

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5629H.05P
 Bill No.: Perfected HCS for HB 2700
 Subject: Crimes and Punishment; Criminal Procedure; Drugs and Controlled Substances;
 Courts, Juvenile; Attorneys; Children and Minors; Department of Public Safety;
 Juries; Motor Vehicles; Courts
 Type: Original
 Date: April 17, 2024

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

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 (\$2,123,865)	More or less than (\$54,059,716)	More or less than (\$54,224,770)	More or less than (\$55,053,446)
Total Estimated Net Effect on General Revenue	More or less than (\$2,123,865)	More or less than (\$54,059,716)	More or less than (\$54,224,770)	More or less than (\$55,053,446)

*Oversight notes the current statutory daily maximum rate for reimbursement to counties is \$37.50 per prisoner. The current actual appropriation level is set at \$22.58 per prisoner per day. This proposal raises the statutory daily maximum from \$37.50 to up to \$45 starting on July 1, 2025 (FY 2026). If the state moved from the current \$22.58 per day to \$45 per day, this could result in **an additional \$52,307,367 million per year in annual General Revenue expenditures** paid to local political subdivisions.

**Beyond the impact reflected above, DOC states there would be additional impact from changes to section 568.045 that are beyond the 10-year time frame covered in this response (p. 14).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Conservation Commission Fund (0609)	(Unknown, less than \$250,000)	(Unknown, less than \$250,000)	(Unknown, less than \$250,000)	(Unknown, less than \$250,000)
State Highway Fund (0644)	Up to (\$98,813)	Up to (\$111,375)	Up to (\$111,375)	Up to (\$111,375)
Treatment Court Resources Fund*	\$0	\$0	\$0	\$0
Pretrial Witness Protection**	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Crime Victims' Compensation Fund (0681)	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000
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	Up to (\$98,813)	Up to (\$111,375)	Up to (\$111,375)	Up to (\$111,375)

*Transfer-ins less expenditures will net to zero.

**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.

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

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)
General Revenue	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 6 FTE
Total Estimated Net Effect on FTE	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 6 FTE

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

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

FISCAL ANALYSIS

ASSUMPTION

§§43.650 and 589.437 – Violent offender registry

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state this proposal would require the Highway Patrol to build and maintain a database specific for the Violent Offender Registry and develop an interface with Department of Corrections (DOC) for the submission of the registry data to be generated to the website and when an offender is to be removed once individuals are no longer on probation or parole for offenses requiring registration. Funding for this proposal would come from General Revenue (0101). The one-time cost to create a Violent Offender Registry and associated components is estimated at \$182,000, with an ongoing yearly maintenance cost of \$15,000. For the initial build, the Patrol anticipates using a contracted vendor at \$175 per hour for an estimated 1,040 hours to complete.

The MHP estimates the need to staff this system with two (2) FTE. A Computer Information Technology Specialist (Application Development) would be needed to support and maintain the new system and a CJIS Technician (Sex Offender Registry) would be needed for quality control of the data within the new system/website and to address questions from the public. The CJIS Technician FTE request was based on the approximate 1,081 estimated individuals who would qualify for the registry to the current nine (9) CJIS Technician FTE who are assigned to the 18,192 entries in the sex offender registry.

In terms of number of offenders, the MHP estimates that 1,081 individuals could qualify as violent offenders, however, this does not account for qualifying offenses that occurred outside of the state of Missouri.

The Patrol states a portion of §43.650 related to the sexual offender registry website is federally mandated, pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Title I of the Sex Offender Registration and Notifications Act (SORNA).

Oversight notes in response to similar legislation in 2023 (HB 549), the MHP did not assume the need for additional FTE. The MHP stated this year, after further review and analysis, they believe they will need two additional FTE. Oversight will reflect MHP's estimates.

§§211.033, 211.071, 211.072, 291.021, and 221.044 – Juvenile proceedings

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

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						

§221.105 – DOC reimbursements to counties

DOC states section 221.105 currently authorizes a daily rate of up to \$37 per day per offender. However, through the appropriation process the legislature has established the daily rate at \$22.58 per day per offender. Should the legislature establishes a rate of higher than \$22.58 per day per offender, there will be a fiscal impact on the department.

DOC states monies were appropriated by the General Assembly to cover arrearages owed to counties and the City of St. Louis.

Oversight notes, according to DOC’s FY 2025 Budget Request (HB 9), program expenditures have totaled:

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
Actual expenditures	\$50,518,325	\$40,837,093	\$52,680,658

Additionally, the DOC stated in FY 2021, a one-time amount of \$8,000,000 was appropriated to cover arrearages; and in FY 2022 and FY 2023, arrearages were paid in full.

For FY 2024 and FY 2025, the DOC requested \$50,627,544 for criminal case reimbursement.

Oversight notes if the per diem rate is increased from the current daily rate of \$22.58 per day to up to \$45 per day, this would equate to an impact of **\$52,307,367 per year** ($\$52,680,658 / \$22.58 \times \$45 - \$52,680,658 = \$52,307,367$). Oversight also notes the reimbursement rate in Perfected HCS for HB 2009 (FY 2025) in 2024 is \$24.95 (up from \$22.58 for FY 2025).

Oversight assumes, if this legislation is passed, the General Assembly may or may not appropriate differently. Therefore, Oversight will reflect a ranged fiscal impact from \$0 to a cost

difference from \$22.58 to \$45 per day. This would be a revenue increase to counties and the City of St. Louis.

In response to similar legislation (HCS HB 2079), officials from the **St. Louis Budget Division** stated according to the Corrections Commissioner for the City of St. Louis, the passage of this legislation would result in increased revenue to the City. The exact amount cannot be determined at this time because the number of prisoners at the time the reimbursement rate change goes into effect is unknown.

