

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5860H.011  
 Bill No.: HB 2844  
 Subject: Immigration; Professional Registration and Licensing; Department of Labor and Industrial Relations; Crimes and Punishment; Labor and Management; Employees - Employers  
 Type: Original  
 Date: March 8, 2024

Bill Summary: This proposal creates the "Border Security Enhancement Act" relating to the offense of trespass by an illegal alien, creates an offense of trafficking an illegal alien child, and modifies provisions relating to employment verification.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(\$46,869)	(\$95,607)	(\$97,219)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$46,869)</b>	<b>(\$95,607)</b>	<b>(\$97,219)</b>

\*Beyond the impact reflected above, any estimated impact of the new offense and penalty in section 566.616 would not start until well beyond the standard 10-year reporting time frame.

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

Numbers within parentheses: () indicate costs or losses.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

#### §§285.530, 566.216, and 569.089 – Unauthorized aliens

In response to similar legislation from 2024 (HB 1515), officials from the **Department of Labor and Industrial Relations (DOLIR)** stated per section 285.530 businesses must use E-Verify. DOLIR estimated that section 285.530 would require an additional AOSA.

**Oversight** notes officials from DOLIR assumed the need for one (1) Admin Support Assistant at a cost of \$36,847 annually for the provisions related to section 285.530.

Officials from the **Department of Corrections (DOC)** state this proposal creates the “Border Security Enhancement Act” relating to the offense of trespass by an illegal alien child and modifies provisions relating to employment verification.

Section 566.216 creates the offense of trafficking of an illegal alien child and the associated penalty of life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence. Any estimated impact of this new offense and penalty would not start until well beyond the standard 10-year reporting time frame.

Section 569.089 creates the offense of trespass by an illegal alien and the associated class E felony penalty. As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony.

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
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

	# to prison	Cost per year	Total Costs for prison	Change in # to probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$9,689)	(\$8,074)	0	\$0	2	(\$8,074)
Year 2	2	(\$9,689)	(\$19,766)	0	\$0	4	(\$19,766)
Year 3	2	(\$9,689)	(\$20,161)	0	\$0	7	(\$20,161)
Year 4	2	(\$9,689)	(\$20,564)	0	\$0	7	(\$20,564)
Year 5	2	(\$9,689)	(\$20,975)	0	\$0	7	(\$20,975)
Year 6	2	(\$9,689)	(\$21,395)	0	\$0	7	(\$21,395)
Year 7	2	(\$9,689)	(\$21,823)	0	\$0	7	(\$21,823)
Year 8	2	(\$9,689)	(\$22,259)	0	\$0	7	(\$22,259)
Year 9	2	(\$9,689)	(\$22,704)	0	\$0	7	(\$22,704)
Year 10	2	(\$9,689)	(\$23,159)	0	\$0	7	(\$23,159)

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.

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 the change to Section 569.089 would take approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under any of these sections 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 not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2024 (HB 2523), 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.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes [566.216 and

569.089] create additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

In response to similar legislation from 2024 (HB 2523), officials from the **Office of the State Courts Administrator** 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.

#### Bill as a Whole

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

Officials from the **University of Central Missouri** state an indeterminate fiscal impact as it may deter potential students with opposing views to enroll.

**Oversight** assumes any potential impact to the University of Central Missouri would be minimal and absorbable within current funding levels and will reflect no impact for fiscal note purposes.

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Office of Administration**, the **University of Missouri**, **Northwest Missouri State University**, the **City of Kansas City**, the **City of O’Fallon**, the **Phelps County Sheriff’s Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Department of Mental Health** did not respond to **Oversight’s** request for fiscal impact for this proposal.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, schools, colleges, universities, 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 (6 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Costs – DOLIR (\$285.530)</u>			
Personal Service	(\$18,424)	(\$37,584)	(\$38,336)
Fringe Benefits	(\$14,651)	(\$29,587)	(\$29,879)
Expense & Equipment	(\$5,720)	(\$8,670)	(\$8,843)
<b>Total Costs - DOLIR</b>	<b>(\$38,795)</b>	<b>(\$75,841)</b>	<b>(\$77,058)</b>
FTE Change - DOLIR	1 FTE	1 FTE	1 FTE
<u>Costs – DOC (\$569.089) Increased incarceration costs</u>			
	(\$8,074)	(\$19,766)	(\$20,161)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$46,869)</b>	<b>(\$95,607)</b>	<b>(\$97,219)</b>
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE

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

#### FISCAL IMPACT – Small Business

No fiscal impact to small businesses (less than 50 employees) would be expected.

#### FISCAL DESCRIPTION

This bill establishes the offense of trafficking of an illegal alien child. A person commits this offense if they cause a person under the age of 12 who is an illegal alien to participate in or engage in a sex act. The offense of trafficking an illegal alien child is a felony punishable by life imprisonment without eligibility for probation or parole, until the offender has served not less than 25 years of the sentence.

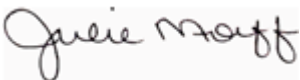
This bill establishes the "Border Security Enhancement Act", which establishes the offense of trespass by an illegal alien. A person commits the offense of trespass by an illegal alien if the person is at least 18, has committed an offense that qualifies as a class C misdemeanor or higher

on public or private land, and is not authorized by the Federal government to remain in the United States. The offense of trespass by an illegal alien is a class E felony.

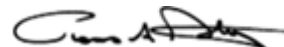
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Natural Resources  
Department of Public Safety  
Department of Social Services  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
University of Missouri  
Northwest Missouri State University  
University of Central Missouri  
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



Julie Morff  
Director  
March 8, 2024



Ross Strobe  
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