

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0789H.03I
 Bill No.: HB 83
 Subject: Administrative Law; Attorney General; Business and Commerce; Children and Minors; Civil Procedure; Courts; Crimes and Punishment; Criminal Procedure; Liability; Uniform Laws
 Type: Original
 Date: February 19, 2025

Bill Summary: This proposal modifies provisions relating to civil 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, Could exceed \$1,600,000)	(Unknown, Could exceed \$600,000)	(Unknown, Could exceed \$600,000)	(Unknown, Could exceed \$623,616)
Total Estimated Net Effect on General Revenue	(Unknown, Could exceed \$1,600,000)	(Unknown, Could exceed \$600,000)	(Unknown, Could exceed \$600,000)	(Unknown, Could exceed \$623,616)

*Includes §454.1050 for a new child support module that could cost between \$500,000 to \$1 million in FY2026.

**§478.001 that has an unknown cost that could exceed \$600,000 per year to establish mental health treatment courts Cost for mental health treatment courts transferred to Treatment Court Resources Fund and unknown savings for the DOC assumed to be greater than \$250,000 per year. Without additional information, Oversight cannot estimate the net effect.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Road (0644)	(\$186,357)	(\$223,817)	(\$228,294)	More than (\$228,294)
Crime Victims' Compensation (0681)	Unknown, Greater than \$250,000			
Treatment Court Resources Fund (0733)*	\$0	\$0	\$0	\$0
Basic Civil Legal Services Fund (0757)	(\$424,221)	(\$848,441)	(\$848,441)	(\$848,441)
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown, (Less than \$360,578)	Unknown, (Less than \$826,735)	Unknown, (Less than \$826,735)	Unknown, (Less than \$826,735)

*Transfer-ins less expenditures net to zero.

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)
Road (MHP)	1 FTE	1 FTE	1 FTE	1 FTE
Basic Civil Legal Services Fund (OSCA)**	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE	3 FTE

** a continuation of existing FTE by removing the December 31, 2025 expiration date.

- 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	More or Less than \$130,117	More or Less than \$156,140	More or Less than \$156,140	More or Less than \$156,140

FISCAL ANALYSIS

ASSUMPTION

§193.265 – Birth, Marriage and Death Certificates for Public Attorneys

Officials from the **Department of Health and Senior Services (DHSS)** assume §193.265.7 of this proposal states no fee shall be required or collected for a certification of a birth, death, or marriage if the request for certification is made by a prosecuting attorney, a circuit attorney, or the attorney general. Currently, these entities are charged the statutorily required search fee for a vital record of \$15.00 per birth and marriage certification and \$14.00 per death certification. This proposed language would remove the ability for the DHSS to collect these fees for services provided.

According to a Missouri survey conducted by the National Prosecutors' Consortium (<https://www.prosecutors.mo.gov/files/Missouri%20Survey%20Report.pdf>), in 2018, 41 percent of Missouri prosecuting offices responded, and on average, each office reviewed 1,219 felony cases and 1,845 misdemeanor cases. For an estimated average total cases of 3,064 per office, per annum. Missouri has 115 elected prosecutors from each of the 114 counties and the City of St. Louis. Combined, this is an average of 352,360 cases reviewed each year across the state. Not all prosecuting offices responded to the Consortium survey, so exact metrics were not available for all local offices. It is also not known how many of these cases would result in a request for a copy of a vital record. Therefore, up to 352,360 requests could be possible. Moreover, this proposed language does not limit the number of certificate requests that could be made, nor does it limit the purpose for which the certificates may be requested for free nor specify or require that the requestor be an official from Missouri. As a result, the number of certificates requested could exceed 352,360.

Since requests from the Missouri Attorney General (AGO) are also included in this proposed legislation, the estimated 447 criminal appeals (<https://ago.mo.gov/attorney-general-andrew-bailey-recaps-first-year-in-office/>) that are handled by the AGO each year are factored into these calculations. This estimate does not include any other appeals or cases that may be handled by the AGO. This would bring the estimated total of potential requests to 352,807 (352,360 cases reviewed each year plus 447 criminal appeals handled by AGO each year). For the purposes of this fiscal note, the Division of Community and Public Health (DCPH) assumes only 25 percent of the possible requests for free vital records will be made, for a total of 88,202 (352,807 times 25 percent) requests per year. Based on what vital records has experienced in the past when records are provided for free, this fiscal note also assumes that the 88,202 requests are new requests that are above the total volume of certificates issued each year. The DHSS's Bureau of Vital Records and the 115 local public health agencies (LPHAs), in total, currently issue approximately 827,695 birth, death, and marriage certificates each year.