In response to a previous version, officials from **Jackson County** stated passage of this proposed legislation would have a significant positive impact in Jackson County. Jackson County currently spends almost \$40 million dollars annually on housing of detainees awaiting trial on state charges. Approximately 70% of these detainees eventually serve time in state prisons upon conviction. Jackson County is also currently spending \$301 million to build a new 1,000 bed detention center which will open in 2026. An increase in rate to \$60/day and full funding of that new rate could mean up to \$1.8 million in additional state resources to offset that annual \$40 million cost.

§287.243 – Line of duty compensation awards

Officials from the **Office of Administration (OA)** state section 287.243.3 increases the workers' compensation benefit for the death of a public safety officer killed in the line of duty from \$25,000 to \$100,000 beginning August 28, 2024, and increasing with the consumer price index beginning calendar year 2025. This would increase expenses to the state in workers' compensation cases where such benefits are due. Potential costs to the state are unknown; as it would depend on the facts and circumstances of each case.

Oversight does not have any information contrary to that provided by OA. Therefore, Oversight will reflect OA's (unknown) impact to the General Revenue Fund.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** state the Division of Worker's Compensation expects an increased requirement to General Revenue due to the increased claims amount. Expected increase is between \$200,000 and \$400,000 including the cost of living increase based on the consumer price index.

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

In response to a previous version, officials from the **Missouri Department of Conservation (MDC)** stated the MDC anticipates a negative fiscal impact of less than \$250,000.

Oversight does not have any information contrary to that provided by MDC. Therefore, Oversight will reflect MDC's impact for fiscal note purposes to the Conservation Commission Fund.

Officials from the **City of Kansas City** state section 287.243 may have a negative fiscal impact.

Oversight notes the City of Kansas City indicated this proposal may have an unknown negative impact; however, Oversight is unable to project a statewide cost. Oversight will show the impact to local governments-political subdivisions as \$0 to unknown cost.

In response to similar legislation from 2024 (HB 1732), 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.

§§302.457, 557.014 & 557.015 – Diversion for Driving Under the Influence of Alcohol

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

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 department to be notified of violations from the ignition interlock device for program participants. The department does not currently receive or maintain record of violations. Currently, the department 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 department to track and interpret this data specifically related to this diversion program. There are currently six (6) approved manufacturers in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between the department 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 department auditing processes.

In FY23, the DOR received 30,893 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. If 50% of offenders were accepted into this new program, the DOR would 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. The 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 inquiries.

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 (1) 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.

Customer Service Rep. (\$3,052 month)
FY25 = \$30,523 (10 months)
FY26 = \$36,627
FY27 = \$36,627

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimate for three (3) FTE as provided by DOR.

DOR also notes 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 file exchanges
- MODL generated notices
- CTG programming
- Conviction routine evaluation
- Update policies, procedures, reports, forms, and the DOR 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 their 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

DOR notes 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.

DOR notes OA-ITSD services will be required at a cost of \$297,562 in FY 2025 (2,833.92 hours x \$105 per hour).

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs on the fiscal note.

Revenue Impact

DOR states 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 department generated 3,222 point suspensions for non-CDL first time alcohol convictions.

In FY23, the department 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.

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, 15% Cities, and 10% Counties.

Administrative Impact General Counsel's Office (GCO)

DOR notes 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 will reflect DOR's anticipated costs as "could exceed". Also, 302.457.5(3), the participant in the program must "pay a fee, determined by the department that is sufficient to cover the costs of administration of this section". Oversight will reflect an unknown amount of income into General Revenue from this provision.

§454.1050 - "Bentley and Mason's Law" – Adds child maintenance provisions for certain children

DOC states section 454.1050 stipulates that the court shall order a defendant convicted of the offense of driving while intoxicated to pay restitution for a child whose parent or guardian died as a result of such offense. The order of restitution under this section shall require the defendant to make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this section; or deliver payment for restitution to the division of probation and parole or to the Department of Corrections for transfer to the victim or person or state as appropriate.

Currently, the division of probation and parole does not accept payment for any form of restitution. DOC collects restitution from incarcerated individuals when it receives an order from

the prosecuting attorney and then remits payment to the prosecuting attorney in accordance with §559.105.

There would be an unknown fiscal impact to update the DOC offender management system in order to send payments directly to individual victims. It is unclear the amount of additional staff that would be necessary to process and remit these additional payments. It is also unclear if the Department of Corrections would be required to continue receiving and issuing payments to the victims after the defendant has been released from the department's supervision.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DOC as an unknown fiscal impact exceeding \$250,000 annually for additional staff, resources and systems updates.

In response to a previous version, officials from the **Office of Administration - Budget and Planning (B&P)** stated section 454.1050 allows certain offenders to make restitution payments directly to victims and to deduct those payments from any civil judgment. To the extent those fees would have been deposited into the state treasury, total state revenue may decrease.

§478.001 – Mental Health Courts

Officials from the **Office of the State Courts Administrator (OSCA)** state the potential budgetary impact could initially be \$600,000 and continue to increase due to the growth in mental health courts.

In response to similar legislation from 2024 (HB 2064), 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 assumes this proposal establishes mental health courts within the treatment court division and specifies that a mental health court may be established by any circuit court.

Currently all 46 circuits provide treatment court services with an estimated 6,341 participants for CY 2022. The Treatment Court Division has 143 programs representing services for adult drugs, DWI, veterans, families and juveniles. Oversight assumes this proposal will add mental health to the services as an alternative to incarceration/probation.

