

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0601H.04P
Bill No.: Perfected HCS for HB 615
Subject: Crimes and Punishment; Victims of Crime; Sexual Offenses; Courts; Evidence;
Criminal Procedure
Type: Original
Date: March 12, 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)

*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).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Human Trafficking and Sexual Exploitation Fund*	\$0	\$0	\$0	\$0
Crime Victims' Compensation Fund (0681)	\$442,290	\$442,290	\$442,290	\$442,290
Total Estimated Net Effect on <u>Other</u> State Funds	\$442,290	\$442,290	\$442,290	\$442,290

*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 <u>All</u> 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*	\$0	\$0	\$0	\$0

*Fine revenue and services net to zero.

FISCAL ANALYSIS

ASSUMPTION

§§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.

House Amendment (HA) 1 - §589.700 – Human trafficking offenses

Oversight notes the provisions of HA 1 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 these sections, excluding restitution ordered under section 566.218, in the following amounts:

- \$10,000 for each identified victim of the offense(s) under section 566.203, 566.206, 566.209, 566.210, or 566.211;
- \$2,500 for each identified victim of the offense(s) under section 567.030; 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 for each identified victim of the offense(s) for any violation under section 566.203, 566.206, 566.209, 566.210, or 566.211, 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;

- \$2,500 for any violation under section 567.030, 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, 566.215, or 567.030. This fine is manually entered into the Offender Finance System. The additional staff time which will be required to enter the fines is unknown, 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

Officials from the **Department of Public Safety - Office of the Director (DPS)** state 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). Therefore, for purposes of this fiscal note, Oversight will reflect an impact to the Crime Victims' Compensation Fund of \$442,290 (\$46 x 9,615).

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. This fine is manually entered into the Offender Finance System. The additional staff time which will be required to enter the fines is unknown, 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

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. 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.

In response to a previous version, 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.

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.

In response to a previous version, officials from the **Washington School District** stated 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**, and the **Missouri Office of Prosecution Services** 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 Administration**, the **Office of the State Public Defender**, and 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> – DOC (§§566.151 and 567.030) Increased incarceration costs p. 4-6	(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. 7-8	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> – OSCA (various sections) Potential cost relating to judicial proceedings	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Unknown)	(Unknown)	(Unknown)	<u>Could exceed (\$23,616)</u>
HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND				
<u>Revenue</u> - (§§566.203, 566.206, 566.209, 566.210, 566.211) Victim restitution p. 6	Unknown	Unknown	Unknown	Unknown
<u>Revenue</u> - (§567.030) Victim restitution p. 6	Unknown	Unknown	Unknown	Unknown
<u>Revenue</u> - (§589.700) Restitution for each county in which the offense(s) occurred p. 6	Unknown	Unknown	Unknown	Unknown
<u>Transfer Out</u> – To Counties p. 7	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
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>\$442,290</u>	<u>\$442,290</u>	<u>\$442,290</u>	<u>\$442,290</u>
ESTIMATED NET EFFECT ON THE CRIME VICTIMS’ COMPENSATION FUND	<u>\$442,290</u>	<u>\$442,290</u>	<u>\$442,290</u>	<u>\$442,290</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
LOCAL POLITICAL SUBDIVISIONS				
<u>Transfer In – To Counties from Human Trafficking and Sexual Exploitation Fund p. 7</u>	Unknown	Unknown	Unknown	Unknown
<u>Cost - (§§566.203, 566.206, 566.209, 566.210, 566.211) Local rehab services, education programs, etc. p. 7</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost – (§567.030) Local rehab services, education programs, etc. p. 7</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost - (§589.700) Human trafficking prevention etc. p. 7</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<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 proposal modifies and establishes provisions relating to judicial proceedings.

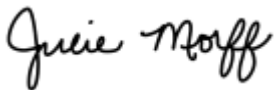
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General’s Office
 Department of Corrections
 Department of Health and Senior Services
 Department of Mental Health

DD:LR:OD

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



Julie Morff
Director
March 12, 2025



Jessica Harris
Assistant Director
March 12, 2025