The additional FTE needed comes from the calculation of a 10-minute application review, processing, and issuance time average with 2,080 working hours per annum which equals 12,480 applications processed per FTE. Most applications take 15 minutes, but a shorter time of 10 minutes per application was used in this calculation, as requests from “agencies”, such as prosecutors and the Attorney General’s Office, can usually be done slightly faster due to typically less documentation to review per request. As a result, a total of 7.00 Administrative Support Assistant FTE, each with an annual salary of \$42,432, would be needed if 88,202 certificates are requested. Space for the seven additional staff located in Jefferson City will be required at a cost of \$28,890 annually (\$18 x 230 sq.ft. x 7 FTE).

While this proposed legislation references birth, death, and marriage certificates, the cheapest and typically most requested certification, death certificates (a fee of \$14.00 per certificate), will be used to make estimated calculations on lost revenues and other costs other than FTE to produce a free death certificate. An estimate of 88,202 certificates times \$14.00 equals an estimated loss of certificate revenue of \$1,234,828 per year. Certificate paper and printing is approximately \$0.25 per sheet times 88,202 certificates requested equals \$22,050 in paper and ink costs.

Death certificates have a current fee split of \$5.00 per certificate to the Children’s Trust Fund; \$3.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; \$1.00 to Endowed Care Cemetery; and \$1.00 to the Coroner’s Training fund. This response assumes all certificate requests come to the state office. Any requests completed at the local level by local public health agencies (LPHAs), would impact local public health funding.

Oversight notes the DHSS has indicated \$193,265.7 of this proposed legislation will negatively impact total state revenue.

Lost certificate fees are estimated as follows:

	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>
General Revenue	(\$294,007)	(\$352,808)	(\$352,808)
Children’s Trust Fund (0694)	(\$367,508)	(\$441,010)	(\$411,010)
MoPHS Fund (0298)	(\$220,505)	(\$264,606)	(\$264,606)
Endowed Care Cemetery (0562)	(\$73,502)	(\$88,202)	(\$88,202)
MO Coroners Training (0846)	<u>(\$73,502)</u>	<u>(\$88,202)</u>	<u>(\$88,202)</u>
Total Lost Revenue	<u>(\$1,029,024)</u>	<u>(\$1,234,828)</u>	<u>(\$1,234,828)</u>

DHSS estimates this proposal will have a negative fiscal impact on the General Revenue (GR) Fund of \$911,779 for FY 2026 (including lost certificate fees to GR); a negative impact of \$625,565 for FY 2027 (including lost certificate fees to GR); and a negative impact of \$636,149 for FY 2028 (including lost certificate fees to GR).

DHSS requested FTEs for this proposal and supply costs associated with the printing of the certificates. **Oversight** assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the personnel and related costs for this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process.

Oversight inquired the **Missouri Office of Prosecution Services (MOPS)** regarding the number of vital records that they may request annually. MOPS conducted a survey on each of their 114 county prosecutors on how many vital records are requested from their offices on an annual basis. Of the 114 prosecutors, 47 responded with a total of 173 vital records requested from DHSS in 2023. MOPS believes the actual vital records request for those prosecution authorities to be under 1,000 per year.

Oversight does not have information to the contrary. Using MOPS's estimate of 1,000 vital records requests per year times \$14 per record, the total savings would likely be less than \$14,000 annually. Oversight will assume a potential loss in fees from these records request for DHSS of less than \$14,000 on an annual basis.

As provided by DHSS, death certificates have a current fee split of \$5.00 per certificate to the Children's Trust Fund; \$3.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; \$1.00 to Endowed Care Cemetery; and \$1.00 to the Coroner's Training fund.

Lost certificate fees for 1,000 free certificates are estimated as follows:

	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>
General Revenue	(\$3,333)	(\$4,000)	(\$4,000)
Children's Trust Fund (0694)	(\$4,167)	(\$5,000)	(\$5,000)
MoPHS Fund (0298)	(\$2,500)	(\$3,000)	(\$3,000)
Endowed Care Cemetery (0562)	(\$833)	(\$1,000)	(\$1,000)
MO Coroners Training (0846)	(\$833)	(\$1,000)	(\$1,000)
Total Lost Revenue	<u>(\$11,666)</u>	<u>(\$14,000)</u>	<u>(\$14,000)</u>

Therefore, based on the above information, Oversight assumes the DHSS could absorb the potential loss of fees resulting from providing vital records at no cost to state and local agencies and will not present this loss for fiscal note purposes.

Oversight also notes with the no charge being applied to certain public attorneys, it is assumed state and local agencies would see a savings of approximately the same amount. Oversight further assumes these savings are minimal and will not present the savings to local governments for fiscal note purposes.