Based upon FY 2023 expenditures for treatment courts using the Treatment Court Resources Fund, cost per participant is \$1,521 (\$9,642,143/6,341). There are many other factors that affect the operating costs associated with establishing and maintaining treatment courts which vary from county to county throughout the state.

OSCA's budget book presented the following information:

CY 2022 participants	CY 2022 Programs
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Adult Drug Treatment Court	4,470	82
DWI Treatment Court	985	25
Veterans Treatment Court	362	16
Family Treatment Court	498	16
Juvenile Treatment Court	26	4

Oversight is unaware of the number of mental health treatment courts that could be established, when those services would be needed and/or where those services would be located. Oversight assumes when the mental health treatment court services are needed within a certain circuit, OSCA would request the proper appropriation authority for those expenditures through the budget appropriation process. Therefore, Oversight will reflect a \$0 or the estimated amount from OSCA that could continue to increase because of the potential growth in mental health courts.

Oversight will reflect this as a transfer out of the General Revenue Fund and transferred into the Treatment Court Resources Fund for this proposal.

§§488.040 and 494.455 – Compensation of Jurors

OSCA assumes the proposed legislation modifies provisions relating to the compensation of jurors. Section 494.455 states that in any county, or city not within a county, upon adoption by a majority vote of the governing body, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county. Section 494.455 also ties the juror mileage rate to the mileage rate as provided by law for state employees (rather than seven cents per mile).

In response to similar legislation from 2024 (SB 1220), officials from **Cole County** stated their county is the venue for the Monsanto Roundup cases. As of Tuesday, February 20, 2024 there were 17,945 cases filed. Cole County recently had one jury trial for three plaintiffs. It went over 4 weeks and had 14 jurors. At the proposed \$700 a day for 20 days (at least), this would cost Cole County \$14,000 per trial. That was just the first Monsanto case. Currently, Cole County's share of juror pay is \$12.00/day, so an increase to \$50.00/day would have a significant fiscal impact.

Oversight notes §488.040 is removing language and clarifying the statute to follow the language in §494.455. Oversight notes the compensation for jurors will remain the same as outlined in §494.455, however, this proposal is increasing the mileage compensation from 7 cents per mile to the state employee rate as outlined in §33.095 (currently 65 ½ cents per mile). Because of the increased rate, Oversight will, therefore, reflect an unknown cost to circuit funds.

Oversight also notes subsection 3 is being removed in §494.455 and is adding clarifying language stating, "by majority vote, the court en banc of a judicial circuit may adopt a system for

juror compensation in a city not within a county or a county within a circuit”, where a petit or grand juror can receive \$50 per day starting on the third day and each subsequent day of actual service plus the mileage rate per §33.095 for a state employee provided that no compensation for the first two days is received. Oversight is unsure how many county circuits would participate and if the increase in compensation would result in an unknown cost or savings to the state or county. Therefore, Oversight will reflect a \$0 (no adoption by court en banc) or unknown cost or savings to General Revenue and county circuits for this proposal.

§491.641 – Pretrial Witness Protection Services Fund

Officials from the **Department of Public Safety – Office of the Director (DPS)** state this legislation will make it easier for entities to spend funding from the Witness Protection Fund. This fund has been stagnate in spending since its creation. It is assumed that approximately \$100,000 - \$150,000 in reimbursements will be requested by law enforcement, county prosecutors and the circuit attorney for FY 2025; between \$125,000 - \$175,000 for FY 2026; and between \$150,000 - \$200,000 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 January 31, 2024 was \$2,029,154.

Oversight contacted DPS-DO 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.

In response to similar legislation from 2024 (HB 2137), 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 costs.

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.

§§556.061 and 568.045 – Endangering the welfare of a child

DOC states this proposal adds “endangering the welfare of a child in the first degree when punished as a class A, B, or C felony” to the list of sentences defined as dangerous felonies in section 556.061. This introduces the requirement that any new court commitment to prison on one of these sentences serve at least 85% of the term of that sentence in prison prior to release.

The bill adds language in section 568.045 specific to the involvement of fentanyl or carfentanil in an offense of endangering the welfare of a child in the first degree. The penalty for this offense is a class B felony.

The bill also modifies ages that expand the applicability of the offenses of endangering the welfare of a child. While these changes have the potential to impact DOC offender populations, DOC does not have the data on past offenses needed to estimate an impact from these specific changes.

There were 2 new court commitments on class A felonies, 8 new court commitments on class B felonies, and 5 new court commitments on class C felonies to prison on sentences under section 568.045 in FY 2023. The average length of the sentence cycles for these 15 offenders (after taking into account designations of concurrent and consecutive terms) was 32.5 years, with the expected average time to first release from prison being 14.2 years under current legislation and 19.2 years under the proposed legislation. Given the relatively long length of these sentence cycles, DOC estimates no impact of these changes until FY 2045. The cumulative estimated impact is 51 additional people in prison and 51 fewer people on community supervision by FY 2048.

Change in prison admissions and probation openings with legislation

	FY2043	FY2044	FY2045	FY2046	FY2047	FY2048	FY2049	FY2050	FY2051	FY2052
New Admissions										
Current Law	15	15	15	15	15	15	15	15	15	15
After Legislation	15	15	15	15	15	15	15	15	15	15
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	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	0	0	12	27	42	51	51	51	51	51
Parole	0	0	-12	-27	-42	-51	-51	-51	-51	-51
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	0	0	12	27	42	51	51	51	51	51
Field Population	0	0	-12	-27	-42	-51	-51	-51	-51	-51
Population Change	0	0	0	0	0	0	0	0	0	0

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

In response to similar legislation from 2024 (HB 2411), 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.

