

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0601H.04C
Bill No.: HCS for HB 615
Subject: Crimes and Punishment; Victims of Crime; Sexual Offenses; Courts; Evidence;
Criminal Procedure
Type: Original
Date: February 16, 2025

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

FISCAL SUMMARY

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

*DOC incarceration costs, SPD court reporter costs and OSCA costs. Oversight assumes the combined costs could exceed \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Various State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
Human Trafficking and Sexual Exploitation Fund*	\$0	\$0	\$0	\$0
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
Total Estimated Net Effect on Other State Funds	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000

*Revenue and disbursements assumed to net to zero.
 Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Total Estimated Net Effect on FTE	0	0	0	\$0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Local Government*	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000

*Fine revenue and court costs from misdemeanors.

FISCAL ANALYSIS

ASSUMPTION

§§485.160, 492.340, 492.350, 492.540, and 492.590 – Court reporters

Officials from the **Office of the State Public Defender (SPD)** state the lack of available certified court reporters will impact the cost of transcription by certified court reporters approved by the State. The SPD is required to use court reporters for depositions in many proceedings, and the rise in those costs will increase SPD's E&E needs beyond current appropriation. The fiscal impact of this change to §485.160 is unknown.

Oversight has no information to the contrary. Oversight will present the (Unknown) fiscal impact of this proposal to the General Revenue Fund as provided by SPD. Oversight assumes the fiscal impact will be less than \$250,000 annually.

In response to similar legislation from 2025 (SB 413), officials from the **Office of the State Courts Administrator (OSCA)** stated there may result in some fiscal impact, but there is not way to quantify that amount 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 Corrections (DOC)** state as misdemeanors fall outside the purview of the Department of Corrections, the misdemeanor A penalties found in section 485.160 will have no impact on the department.

Oversight notes the provisions of §485.160.2(3) and .5 state any person who undertakes the practice of court reporting without having a license or who holds a license but affixes his/her signature and license number to a transcript which he/she did not personally present/report the proceedings reflected in the transcript is guilty of a class A misdemeanor addition. These provisions do not apply to services performed outside of this state by a foreign court reporter who is not certified in Missouri when certain conditions are met.

Class A misdemeanors carry a penalty of \$2,000 for each offense in addition to any individual county/municipal fees and court costs. The fine revenue for the offense goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some

(less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

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

DOC states 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	
New Admissions											
Current Law	1	1	1	1	1	1	1	1	1	1	
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											
Probations											
Cumulative Populations											
Prison						1	2	2	2	2	
Parole						-1	-1	-1			
Probation											
Impact											
Prison Population						1	2	2	2	2	
Field Population						-1	-1	-1			
Population Change									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.

§589.700 – Human trafficking offenses

Oversight notes the provisions of this bill state in addition to any fine imposed for a violation of section 566.203, 566.206, 566.209, 566.210, 566.211, 566.215 or 567.030, the court shall enter a judgment of restitution 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 in the following amounts:

- \$10,000 per each identified victim of the offense(s) identified above; and
- \$2,500 for each county in which such offense(s) occurred.

Upon receipt of the moneys from the fund, a county shall allocate the disbursement as follows:

- \$10,000 per each identified victim of the offense(s) that occurred in the county toward local rehabilitation services such as mental health and substance abuse counseling; parenting skills, housing relief, vocational training, and employment counseling; and
- \$2,500 toward local efforts to prevent human trafficking such as education programs and increasing the number of local law enforcement members charged with enforcing human trafficking laws.

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
§567.030	0	3	3	9	2

Oversight has no way to determine the number of victims associated with each guilty conviction listed above; therefore, Oversight will assume an (unknown) impact to the new Human Trafficking and Sexual Exploitation Fund. For fiscal note purposes, Oversight assumes services provided by the counties will equal income and net to zero.