Officials from the **Office of Administration - Budget and Planning (B&P)** assume §193.265.7 creates a new exemption from vital record request fees and may impact state and/or local revenues derived from such fees. The state and local government entities responsible for the

collection and administration of those fees may be able to estimate the impact of this change. A decrease in such fee revenues will impact both TSR and 18e calculations.

Oversight has no information to the contrary. However, it is assumed the loss of vital records fees will be minimal and will not have a significant fiscal impact on state funds.

§287.200 – Modifications to permanent total disability

Officials from the **Office of Administration (OA)** state §287.200.3.(2) adds a provision for an award of permanent total disability to suspend the lifetime payment when the employee is restored to his or her regular work or its equivalent. This provision could potentially decrease the cost of a workers' compensation claim. The potential costs are unknown. The amount of cost decrease, if any, cannot be estimated as it would depend on the facts and circumstances of each case and judicial interpretation of the changes.

Oversight contacted the Department of Labor and Industrial Relations (DOLIR) for more information on the potential fiscal impact of §287.200 to the State of Missouri. DOLIR states that Workers' Compensation Benefits are paid to the injured employee(s) by the employer's insurance company (in this case the State of Missouri). DOLIR believes the amount of the cost decrease associated with this bill, if any, cannot be estimated as it would depend on the facts and circumstances of each case and judicial interpretation of the changes. DOLIR states 1) there aren't many permanent and total disability (PTD) awards and 2) the person would have to be restored back by the use of glasses, prosthetic appliances or physical rehabilitation. Therefore, the number of cases would be very, very low and any impact on premiums would likely be quantifiably immeasurable.

Oversight will present a \$0 to Unknown savings to the General Revenue Fund for fiscal note purposes. Oversight assumes, based on the information from DOLIR, that the potential impact would be less than \$250,000 annually.

§287.610 – Administrative Law Judges

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§§287.615 & 287.835 – Administrative Law Judges

Officials from the **Office of Administration - Budget and Planning (B&P)** assumed §287.615.1(2) provides that administrative law judge salaries are set by statute and not subject to increase when pay raises for executive employees are appropriated. This change could result in potential future cost avoidance that might otherwise be budgeted. §287.835 could result in future potential benefit costs not being avoided but any such impact would depend on the described hypothetical conditions and may not be subject to estimation.

Oversight does not have information to the contrary and therefore, Oversight will reflect a \$0 or Unknown cost avoidance to GR as provided by the B&P.

Officials from the **Missouri State Employee's Retirement System (MOSERS)** states as it relates to MOSERS, this proposal, if enacted, would remove §287.835.1 and allow an Administrative Law Judge (ALJ) and the ALJ's beneficiary to remain entitled to ALJ plan retirement benefits if the ALJ were removed from office by impeachment or for misconduct, or disbarred from the practice of law.

This proposal would result in an unknown cost as it would allow the ALJ and the ALJ's beneficiary to receive a benefit that they would not otherwise receive under the current plan provisions.

Officials from the **Joint Committee on Public Employee Retirement (JCPER)** state the JCPER's review of HB 83 indicates that its provisions may constitute a "substantial proposed change" in future plan benefits as defined in §105.660(10). It is impossible to accurately determine the fiscal impact of this legislation without an actuarial cost statement prepared in accordance with §105.665. Pursuant to §105.670, an actuarial cost statement must be filed with the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Joint Committee on Public Employee Retirement as public information for at least five legislative days prior to final passage.

Oversight contacted JCPER for clarification on the impact changes to the provisions of §287.835 would have on retirement disbursements. JCPER officials stated there would be an unknown negative fiscal impact on the General Revenue Fund. At this time, there is no way to estimate the fiscal impact since it is unknown how many Administrative Law Judges (ALJ) or their beneficiaries might continue to receive benefits in spite of the ALJ being removed from office.

Oversight assumes this would impact a minimal number of ALJs. Therefore, Oversight assumes this would not result in an increase in employer contributions.

§452.355 – Costs and Fees in Divorce Proceedings

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§§453.700 - 453.742 - Uniform Unregulated Child Custody Transfer Act

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume no measurable fiscal impact to MOPS. The enactment of a new crime (§453.710.4) creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

Oversight does not have any information to the contrary. Therefore, Oversight assumes MOPS 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 MOPS for fiscal note purposes.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §453.710.4 states any person violating the provisions of §453.710 regarding transfer of child custody may be charged with a class B misdemeanor. In so far as class B misdemeanor fines may be deposited into the State Treasury, total state revenue could increase. In addition, §453.714.1 states a person shall not solicit or advertise to identify a person to which to make a transfer of custody in violation of subsection 1 of §453.710, nor identify a child for a transfer of custody in violation of subsection 3 of §453.710, nor act as an intermediary in a transfer of custody in violation of subsection 3 of §453.710. Any person in violation of these provisions can be charged with a class B misdemeanor. In so far as class B misdemeanor fines may be deposited into the State Treasury, total state revenue could increase.