§567.030 – Criminal offenses involving a child

DOC states this proposal modifies the age under which a vulnerable person's statements out of court may be admissible as evidence in court. The bill also modifies ages that expand the applicability of the offenses of patronizing prostitution. While these changes have the potential to impact the department offender populations, **DOC** does not have the data on past offenses

needed to estimate an impact. The bill also changes the penalty for an offense from the existing class D felony to a class B felony.

There were three new court commitments to prison and five new probation cases under section 567.030 during FY 2023. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department would be an additional 15 offenders in prison and an additional (4) offenders on field supervision by FY 2032.

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	8	8	8	8	8	8	8	8	8	8
After Legislation	8	8	8	8	8	8	8	8	8	8
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						6	14	15	15	15
Parole						-6	-10	-4	4	4
Probation										
Impact										
Prison Population						6	14	15	15	15
Field Population						-6	-10	-4	4	4
Population Change										
							4	11	19	19

In response to similar legislation from 2024 (HB 1541), 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 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.

§568.075 – Protection of children

DOC states §568.075 is enacted, creating the offense of use of a minor to commit a crime. These actions are considered a class E felony if it is a first offense, a class D felony for a second offense, and a class C felony for any subsequent offenses; therefore, the intent of the bill is to create new class E, D, and C felony offenses.

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

For each new class C felony, the department estimates four people will 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

In response to similar legislation from 2024 (HB 1693), 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.

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 Section 568.075 would take approximately thirty-five hours of SPD work for reasonably effective representation. Representation in one hundred cases under this section would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown.

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.

§571.030 – Unlawful use of weapons

In response to similar legislation from 2024 (HB 2492), 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.

§571.031 – Blair’s Law

DOC states 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.

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 571.031 would take approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel and litigation expenses. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2024 (HB 1477), 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 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.

§§575.095 and 575.260 – Tampering with a judicial officer

DOC states this proposal modifies sections 575.095 tampering with a judicial officer and 575.260 tampering with judicial proceeding, making the penalties for both offenses ineligible for probation, parole or conditional release. This means offenders will be required to serve 100% of those sentences in prison.

There were three court commitments to prison under section 575.095 and one under section 575.260 in FY 2023. The average length of those sentences was 6.3 years. On average, offenders serving sentences under these sections spend 0.3 years in prison prior to first release. (There have only been 4 first releases on sentences under these sections in the previous three fiscal years. All four releases were on sentences under section 575.095).

The new legislation would take away the options of probation, parole or conditional release, and require the offender serve the full 6.3 years of their sentence in prison.

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 16 fewer offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	4	4	4	4	4	4	4	4	4	4
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	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			3	7	11	15	16	16	16	16
Parole			-3	-7	-11	-15	-16	-16	-16	-16
Probation										
Impact										
Prison Population			3	7	11	15	16	16	16	16
Field Population			-3	-7	-11	-15	-16	-16	-16	-16
Population Change										

§§575.150 and 575.151 – Arrests, stops, and detentions

DOC states this proposal modifies section 575.150 by adding language to include escaping or attempting to escape as part of what was the definition of resisting or interfering with an arrest. It also creates a class A felony when these actions are committed by means of a deadly weapon or dangerous instrument or by holding any person hostage.

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

Section 575.151 to create offense of aggravated fleeing a stop or detention of law enforcement motor vehicle. A violation of subdivision (1) of subsection 2 is a class B felony. A violation of subdivision (2) of subsection 2 is a class A 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 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

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by the change to Sections 575.150 and 575.151 would take approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

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.

§575.205 – Electronic monitoring equipment

DOC states §575.205 is modified to include failing to charge or otherwise attempting to disable an electronic monitoring device in the list of actions considered as an offense of tampering with electronic monitoring equipment. This creates a new class A misdemeanor offense if the offense

for which the person was placed on electronic monitoring was a misdemeanor. Otherwise, it is a class E felony. 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.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2027.

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

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 575.205 would take approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional 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.

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 (HB 1454), 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 a previous version, **B&P** stated section 575.205 creates the offense of tampering with electronic monitoring equipment, with penalty provisions. To the extent any fees are deposited into the state treasury, total state revenue may increase.

In response to similar legislation from 2024 (HB 1454), officials from the **St. Louis County Police Department** estimated if the department received 100 cases annually, it would require two hours of booking, two hours of report writing and warrant application, and one hour of warrant application review for each case. Therefore, at five hours per case, with an average hourly pay of \$46, each case would total \$230 (5 x \$46). This equates to approximately \$23,000 annually.

Oversight notes the estimated cost for the St. Louis County Police Department. However, Oversight is unable to project a statewide cost for police and sheriff's departments for an additional crime; therefore, the impact to local governments will be presented as \$0 (can be absorbed) to an Unknown amount.

§579.020 – Delivery of a controlled substance

DOC states this proposal modifies section 579.020 to include penalty provisions for the offense of delivering a schedule I or schedule II controlled substance causing great bodily harm. These actions are considered a class B felony offense.

The bill modifies section 579.020 to include penalty provisions for the offense of delivering a schedule I or schedule II controlled substance causing death. These actions are considered a class A felony offense.

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.

