

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0601H.011  
Bill No.: HB 615  
Subject: Crimes and Punishment; Victims of Crime  
Type: Original  
Date: January 23, 2025

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Bill Summary: This proposal modifies and establishes provisions relating to judicial proceedings.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2032)</b>
General Revenue*	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$23,616)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>Could exceed (\$23,616)</b>

\*Oversight assumes the fiscal impact will not reach \$250,000. Oversight notes to reach the \$250,000 threshold, it would take approximately 24 additional prisoners at the estimated incarceration rate of \$10,485 per year per prisoner ( $\$250,000 / \$10,485$ ).

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2032)</b>
Human Trafficking and Sexual Exploitation Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Revenue and disbursements assumed to net to zero.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2032)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2032)</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2032)</b>
<b>Local Government</b>	<b>\$0 or Minimal</b>	<b>\$0 or Minimal</b>	<b>\$0 or Minimal</b>	<b>\$0 or Minimal</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§566.151 and 567.030 – Criminal offenses involving a child and prostitution

Officials from the **Department of Corrections (DOC)** state this proposal modifies and establishes provisions relating to judicial proceedings.

Section 566.151 changes the age of the victim for enticement of a child from any person who is less than fifteen to seventeen years of age. From FY 2022 to FY 2024, the department totaled 59 new prison admissions and 3 new probation cases for sentences of enticement of a child. The increase in the minimum age under which a person can be considered to be enticed as a child could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 16- and 17-year-olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

Section 567.030 changes the age of the victim in patronizing prostitution from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill changes the existing class D felony to a class B felony.

There were three new court commitments to prison and one new probation case under section 567.030 from FY 2021 through FY 2024 that were class D felonies. Given there have been years in which there were no new court commitments and/or probation cases under this section, the DOC will use the averages of one new court commitment and one new probation cases annually over this three-year period to estimate the impact. 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 7.3 years spent in prison.

The estimated cumulative impact on the department would be an additional 2 offenders in prison and one less offender on field supervision by FY 2032.

Change in prison admissions and probation openings with legislation

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035	
<b>New Admissions</b>											
Current Law	1	1	1	1	1	1	1	1	1	1	
After Legislation	1	1	1	1	1	1	1	1	1	1	
<b>Probation</b>											
Current Law	0	0	0	0	0	0	0	0	0	0	
After Legislation	0	0	0	0	0	0	0	0	0	0	
<b>Change (After Legislation - Current Law)</b>											
Admissions											
Probations											
<b>Cumulative Populations</b>											
Prison											
Parole						1	2	2	2	2	
Probation						-1	-1	-1			
<b>Impact</b>											
Prison Population						1	2	2	2	2	
Field Population						-1	-1	-1			
<b>Population Change</b>									1	2	2

	# 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	0	(\$10,485)	\$0	0	\$0	0	\$0
Year 2	0	(\$10,485)	\$0	0	\$0	0	\$0
Year 3	0	(\$10,485)	\$0	0	\$0	0	\$0
Year 4	0	(\$10,485)	\$0	0	\$0	0	\$0
Year 5	0	(\$10,485)	\$0	0	\$0	0	\$0
Year 6	1	(\$10,485)	(\$11,576)	0	\$0	(1)	(\$11,576)
Year 7	2	(\$10,485)	(\$23,616)	0	\$0	(1)	(\$23,616)
Year 8	2	(\$10,485)	(\$24,088)	0	\$0	(1)	(\$24,088)
Year 9	2	(\$10,485)	(\$24,570)	0	\$0	0	(\$24,570)
Year 10	2	(\$10,485)	(\$25,061)	0	\$0	0	(\$25,061)

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 \$28.73 per day or an annual cost of \$10,485 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 \$100.25 per day or an annual cost of \$36,591 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** notes, from information provided by the State Courts Administrator, the following number of felony convictions under §566.151 and §567.030:

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
§566.151 felonies	19	25	22	24	24
§567.030 felonies	0	2	1	2	0

**Oversight** will reflect DOC’s impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 24 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000.

§§566.203, 566.206, 566.209, 566.210, 566.211, 566.215, and 589.700 – Human trafficking offenses

**Oversight** notes the provisions of this bill state in addition to any fine imposed, the court shall enter a judgment of restitution in the amount of \$5,000 payable to the Human Trafficking and Sexual Exploitation Fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section. The moneys will be distributed to the county where the offense occurred and allocated 50% toward local rehab services for victims of human trafficking and 50% towards local efforts to prevent human trafficking.

Oversight notes OSCA reported the following number of guilty convictions in 2020 – 2024:

	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
§566.203	0	0	0	0	0
§566.206	0	0	0	0	0
§566.209	0	0	0	1	2
§566.210	0	0	1	0	0
§566.211	1	1	2	3	9
§566.215	0	0	0	0	0

**Oversight** notes with the low number of guilty convictions reflected above, we will assume a minimal amount of restitution proceeds (average of approximately three (3) guilty dispositions per year x \$5,000 = \$15,000) collected into the new Human Trafficking and Sexual Exploitation Fund.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. 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.

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

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Public Defender**, and the **Office of the State Treasurer** 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 counties and schools 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 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
<b>GENERAL REVENUE</b>				
<u>Cost</u> – DOC (§§566.151 and 567.030) Increased incarceration costs	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$23,616)
<u>Cost</u> – OSCA (§1.486) Potential cost relating to judicial proceedings	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>Could exceed (\$23,616)</b>
<b>HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND</b>				
<u>Revenue</u> - (§§566.203, 566.206, 566.209, 566.210, 566.211, 566.215) Potential fine revenue	\$0 or Minimal	\$0 or Minimal	\$0 or Minimal	\$0 or Minimal
<u>Transfer Out</u> – To Counties	\$0 to (Minimal)	\$0 to (Minimal)	\$0 to (Minimal)	\$0 to (Minimal)
<b>ESTIMATED NET EFFECT ON THE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
<b>COUNTIES</b>				
<u>Transfer In – from Human Trafficking and Sexual Exploitation Fund</u>	<u>\$0 or Minimal</u>	<u>\$0 or Minimal</u>	<u>0 or Minimal</u>	<u>0 or Minimal</u>
<b>ESTIMATED NET EFFECT TO COUNTIES</b>	<b><u>\$0 or Minimal</u></b>	<b><u>\$0 or Minimal</u></b>	<b><u>\$0 or Minimal</u></b>	<b><u>\$0 or Minimal</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

JUDICIAL PROCEEDINGS (Sections 491.075, 492.304, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 567.030 and 589.700)

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 Chapter 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 victims 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 being patronized is 15 years of age or younger from a class D felony to a class B felony.

This bill provides that a person who pled guilty to or was found guilty of certain sexual offenses as specified in the bill will be required to pay \$5,000 in restitution payable to the State to be deposited into the newly established "Human Trafficking and Sexual Exploitation Fund". Upon receipt of money from the Fund, a county must allocate disbursement of the funds according to the requirements in the bill.

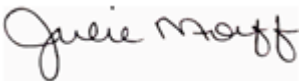
This bill establishes the "Human Trafficking and Sexual Exploitation Fund". The moneys in the Fund will be distributed to the county where the human trafficking offense occurred.

The county will allocate 50% of the moneys to rehabilitation of human trafficking victims and 50% of the moneys to education programs for convicted human trafficking offenders and to increase the number of law enforcement officers to enforce human trafficking laws.

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 Corrections  
Department of Health and Senior Services  
Department of Mental Health  
Department of Public Safety - Missouri Highway Patrol  
Department of Social Services  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer



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