Oversight notes the provisions of §§453.710 and 453.714 provide for the charge of class B misdemeanors which can result in up to six months in jail and/or a fine not to exceed \$1,000 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

§454.1050 - "Bentley's Law" – Adds child maintenance provisions for certain children

In response to similar legislation from the prior year (HB 1958), officials from the **Office of the State Courts Administrator (OSCA)** stated this proposal would have an impact in Show-Me Courts and possibly others systems. As regarding a budgetary impact, the estimate would be \$500,000 to \$1,000,000 to develop a new Child Support module.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OSCA.

Officials from the **Department of Corrections (DOC)** assume this section stipulates that the court shall order a defendant convicted of the offense of driving while intoxicated to pay restitution for a child whose parent or guardian died as a result of such offense. The order of restitution under this section shall require the defendant to make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this section; or deliver payment for restitution to the Division of Probation and Parole or to the DOC for transfer to the victim or person or state as appropriate.

Currently the Division of Probation and Parole does not accept payment for any form of restitution. The DOC collects restitution from incarcerated individuals when it receives an order

from the prosecuting attorney and then remits payment to the prosecuting attorney in accordance with RSMO 559.105.

There would be an **unknown fiscal impact** to update DOC's offender management system in order to send payments directly to individual victims. It is unclear the amount of additional staff that would be necessary to process and remit these additional payments. It is also unclear if the DOC would be required to continue receiving and issuing payments to the victims after the defendant has been released from the department's supervision.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

§§455.010, 455.035 & 455.513 – Orders of Protection

Officials from the **Clay County Auditor's Office** assume a cost of \$5,000 per year due to the increase in age for appointing a Guardian ad Litem from 17 to 18.

Oversight has no information to the contrary. Oversight assumes the Clay County Auditor's Office will be able to absorb this minimal expense and will present no fiscal impact for this agency for fiscal note purposes.

§§469.399 to 469.487 – "Missouri Uniform Fiduciary Income and Principal Act"

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§476.1025 – Removal of Court Records from the Automated Case Management System

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§477.650 – Basic Civil Legal Services Fund

Officials from the **Office of the State Courts Administrator (OSCA)** assume this proposal would repeal the expiration date of the Basic Civil Legal Services Fund. The Basic Civil Legal Services Fund annual appropriations are approximately \$5.1 million and 2 FTE.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §477.650.7's repeal eliminates the current December 31, 2025, sunset date for the Basic Civil Legal Services Fund. Because the elimination of this sunset will preserve the status quo, it will have no impact on state revenues, TSR or 18e.

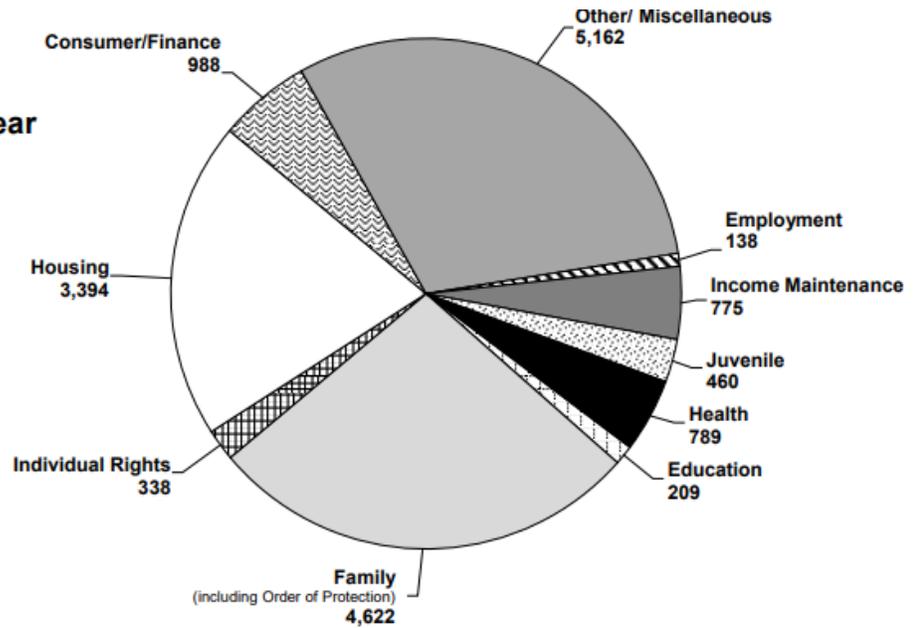
Oversight notes the Basic Civil Legal Services Fund (BCLS) is a statutorily created fund (SB 447 in 2003) and was created to fund the work of Missouri's four Legal Aid programs, which provide access to the civil justice system to low-income Missourians (who live at or below 125% of the Federal Poverty Level) to protect their fundamental legal rights. The fund is set to expire December 31, 2025.