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

Combined Cumulative Estimated Impact for DOC

The combined cumulative estimated impact on the department is 103 additional offenders in prison and 67 additional offenders on field supervision by FY 2034, **with additional impact from changes to section 568.045 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	12	12	12	12	12	12	12	12	12	12
After Legislation	27	27	27	27	27	27	27	27	27	27
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
Change (After Legislation - Current Law)										
Admissions	15	15	15	15	15	15	15	15	15	15
Probations	15	15	15	15	15	15	15	15	15	15
Cumulative Populations										
Prison	15	30	45	58	68	81	93	97	100	103
Parole	0	0	0	0	3	0	2	11	22	22
Probation	15	30	45	45	45	45	45	45	45	45
Impact										
Prison Population	15	30	45	58	68	81	93	97	100	103
Field Population	15	30	45	45	48	45	47	56	67	67
Population Change	30	60	90	103	116	126	140	153	167	170

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	15	(\$9,689)	(\$121,113)	0	\$0	15	(\$121,113)
Year 2	30	(\$9,689)	(\$296,483)	0	\$0	30	(\$296,483)
Year 3	45	(\$9,689)	(\$453,620)	0	\$0	45	(\$453,620)
Year 4	58	(\$9,689)	(\$596,359)	0	\$0	45	(\$596,359)
Year 5	68	(\$9,689)	(\$713,163)	0	\$0	48	(\$713,163)
Year 6	81	(\$9,689)	(\$866,493)	0	\$0	45	(\$866,493)
Year 7	93	(\$9,689)	(\$1,014,759)	0	\$0	47	(\$1,014,759)
Year 8	97	(\$9,689)	(\$1,079,573)	1	(\$97,511)	56	(\$1,177,084)
Year 9	100	(\$9,689)	(\$1,135,221)	1	(\$88,683)	67	(\$1,233,904)
Year 10	103	(\$9,689)	(\$1,192,663)	1	(\$89,633)	67	(\$1,282,296)

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.

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 579.020 would take approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional 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.

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.

§595.045 – Crime Victims’ Compensation Fund

DPS states in CY 2022, there were 10,822 class E felony convictions. This data was pulled using charge level felony E with a charge disposition of Guilty Plea, Guilty Plea Written, Tried by Court - Guilty, Jury Verdict - Guilty, Alford Plea and a Charge Disposition Date within CY2022. It does not include juvenile cases.

DPS assumes this will bring in an estimated \$500,000 ($\$46 \times 10,822 = \$497,812$) into the Crime Victims’ Compensation Fund.

Oversight notes the provisions of this section state the court shall enter a judgment payable to the Crime Victims’ Compensation Fund of \$46 for a class E felony. Oversight also notes, from information provided by the Office of the State Courts Administrator, the following number of E felony convictions from FY 2019 through FY 2022:

<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
8,677	7,545	8,407	10,575

The average number of E felonies over this four-year period is 8,801 ($8,677 + 7,545 + 8,407 + 10,575$). However, as the exact number of E felony convictions could vary substantially from year to year, **Oversight will reflect an Unknown, greater than \$250,000 to the Crime Victims’ Compensation Fund.** Oversight notes the ending balance in the Crime Victims’ Compensation Fund as of January 31, 2024, is \$2,080,937.

In response to similar legislation from 2024 (HCS HB 1886), officials from the **Office of Administration - Budget and Planning** assumed §595.045.8 expands the application of a current court cost surcharge that generates revenues for the state’s Crime Victim Compensation Fund, potentially impacting both 18e and TSR calculations.

DOR states that currently a \$7.50 surcharge is assessed on all criminal court proceedings. Additionally, based on the plea of the defendant additional fees are assessed. A fee of \$68 dollars is owed upon a plea of guilty for class A and B felonies, a \$46 fee is due upon a plea of guilty for class C and D felonies and a \$10 fee for a plea of guilty is due for misdemeanors. This proposal expands the \$46 fee to also include pleas of guilty for class E felonies.

The Department of Public Safety noted there were 10,822 class E felony convictions in calendar year 2022. This could increase the fees paid by \$497,812 ($10,822 * \46) annually.

The courts collect the surcharges in all these cases and forwards the money to DOR for deposit. This \$46 fee is received from the court clerks and deposited entirely into the Crime Victims' Compensation Fund.

This proposal will not fiscally impact DOR.

§600.042 – Public Defender funding

SPD states the proposed legislation amending section 600.042 would allow SPD to receive gifts and grants in a specified public defender fund up to the currently authorized amount of \$1,250,000. It is unknown how much would be received within a fiscal year.

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

Oversight assumes since no material amount of 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 the State Treasurer (STO)** stated the STO does not collect and deposit monies for individual state funds that are administered and managed by other state agencies. The Treasurer's Office holds and invests monies deposited by agencies and tracks monies by fund. 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.

In response to a previous version, **B&P** stated section 600.042 creates the Public Defender-Federal and Other Fund, which would be funded by appropriation as well as grants, gifts, donations, bequests, or any other source. To the extent this fund receives external funding, total state revenue may increase.

Bill as a Whole

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

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 beginning August 28, 2024.

OSCA states sections 211.071, 302.457, 491.075, 492.304, 547.031, 556.061, 557.014, 557.015, 567.030, 568.045, 568.075, 571.030, 571.031, 575.150, 575.151, 575.205, and 579.020 may have some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of 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.