DOC states section 589.700 establishes a judgment of restitution payable to the human trafficking and sexual exploitation fund for violations of section 566.203, 566.206, 566.209, 566.210, 566.211, or 566.215. As this fine is manually entered into the Offender Finance System, it is unknown the additional staff time which will be required to enter the fines, as there is no way to know how many people found guilty of these offenses would be sentenced and incarcerated to the department. Therefore, the impact to this legislation is an unknown cost.

§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 2020 through FY 2024:

<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>
7,545	8,407	10,575	10,838	10,708

The average number of E felonies over this five-year period is 9,615 (7,545 + 8,407 + 10,575, 10,838 + 10,708). 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 December 31, 2024, is \$2,040,252.

DOC states section 595.045 expands the offenses for which Crime Victims Compensation can be collected for from class C or D felonies, to include class E felonies as well. As this fine is manually entered into the Offender Finance System, it is unknown the additional staff time which will be required to enter the fines, as there is no way to know how many people found guilty of an E felony would be sentenced and incarcerated to the department. Therefore, the impact to this legislation is an unknown cost.

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

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 **Washington School District** state the financial impact would be about \$2,000 for training and documentation updates.

Oversight assumes some annual training is conducted regardless of this bill and this change could be incorporated into that training and absorbed within current resources.

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**, and the **Office of Administration** 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.

In response to a previous version, officials from the **Office of the State Treasurer** 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 only reflects the responses received from state agencies and political subdivisions; however, other counties, county recorders, 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)
GENERAL REVENUE				
<u>Cost</u> – SPD (§485.160) p. 3 Increase in E&E costs for court reporter transcription services	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> – OSCA (§485.160) p. 3 Increase in court reporter-associated costs	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – DOC (§§566.151 and 567.030) Increased incarceration costs p. 5-7	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$23,616)
<u>Cost</u> – DOC (§§589.700 and 595.045) Manual entry of fines into Offender Finance System p. 7-9	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$23,616)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
VARIOUS STATE FUNDS				
<u>Revenue</u> – (§485.160) Court costs p. 4-5	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>
HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND				
<u>Revenue</u> - (§§566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 567.030) Potential fine revenue p. 7-8	Unknown	Unknown	Unknown	Unknown
<u>Transfer Out</u> – To Counties p. 8	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
CRIME VICTIMS’ COMPENSATION FUND (0681)				
<u>Revenue</u> – DPS (§595.045) Class E felony fee (\$46 per) p. 8-9	<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>

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
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>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue</u> – (\$485.160) Court costs p. 4-5	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (\$485.160) Fine revenue p. 4-5	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Transfer In</u> – To Counties from Human Trafficking and Sexual Exploitation Fund p. 8	Unknown	Unknown	Unknown	Unknown
<u>Cost</u> - (\$589.700) Local rehab services, education programs, etc. p. 8	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>	<u>Less than \$250,000</u>

FISCAL IMPACT – Small Business

This proposal may positively impact small business court reporting firms. In addition, the proposal may negatively impact small business court reporting firms if they pay any licensing fees for their court reporters. (§485.160)

FISCAL DESCRIPTION

COURT REPORTERS (Section 485.160)

This bill specifies that a person who undertakes or attempts to undertake the practice of court reporting for money without having a court reporter license from the Board of Certified Court Reporters Examiners, knowingly presents or files false information with the Board for the purpose of obtaining a license, or holds such license and knowingly signs and affixes his or her signature and license number to a transcript for which he or was not present and did not personally report the proceedings reflected in the transcript will be guilty of a class A misdemeanor.

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 \$10,000 in restitution per identified victim and \$2,500 for each county in which the offense or offenses occurred, 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.

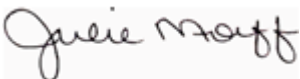
This bill establishes the "Human Trafficking and Sexual Exploitation Fund". The moneys in the Fund will be distributed to the county where the human trafficking offense occurred.

The county will allocate \$10,000 toward local rehabilitation of human trafficking victims and \$2,500 toward local 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
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
Washington School District



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