One of the focuses of the Legal Aid programs is to ensure that adults and children have access to medical care through the MoHealthNet system.

Legal Aid staff bring cases to obtain access to medical care for their clients. There are four regional Legal Aid offices: Kansas City, St. Louis, Columbia and Springfield. In FY22, over \$125 million from punitive damages awarded in talc litigation in Missouri was transferred from the Tort Victims Compensation Fund into the BCLS. This represents the largest single payment into the BCLS, and this funding was paid to legal service organizations.

Below is a chart of the number of cases closed during CY 2023 representing the BCLS Fund:

**Cases Closed During Calendar Year
 2023 (16,875 cases)**



The fund has a court filing fee on certain civil and criminal actions of \$20 in the Missouri Supreme Court and Court of Appeals, \$10 in the circuit courts and \$8 in the associate circuit courts. The fund has received the following receipts during FY 2020 to FY 2024:

Basic Civil Legal Services Fund (0757)	
FY 20	\$ 4,290,667
FY 21	\$ 3,868,347
FY 22	\$ 3,865,619
FY 23	\$ 4,047,390
FY 24	\$ 4,281,742
Total	\$20,353,765
5 year avg	\$ 4,070,753
Source: State Treasurer Fund Activity Reports	

Below is a history of the expended funds for the last 5 years:

Basic Civil Legal Services Fund (0757)

	Actual	Unexpended
Appropriation	Expenditures	Funds
FY 20	\$5,099,958	\$ 632,590
FY 21	\$7,701,418	\$ 142,294
FY 22	\$5,102,383	\$1,198,732
FY 23	\$5,108,764	\$1,111,334
FY 24	\$5,117,803	\$ 449,406
FY 25	\$5,127,681	N/A
Last 5 yr avg.	\$5,626,065	\$ 706,871

Source: OSCA Budget Requests Books

Oversight notes the balance of the BCLS (0757) at December 31, 2024 was \$264,070.

Oversight notes this proposal removes the expiration date of these provisions. If the proposal is extended, Oversight assumes revenue and expenditure activity will continue for the fund. Since the fund does not expire until December 31, 2025, Oversight assumes only half of the average receipts and expenditures would be shown for FY26. Therefore, Oversight will use the average amounts from the table above to reflect the fiscal impact.

The appropriations for the BCLS Fund includes 2 FTEs according to OSCA. **Oversight** assumes should this proposal be extended, the 2 FTEs will also continue to be funded through the BCLS Fund.

§478.001 – Mental Health Courts

Officials from the **Office of the State Courts Administrator (OSCA)** stated the potential budgetary impact could initially be \$600,000 and continue to increase due to the growth in mental health courts.

Officials from the **Department of Corrections (DOC)** state §478.001 adds that a mental health treatment court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder. The DOC uses a classification system (1-5) that correlates an offender’s mental health impairment with the necessary services and/or interventions for treatment of the disorder. It is unknown how many of the offenders with applicable mental health concerns that would typically be sentenced to the Department of Corrections would instead be diverted by the court to a mental health treatment court. Therefore, the department assumes an **unknown fiscal impact**.

Oversight notes the provisions of this section provide for the establishment of a mental health court as an alternative for the disposal of cases that typically are sentenced to the DOC. In response to similar legislation from the current session (SB 143), DOC stated the department is unable to project a savings amount and assumes an unknown fiscal impact. Oversight notes if

only 24 people are diverted away from DOC as a result of the mental health treatment courts, the savings would exceed \$250,000 annually (\$10,485 annual incarceration costs *24 = \$251,640). Therefore, for fiscal note purposes, Oversight will present a \$0 to unknown savings to the General Revenue Fund.

Oversight assumes this proposal establishes mental health courts within the treatment court division and specifies that a mental health court may be established by any circuit court.

Currently all 46 circuits provide treatment court services with an estimated 6,092 participants for CY 2023. The Treatment Court Division has 147 programs representing services for adult drugs, DWI, veterans, families and juveniles. Oversight assumes this proposal will add mental health to the services as an alternative to incarceration/probation.

Based upon FY 2023 expenditures for treatment courts using the Treatment Court Resources Fund, cost per participant is \$1,521 (\$9,642,143/6,092). There are many other factors that affect the operating costs associated with establishing and maintaining treatment courts which vary from county to county throughout the state.