Officials from the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Fire Safety, and State Emergency Management Agency)**, the **Missouri Department of**

Transportation, the **Missouri National Guard**, the **Missouri Office of Prosecution Services**, the **University of Missouri**, the **City of O'Fallon**, the **Phelps County Sheriff's Department**, the **Branson Police Department**, the **Kansas City Police Department**, **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, county prosecutors, circuit clerks, schools, and local law enforcement 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)
GENERAL REVENUE				
<u>Income – DOR</u> (\$302.457.5(3)) Fees charged to program participants p. 7-10	Unknown	Unknown	Unknown	Unknown
<u>Costs – MHP</u> (§§43.650 and 589.437) p. 4				Could exceed...
Personal Service	(\$102,760)	(\$125,778)	(\$128,294)	(\$128,294)
Fringe Benefits	(\$91,508)	(\$112,006)	(\$114,246)	(\$114,246)
Exp. & Equip.	(\$5,000)	\$0	\$0	\$0
Database creation and maintenance	(\$182,000)	(\$15,000)	(\$15,000)	(\$15,000)
Total Costs - MHP	(\$381,268)	(\$252,784)	(\$257,540)	(\$257,540)
FTE Change – MHP	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs – DOC p. 5-6</u> (\$221.105) Potential increase in payments to counties and the City of St. Louis – If payment/appropriation rate is increased from current \$22.58 per day per prisoner to up to \$45 per day	\$0	\$0 to (\$52,307,367)	\$0 to (\$52,307,367)	\$0 to (\$52,307,367)
<u>Costs - OA p. 6</u> (\$287.243) Increase claims amount for Line of Duty Comp	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<u>Costs - DOLIR p. 6</u> (§287.243) Increase claims amount for Line of Duty Comp	Up to (\$400,000)	Up to (\$400,000)	Up to (\$400,000)	Up to (\$400,000)
<u>Costs – DOR</u> (§302.457.5(3)) p. 7-10	Could exceed...	Could exceed...	Could exceed...	Could exceed...
Personal Service	(\$93,043)	(\$113,884)	(\$116,162)	(\$116,162)
Fringe Benefits	(\$73,611)	(\$89,198)	(\$90,081)	(\$90,081)
Exp. & Equip.	(\$5,379)	\$0	\$0	\$0
Admin. Costs	(\$151,889)	\$0	\$0	\$0
ITSD Costs	(\$297,562)	\$0	\$0	\$0
<u>Total Costs - DOR</u>	<u>(\$621,484)</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 – DOC</u> (§454.1050) Restitution payment program p. 10-11	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost/Savings – OSCA</u> (§494.455) Potential adoption of new compensation method for jurors by circuits p. 12-13	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<u>Costs – DOC</u> (§§567.030, 568.045, 568.075, 575.095, 575.150, 575.151, 575.205, 575.260, 579.020) p. 13-28				
Personal Service	\$0	\$0	\$0	(\$49,634)
Fringe Benefits	\$0	\$0	\$0	(\$35,665)
Exp. & Equip.	\$0	\$0	\$0	(\$4,334)
Increased incarceration costs	(\$121,113)	(\$296,483)	(\$453,620)	(\$1,192,663)
Total Costs - DOC	(\$121,113)	(\$296,483)	(\$453,620)	(\$1,282,296)
FTE Change - DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Transfer Out – OSCA (\$478.001)</u> To establish mental health treatment courts p. 11-12	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>More or less than (\$2,123,865)</u>	<u>More or less than (\$54,059,716)</u>	<u>More or less than (\$54,224,770)</u>	<u>More or less than (\$55,053,446)</u>
Estimated Net FTE Change on General Revenue	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 6 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
CONSERVATION COMMISSION FUND (0609)				
Costs – MDC p. 6 (\$287.243) Increase claims amount for Line of Duty Comp	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>
ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>
STATE HIGHWAY FUND (0644)				
Loss – DOR (\$302.457) From not receiving first- time DWI convictions p. 7-10	<u>Up to (\$92,813)</u>	<u>Up to (\$111,375)</u>	<u>Up to (\$111,375)</u>	<u>Up to (\$111,375)</u>
ESTIMATED NET EFFECT ON STATE HIGHWAY FUND	<u>Up to (\$92,813)</u>	<u>Up to (\$111,375)</u>	<u>Up to (\$111,375)</u>	<u>Up to (\$111,375)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
TREATMENT COURT RESOURCES FUND				
<u>Transfer In – from GR (\$478.001) p. 11-12</u>	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000
<u>Costs – Program expenditures (\$478.001) p. 11-12</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>
ESTIMATED NET EFFECT ON TREATMENT COURT RESOURCES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
PRETRIAL WITNESS PROTECTION FUND (0868)				
<u>Costs – DPS p. 13 (\$491.641) – Reimbursement of pretrial witness protection costs</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
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 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
CRIME VICTIMS’ COMPENSATION FUND (0681)				
<u>Revenue – DPS</u> (\$595.045) Class E felony fee (\$46 per) p. 29-30	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>
ESTIMATED NET EFFECT ON THE CRIME VICTIMS’ COMPENSATION FUND	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>
PUBLIC DEFENDER – FEDERAL AND OTHER FUND				
<u>Income – SPD</u> (\$600.042) p. 30 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 AND 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</u> – <u>Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue Increase</u> – Counties and City of St. Louis (\$221.105) Potential increase in payments to counties and the City of St. Louis – If payment/ appropriation rate is increased from current \$22.58 per day per prisoner to up to \$45 per day p. 5-6	\$0	\$0 to \$52,307,367	\$0 to \$52,307,367	\$0 to \$52,307,367
<u>Income</u> – County Prosecutors/Law Enforcement (\$491.641) – Reimbursement of pretrial witness protection costs p. 13	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – Cities/ counties (\$287.243) Increase claims amount for Line of Duty Comp p. 6	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<u>Costs/Savings</u> – County Circuits and St. Louis Circuit (\$494.455) Potential adoption of new compensation method for jurors by circuits p. 12-13	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)
<u>Costs</u> – County Circuits and St. Louis Circuit (\$494.455) Increased mileage rate for jurors following §33.095 for state employees p. 12-13	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Police and Sheriff’s Departments (\$575.205) Increased labor hours to process cases p. 25	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Loss</u> – Cities (15%) (\$302.457) From not receiving first-time DWI convictions p. 7-10	Up to (\$18,563)	Up to (\$22,275)	Up to (\$22,275)	Up to (\$22,275)
<u>Loss</u> – Counties (10%) (\$302.457) From not receiving first-time DWI convictions p. 7-10	Up to (\$12,375)	Up to (\$14,850)	Up to (\$14,850)	Up to (\$14,850)

