

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5962H.011
 Bill No.: HB 2881
 Subject: Children and Minors; Firearms; Courts; Courts, Juvenile; Crimes and Punishment;
 Criminal Procedure
 Type: Original
 Date: April 17, 2024

Bill Summary: This proposal modifies provisions relating to juvenile offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown, could exceed \$24,223)	(Unknown, could exceed \$59,297)	(Unknown, could exceed \$80,643)
Total Estimated Net Effect on General Revenue	(Unknown, could exceed \$24,223)	(Unknown, could exceed \$59,297)	(Unknown, could exceed \$80,643)

*Oversight will assume the fiscal impact will not reach the \$250,000 threshold.

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

Numbers within parentheses: () indicate costs or losses.

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

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

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

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

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

FISCAL ANALYSIS

ASSUMPTION

§§211.031, 211.071, 211.321, 571.070 & 571.077 – Juvenile Offenses

Officials from the **Department of Corrections (DOC)** state this proposal adds language in sections 211.031, 211.071, 211.321 and 571.070 that would allow for the treatment of juveniles as adults given certain conditions surrounding the offenses on which they were convicted. While these changes have the potential to increase the number of offenders supervised by the DOC, DOC does not have information available on relevant past juvenile convictions that DOC would need to estimate an impact, and therefore assumes an **unknown impact** to these changes.

The bill also creates section 571.077, which includes the definition of the offense of failure to supervise a child in possession of a firearm and the associated class A misdemeanor and class E felony penalties. As misdemeanors fall outside the purview of DOC, there is no expected impact from that portion of the bill.

For each new nonviolent class D felony, the DOC estimates three people could 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.

The cumulative impact on the DOC is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2027.

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

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	3	(\$9,689)	(\$24,223)	0	\$0	5	(\$24,223)
Year 2	6	(\$9,689)	(\$59,297)	0	\$0	10	(\$59,297)
Year 3	8	(\$9,689)	(\$80,643)	0	\$0	16	(\$80,643)
Year 4	8	(\$9,689)	(\$82,256)	0	\$0	19	(\$82,256)
Year 5	8	(\$9,689)	(\$83,901)	0	\$0	22	(\$83,901)
Year 6	8	(\$9,689)	(\$85,580)	0	\$0	22	(\$85,580)
Year 7	8	(\$9,689)	(\$87,291)	0	\$0	22	(\$87,291)
Year 8	8	(\$9,689)	(\$89,037)	0	\$0	22	(\$89,037)
Year 9	8	(\$9,689)	(\$90,818)	0	\$0	22	(\$90,818)
Year 10	8	(\$9,689)	(\$92,634)	0	\$0	22	(\$92,634)

* 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 information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

Officials from the **Office of the State Public Defender (SPD)** assume, per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 571.077 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 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 a similar proposal, HB 2880 (2024), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to a similar proposal, HB 2880 (2024), officials from the **Missouri Office of Prosecution Services (MOPS)** stated there is no measurable fiscal impact to MOPS. The enactment of a new crime [571.077] creates 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 a similar proposal, HB 2880 (2024), officials from the **Attorney General's Office** assumed the proposal would 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.

In response to a similar proposal, HB 2880 (2024), officials from the **Branson Police Department** and the **St. Louis County Police Department** each assumed the proposal would have no fiscal impact on their respective organizations.

Officials from the **Department of Social Services**, the **Department of Public Safety (Office of the Director & Missouri Highway Patrol)**, the **Department of Elementary and Secondary Education**, the **Department of Mental Health**, the **Phelps County Sheriff's Office**, the **Kansas City Police Department** and the **Joint Committee on Administrative Rules** 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 local law enforcement agencies & school districts were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Cost – DOC – increased incarceration costs §§211.031, 211.071, 211.321, 571.070 & 571.077</u>	<u>(Unknown, could exceed \$24,223)</u>	<u>(Unknown, could exceed \$59,297)</u>	<u>(Unknown, could exceed \$80,643)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could exceed \$24,223)</u>	<u>(Unknown, could exceed \$59,297)</u>	<u>(Unknown, could exceed \$80,643)</u>

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

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill specifies that the juvenile court will have concurrent jurisdiction with the circuit court over any child who is alleged to have committed an offense that would be classified as a class B felony or higher if committed by an adult.

The bill specifies that if a petition alleges that any child committed the offense of unlawful possession of a firearm or any of the offenses listed in the bill if committed by an adult, or has committed an offense in which the child used a firearm in the commission of the offense and

such offense would be considered a felony if committed by an adult, the court must order a hearing.

This bill specifies that identifying information of a child may be released to the public if the child escaped while in custody for an offense that would be considered a felony offense if committed by an adult.

The bill specifies that a person commits unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and such person is under 18 and has been adjudicated a delinquent for committing an offense that would be considered a felony offense if committed by an adult.

This bill specifies that a person who is a parent or guardian of a child commits the offense of failure to supervise a child in possession of a firearm if:

- (1) The child has been adjudicated as a delinquent;
- (2) The person knowingly sells, leases, loans, gives away, or delivers a firearm to the child;
- (3) The person knowingly fails to supervise the child; and
- (4) The child uses the firearm in the commission of an offense or causes serious bodily injury or death resulting from the use of the firearm.

Failure to supervise a child in possession of a firearm is a class A misdemeanor, unless that child causes serious bodily injury or death resulting from use of the firearm, in which case the offense is a class D 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

Department of Corrections
Office of the State Public Defender
Office of the State Courts Administrator
Attorney General's Office
Department of Public Safety
 Office of the Director
 Missouri Highway Patrol
Department of Elementary and Secondary Education
Department of Mental Health
Department of Social Services
Missouri Office of Prosecution Services
Phelps County Sheriff's Office
Kansas City Police Department

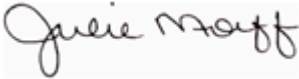
L.R. No. 5962H.01I

Bill No. HB 2881

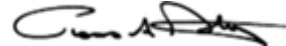
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Branson Police Department
St. Louis County Police Department
Joint Committee on Administrative Rules



Julie Morff
Director
April 17, 2024



Ross Strobe
Assistant Director
April 17, 2024