OSCA's budget book presented the following information:

	CY 2023 participants	CY 2023 Programs
Adult Drug Treatment Court	4,245	82
DWI Treatment Court	1,016	27
Veterans Treatment Court	369	17
Family Treatment Court	429	17
Juvenile Treatment Court	33	4

Oversight is unaware of the number of mental health treatment courts that could be established, when those services would be needed and/or where those services would be located. Oversight assumes when the mental health treatment court services are needed within a certain circuit, OSCA would request the proper appropriation authority for those expenditures through the budget appropriation process. Therefore, Oversight will reflect a \$0 or (Could exceed \$600,000) in costs because of the potential growth in mental health courts. Oversight will reflect this as a transfer out of the General Revenue Fund and transferred into the Treatment Court Resources Fund for this proposal.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §478.001(9) creates a statutory definition for a "mental health treatment court" and §478.001.8 provides a mental health treatment court may be established by any circuit court. While this section's provisions will not impact TSR, the establishment of additional treatment courts may create a need for additional state resources for such courts through the treatment court resources fund, which is funded by a general revenue transfer. Treatment court resources funds are subject to appropriation.

§487.110 – Uniform Child Custody Jurisdiction and Enforcement Act

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§§488.040 & 494.455 – Compensation of Jurors

Officials from the **Office of the State Courts Administrator (OSCA)** provide that §494.455 states that in any county, or city not within a county, upon adoption by a majority vote of the governing body, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county. Section 494.455 also ties the juror mileage rate to the mileage rate as provided by law for state employees (rather than seven cents per mile).

Officials from the **Office of Administration - Budget and Planning** assume §488.040 revises current juror compensation requirements and may result in a change to the costs incurred by state and local courts for such compensation.

Officials from the **Clay County Auditor's Office** assume a cost of \$1,000 per year for the increase in mileage reimbursement for jurors.

Oversight notes §488.040 is removing language and clarifying the statute to follow the language in §494.455. Oversight notes the compensation for jurors will remain the same as outlined in §494.455, however, this proposal is increasing the mileage compensation from 7 cents per mile to the state employee rate as outlined in §33.095. Because of the increased rate, Oversight will, therefore, reflect an unknown cost to circuit funds.

Oversight also notes subsection 3 is being removed in §494.455 and is adding clarifying language stating, "by majority vote, the governing body of a county or a city not within a county may adopt a system for juror compensation in a city not within a county may adopt a system for juror compensation", where a petit or grand juror can receive \$50 per day starting on the third day and each subsequent day of actual service plus the mileage rate per §33.095 for a state employee provided that no compensation for the first two days is received. Oversight is unsure

how many county circuits would participate and if the increase in compensation would result in an unknown cost or savings to the state or county. Therefore, Oversight will reflect a \$0 (no adoption) or unknown cost or savings to General Revenue and county circuits for this proposal.

§488.426 – St. Louis City Circuit Court Civil Case Filing Fee

Officials from the **Office of Administration - Budget and Planning** state this section appears to alter the scope of circuits to which certain surcharge authorizations apply, potentially impacting TSR.

Officials from the **Office of the State Courts Administrator (OSCA)** state the proposed legislation allows the circuit court in St. Louis City to collect a fee not to exceed twenty dollars, rather than fifteen, to go toward the law library.

During the past five years there was an average of 11,031 circuit civil case filings, 5,021 domestic relations civil case filings and 15,176 associate civil and small claims civil case filings for a total of 31,228 case filings.

Based upon the increase in the collection fee not to exceed \$20.00, rather than \$15.00, to go toward the library, OSCA estimates the increase to be \$0 to \$156,140 (\$5 x 31,228).

Oversight assumes fees collected would go directly to the St. Louis City Circuit Court and will present a positive fiscal impact of \$0 to \$156,140 (\$5 x 31,228) annually. Oversight also assumes the provisions of this section will not create a material fiscal impact to local political subdivisions other than St. Louis City Circuit Court.

§§491.075 and 492.304– Judicial Proceedings

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§509.520 – Court Pleadings, Attachments, and Exhibits

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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.

§§510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521 – Uniform Interstate Depositions and Discovery Act

Officials from the **Office of the State Courts Administrator (OSCA)** state the provisions of this section may have some impact but there is no 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 **DOC** state §510.506 provides a mechanism by which a foreign subpoena could be issued, served, and enforced on a person or entity in Missouri. It is unknown if and when any of the Department of Corrections' offenders or staff would be subpoenaed. Therefore, the department is unable to project a fiscal cost and assumes a **(\$0 – Unknown)** fiscal impact.