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u> <u>to (Unknown)</u>	<u>\$0 or Unknown</u> <u>to (Unknown)</u>	<u>\$0 or Unknown</u> <u>to (Unknown)</u>	<u>\$0 or Unknown</u> <u>to (Unknown)</u>

FISCAL IMPACT – Small Business

Small businesses that provide ignition interlock device services could be impacted as a result of this proposal. (Sections 302.457, 557.014, and 557.015)

FISCAL DESCRIPTION

VIOLENT OFFENDER REGISTRY (Section 43.650 and 589.437)

This bill specifies that the State Highway Patrol must maintain on its website a registry for violent offenders who are on probation or parole for the offense of first or second degree murder in Missouri or for an equivalent offense in any other state, or who were found not guilty of such offense by reason of mental disease or defect.

The Division of Probation and Parole within the Department of Corrections must notify the State Highway Patrol if a violent offender is placed on probation or parole, is removed from probation or parole, or relocates to the state under the Interstate Compact for adult offender supervision so the State Highway Patrol can update the Offender Registry accordingly.

INCARCERATION COSTS (Section 221.105)

Currently, the State reimburses jails for the actual cost of incarceration of each prisoner up to \$37.50 per day per prisoner. This bill raises that amount to “up to \$45” per day per prisoner.

LINE OF DUTY COMPENSATION AWARDS (Section 287.243)

This bill increases the line of duty compensation benefit paid to a claimant from the current amount of \$25,000 to \$100,000, subject to appropriation, for deaths occurring on or after August 28, 2024. Beginning in 2025, the amount of compensation benefits are adjusted annually by the percent increase in the Consumer Price Index for All Urban Consumers, as reported by the United States Department of Labor. The annual adjustment would not decrease the compensation benefit paid to a claimant to less than \$100,000.

DIVERSION PROGRAM FOR DWI (Sections 302.457, 557.014 and 557.015)

This bill establishes a criminal case diversion program specifically for cases involving driving under the influence. In such cases, the current diversion program available to prosecutors will not

apply; instead, the provisions of this bill shall apply. A prosecutor may divert a criminal case involving driving under the influence if certain requirements, specified in the bill, are met and the defendant consents. Such diversion may continue for up to two years, and the defendant may be ordered to comply with appropriate terms, conditions or programs.

One such requirement is the installation of an ignition interlock device for a period of no less than 12 months on any vehicle the defendant operates, and the defendant will be prohibited from operating a vehicle that is not equipped with an ignition interlock device. The installer of the ignition interlock device must notify the Department of Revenue if the device is removed or indicates that a person has attempted to remove, bypass, or tamper with the device; if the person fails three or more times to comply with any requirement for the maintenance or calibration of the device; or if the device registers a failed start. If the person has a failed start within the last 60 days of the required period of installation of the device, the term will be extended for 90 days.

If the defendant complies with the terms and conditions of the diversion program, the action against the defendant will be dismissed, the dismissal will be recorded, and the record will be transmitted to the Department of Revenue. If the defendant does not comply with the terms and conditions, a hearing will be held after notice to the defendant to determine whether the criminal proceedings will be reinstated. Any defendant found guilty of an intoxication-related traffic offense who has previously utilized the DWI diversion program will be considered a prior offender as defined in Section 577.001, RSMo, if the prior offense occurred within five years of the intoxication-related offense for which the person is charged. Finally, for the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under Section 577.001, a criminal case diverted to a DWI diversion program will be counted as one intoxication-related traffic offense.

BENTLEY'S LAW (Section 454.1050)

This bill establishes "Bentley's Law", which requires a person convicted of an offense of driving while intoxicated where the death of a parent or parents results to pay, upon petition by the surviving parent or the legal guardian, child maintenance to the child's or children's surviving parent or to the legal guardian until the child: dies; marries; enters active military duty; turns 18 or, if the child is 18 and enrolls in college, until completion of a degree or until the child reaches the age of 21, whichever occurs first.

The bill specifies how the amount of maintenance to be paid is determined and how the maintenance is to be paid. If the surviving parent or the guardian brings a civil action against the person prior to any maintenance being ordered and the parent or guardian receives a judgment in his or her favor, no maintenance will be ordered. Alternatively, if the court orders maintenance to be paid and the parent or guardian later brings a civil action and obtains a judgment in his or her favor, the amount awarded will be offset by the amount of maintenance ordered.

MENTAL HEALTH COURTS (Section 478.001)

This bill adds mental health courts to the list of treatment court divisions, defined as a court focused on addressing the mental health disorder or co-occurring disorder of defendants charged

with a criminal offense. The bill specifies that a mental health court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

COMPENSATION OF JURORS (Sections 488.040 and 494.455)

Currently, a juror shall receive seven cents per mile to and from his or her place of residence and the courthouse. This act modifies the mileage rate of jurors to the mileage rate of state employees, which is currently provided at sixty-five and half cents.

Current law also provides that grand or petit jurors in certain counties, including in Clay and Greene, shall not receive compensation for the first two days of service, but shall receive fifty dollars with seven cents per mile for the third and any subsequent days that the juror actually serves. This act provides that the circuit court may adopt for each county or for the City of St. Louis a system of juror compensation that provides grand or petit jurors to receive no compensation on the first two days of actual service, but receive fifty dollars with the state employee mileage rate for the third and any subsequent days of actual service.

