0 or (\$115,793) |
| <u>Transfer Out - SOS - reimbursement of local election authority election costs if a special election is called by the Governor</u> | <u>\$0 or (More than \$8,000,000)</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | <u>\$0 or (More than \$8,004,037)</u> | <u>\$0 or (\$19,766)</u> | <u>\$0 or (\$30,241)</u> | <u>\$0 or (\$115,793)</u> |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025 (6 Mo.) | FY 2026 | FY 2027 | Fully Implemented (FY 2034) |
|---|---------------------------------------|-------------------|-------------------|--------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | | |
| <u>Transfer In - Local Election Authorities - reimbursement of election costs by the State for a special election</u> | \$0 or More than \$8,000,000 | \$0 | \$0 | \$0 |
| <u>Costs - Local Election Authorities - cost of a special election if called for by the Governor</u> | <u>\$0 or (More than \$8,000,000)</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT – Small Business

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

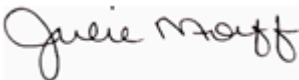
FISCAL DESCRIPTION

This resolution proposes an amendment to the Missouri Constitution to provide that the penalty for sexual trafficking of a child in the first degree is life imprisonment without eligibility for probation or parole. For the purposes of this provision, life imprisonment means for the duration of the person's natural life.

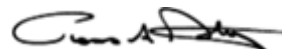
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
April 16, 2024



Ross Strobe
Assistant Director
April 16, 2024