Oversight has no information to the contrary. Therefore, Oversight will range the potential cost of this proposal on the General Revenue Fund as presented by the DOC.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP or Patrol)** state this proposal authorizes an alternative dispute resolution program, similar to federal court, and creates a Uniform Interstate Depositions and Discovery Act in §§510.500 to 510.521. With this proposed legislation the MHP anticipates an increased workload related to foreign subpoenas and/or discovery requests. There may also be increased litigation costs associated with non-party subpoena and discovery responses. These increased costs would likely cause a direct impact on

the Patrol because the Missouri Attorney General's Office does not normally represent the Patrol in such cases. Many of these non-party legal matters would likely involve some of the over 30,000 motor vehicle crashes the Patrol investigates each year. As a result of the expected workload increase, the Patrol forecasts the need to add one Legal Counsel FTE.

The DPS estimates a fiscal impact to the Highway Fund (0644) of \$186,357 for FY26; \$223,817 for FY27; and \$228,294 FY28.

Oversight has no information to the contrary. Therefore, Oversight will present the fiscal impact for these sections of this proposal as provided by the Patrol.

§559.125 – Privileged information

Officials from the **Department of Corrections (DOC)** states this section adds “except in criminal proceedings” as an exception to the requirement that information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. It is unknown how many will motion to file subpoenas and court orders that the DOC will receive for the disclosure of probation and parole information, as well as appearing in court on those motions, due to the modified provisions relating to certain privileged information. Therefore, the department anticipates a **(\$0-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.

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state §566.151 changes the age of the victim 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 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 cases under section 567.030 from FY 2022 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 no 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 no additional offenders on field supervision by FY 2034.

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

* 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.

	# 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)

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 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000.

Officials from the **Office of Administration - Budget and Planning** state §567.030 creates a new crime regarding underage prostitution. This could impact the Missouri Department of Corrections.

§595.045 – Crime Victims’ Compensation Fund

Officials from the **Department of Corrections (DOC)** state §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.

Officials from the **Office of the State Courts Administrator (OSCA)** state §595.045 includes Class E felonies to the collection of monetary fees to the Crime Victims' Compensation Fund. Based on recent case data, the inclusion of Class E felonies will result in additional judgments of approximately \$279,000 per year, with an estimated collection of 35% to 60% over three years.

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 ($7,545 + 8,407 + 10,575, 10,838 + 10,708$). 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.

Officials from the **Office of Administration - Budget and Planning** state §595.045.8 expands the application of a current court cost surcharge that generates revenues for the state's Crime Victim Compensation Fund, potentially impacting TSR.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain

amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Bill 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.

Officials from the **University of Missouri System (UM)** state the proposal will not have any significant cost increase for their organization. **Oversight** has no information to the contrary. Therefore, Oversight will present no fiscal impact for this proposal to UM.

Officials from the **Morgan County Public Water Supply District #2** submitted a response indicating this proposal would have a fiscal impact on their organization. However, no information was provided to support the fiscal impact statement. Therefore, **Oversight** assumes any impact to be minimal and absorbable.

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission** and the **State Emergency Management Agency**, the **Department of Social Services**, the **Office of the Governor**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **Missouri National Guard**, the **MoDOT & Patrol Employees' Retirement System**, the **Petroleum Storage Tank Insurance Fund**, the **Office of the State Public Defender**, the **City of Kansas City**, the **Jackson County Board of Election Commissioners**, the **Platte County Board of Elections**, the **St. Louis City Board of Elections**, the **St. Louis County Board of Elections**, the **Newton County Health Department**, the **Lincoln County Assessor**, the **Phelps County Sheriff**, the **County Employees' Retirement Fund**, the **Kansas City Civilian Police Employees' Retirement**, the **Kansas City Police Retirement System**, the **Kansas City Public School Retirement System**, the **Public Education Employees' Retirement System**, the **Sheriff's Retirement System**, the