PRETRIAL WITNESS PROTECTION SERVICES FUND (Section 491.641)

Currently, any law enforcement agency may provide for the security of witnesses and others in criminal proceedings or investigations. This bill allows any prosecuting attorney's office to provide such security as well. The Department of Public Safety may authorize funds to be disbursed to prosecuting attorneys' offices for such offices to be able to provide security.

CRIMINAL OFFENSES INVOLVING A CHILD (Sections 566.151 and 567.030)

Currently, a statement made by a child under the age of 14 that would otherwise be inadmissible in court, including a visual and an aural recording of a verbal or nonverbal statement of that child, is admissible in court in matters relating to offenses under Chapters 565, 566, 568 or 573, RSMo. This bill changes the age to children under 18. The bill also adds that a visual and an aural recording of a verbal or nonverbal statement of a vulnerable person, as defined in the bill, is also admissible when relating to an offense under Chapter 565, 566, 568, or 573.

This bill also modifies the offense of enticement of a child by increasing the age of the victim from less than 15 years old to less than 17 years old.

Additionally, the bill modifies the penalty provisions for the offense of patronizing prostitution. Currently, the penalty distinctions are for older than 14 years of age and 14 or younger. This bill increases the age from 14 to 15 years old and modifies the offense of patronizing prostitution if the individual is 15 years of age or younger from a class D felony to a class B felony.

OFFENSE OF USE OF A MINOR TO COMMIT A CRIME (Section 568.075)

This bill creates the offense of use of a minor to commit a crime, which a person commits if he or she is at least 18 years old and intentionally uses a minor to commit a crime for which the person could be prosecuted or to assist in avoiding detection of or apprehension for such crime.

A person who commits a violation of this section will be guilty of a class E felony for a first offense, a class D felony for a second offense, and a class C felony for a third or subsequent offense.

TAMPERING WITH A JUDICIAL OFFICER (Sections 575.095 and 575.260)

This bill prohibits eligibility for probation, parole, or conditional release for a person who is convicted of the offense of tampering with a judicial officer or the offense of tampering with a judicial proceeding.

ARRESTS, STOPS, AND DETENTIONS (Sections 575.150 and 575.151)

This bill amends the penalty for the offense of resisting or interfering with arrest, which is currently a class A misdemeanor under certain circumstances and a class E felony under other circumstances. This bill specifies that resisting or interfering with or escaping or attempting to escape from a stop, detention, or arrest or from custody after such stop, detention, or arrest is a class A misdemeanor, unless it falls within one of the exceptions listed in the bill, in which case it is a class E felony. If the escape or attempted escape is committed by means of a deadly weapon or a dangerous instrument or by holding another person hostage, it is a class A felony.

The bill also creates "Valentine's Law", which establishes the offense of aggravated fleeing a stop or detention of a motor vehicle. A person commits such offense if he or she knows or reasonably should know that a law enforcement officer is attempting to detain or stop a motor vehicle and, in various ways described in the bill, he or she flees. A person is presumed to be fleeing an attempted vehicle detention or stop if he or she continues to operate a motor vehicle after he or she has seen or reasonably should have seen clearly visible emergency lights or has heard or reasonably should have heard an audible signal emanating from the pursuing law enforcement vehicle. While it is not a defense to prosecution of this offense that the officer was acting unlawfully, the provisions of the bill do not bar civil suits for unlawful arrest. The offense of aggravated fleeing a stop or detention when a person operates a vehicle at a high rate of speed or in such a way that creates a substantial risk of serious physical injury or death to any person is a class D felony without eligibility for probation, parole, or conditional release until the person has served at least one year of his or her sentence. The offense when, as a result of the fleeing, the person causes physical injury to another person is a class B felony. If, as a result of the fleeing, a person causes death to another person, the offense is a class A felony.

ELECTRIC MONITORING EQUIPMENT (Section 575.205)

This bill adds to the offense of tampering with electronic monitoring equipment intentionally failing to charge or otherwise disabling the electronic monitoring equipment. The bill specifies that the offense of tampering with electronic monitoring equipment when a person fails to charge or otherwise disables the equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

DELIVERY OF A CONTROLLED SUBSTANCE (Section 579.020)

This bill modifies the offense of delivery of a controlled substance to add that a person commits the offense if he or she knowingly distributes or delivers a schedule I or schedule II controlled substance and great bodily harm or death results from the use of the controlled substance. The offense is a class B felony if the delivery or distribution of a schedule I or schedule II controlled substance results in great bodily harm from the use of the controlled substance and a class A felony if a death results from such use. It is not a defense under these provisions that the user contributed to her or her own great bodily harm or death by using the controlled substance or consenting to the administration of the controlled substance by another.

FUNDING FOR STATE PUBLIC DEFENDER'S OFFICE (Section 600.042)

Currently, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited into the General Revenue Fund. This bill creates the "Public Defender - Federal and Other Fund" and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

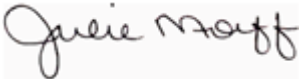
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

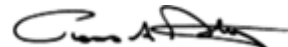
Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education and Workforce Development
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Department of Transportation
Missouri National Guard
Missouri Office of Prosecution Services
Office of Administration
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer

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City of Kansas City
City of O'Fallon
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Eureka Fire Protection District – St. Louis
St. Louis Budget Division
Cole County
Jackson County
University of Missouri
Northwest Missouri State University
University of Central Missouri



Julie Morff
Director
April 17, 2024



Ross Strobe
Assistant Director
April 17, 2024