Metropolitan St. Louis Sewer District, the South River Drainage District, the St. Charles County Public Water Supply District #2, the Wayne County Public Water Supply District #2, Northwest Missouri State University, the University of Central Missouri, the Office of the State Auditor, the Missouri House of Representatives, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery, the Missouri Consolidated Health Care Plan, and the State Tax Commission 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 cities, counties, local election authorities, county health departments, county recorders, nursing homes, county assessors, county auditors, county circuit clerks, county collectors, county prosecutors, county treasurers, county public administrators, local law enforcement agencies, fire protection districts, ambulance districts, retirement agencies, schools, utility districts, hospitals and colleges 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>Savings</u> – OA (§287.200) – reduction in worker’s compensation claims benefits paid p.7	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings</u> – DOC (§478.001) – reduction in costs resulting from diversions to mental health treatment courts p.14	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost Avoidance</u> – ALJ’s – potential savings in pay raises (§§287.615 & 287.835) p. 5-6	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – OSCA (§287.610) – increase in expenses related to ALJS	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – OSCA various provisions	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – OSCA (§454.1050) New child support module p. 10	(\$500,000 to \$1,000,000)	\$0	\$0	\$0
<u>Costs</u> – DOC (§454.1050) – to update offender management system and possible staff needed to process & remit payments p.	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – DOC (§510.506) – foreign subpoena costs p.18	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – DOC (§559.125) – privileged information requests p.19	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
<u>Costs – DOC (§§566.151 and 567.030) - increased incarceration costs p. 19-21</u>	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$23,616)
<u>Costs – DOC (§595.045) – possible staff needed to enter fines p.21-22</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out – (\$478.001) – to establish mental health treatment courts p.15-16</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, Could exceed \$1,600,000)</u>	<u>(Unknown, could exceed \$600,000)</u>	<u>(Unknown, Could exceed \$600,000)</u>	<u>(Unknown, Could exceed \$623,616)</u>
ROAD FUND (0644)				
<u>Costs – DPS-MHP (§§510.500 – 510.521) p.18-19</u>				More than...
Personal service	(\$97,420)	(\$119,242)	(\$121,627)	(\$121,627)
Fringe benefits	(\$85,437)	(\$104,575)	(\$106,667)	(\$106,667)
Equipment and expense	(\$3,500)	\$0	\$0	\$0
<u>Total Costs – DPS-MHP</u>	<u>(\$186,357)</u>	<u>(\$223,817)</u>	<u>(\$228,294)</u>	<u>(\$228,294)</u>
FTE Change – MHP	1 FTE	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE ROAD FUND	<u>(\$186,357)</u>	<u>(\$223,817)</u>	<u>(\$228,294)</u>	<u>More than (\$228,294)</u>
Estimated Net FTE Change on the Road Fund	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
BASIC CIVIL LEGAL SERVICES FUND (0757)				
<u>Revenue</u> – OSCA – continuation of receipts received from \$8 court fee (§477.650) p. 12-14	\$2,035,376	\$4,070,753	\$4,070,753	\$4,070,753
<u>Cost</u> – OSCA – continuation of expenditures (§477.650) p. 12-14	(\$2,459,597)	(\$4,919,194)	(\$4,919,194)	(\$4,919,194)
ESTIMATED NET EFFECT ON THE BASIC CIVIL LEGAL SERVICES FUND	(\$424,221)	(\$848,441)	(\$848,441)	(\$848,441)
Estimated Net FTE Change for the Basic Civil Legal Services Fund	2 FTE	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue</u> – (§§453.710 & 453.714) – court costs p.9	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (§§453.710 & 453.714) – fine revenue p.9	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – St. Louis Court (\$488.426) – \$5 increase in fee for law library p.17	\$0 to \$130,117	\$0 to \$156,140	\$0 to \$156,140	\$0 to \$156,140
<u>Cost</u> – increased mileage rate for jurors following §33.095 for state employees (§494.455)	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>More or Less than \$130,117</u>	<u>More or Less than \$156,140</u>	<u>More or Less than \$156,140</u>	<u>More or Less than \$156,140</u>

FISCAL IMPACT – Small Business

Small business limited liability companies may be negatively impacted if dissolved involuntarily by a circuit court. (§347.143).

Small business adoption agencies/child-placing agencies may be negatively impacted by the provisions of this proposal (§§453.700 to 453.742)

FISCAL DESCRIPTION

This bill modifies provisions relating to civil proceedings.

BIRTH, DEATH, AND MARRIAGE RECORDS (Section 193.265, RSMo)

The bill waives any required fees for the issuance or copy of a birth certificate if the request is made by a prosecuting or circuit attorney or the Attorney General.

MISSOURI UNIFORM FIDUCIARY INCOME AND PRINCIPAL ACT (Sections 214.330 and 469.399 to 469.487)

This bill specifies that the income and principal of the Endowed Care Trust Fund is determined under the laws applicable to trusts with an exception that the trustee has no power: of adjustment; of conversion; to determine or modify the unitrust rate or to determine applicable value to compute the unitrust amount beyond that granted by law. A unitrust definition of income must be determined by the cemetery operator in the terms of the Endowed Care Trust Fund Agreement and not by the trustee. Further, no principal from the Trust Fund will be distributed except if a unitrust amount is required under the Agreement. The cemetery operator may instruct by record for the trustee to distribute less than all the income distributable for the year if the cemetery operator determines that the money is not needed.

The bill establishes the "Missouri Uniform Fiduciary Income and Principal Act" (MUFIPA). Certain provisions of the current Principal and Income Act (PIA) are updated to achieve compliance with the MUFIPA. This bill modifies certain definitions and adds definitions. It also removes reference to current definitions of "income beneficiary", "qualified beneficiary", and "remainder beneficiary".

The bill provides that the MUFIPA applies to a trust or estate and a life estate or other term interest in which the interest of one or more persons will be succeeded by the interest of one or more other persons, except as otherwise provided in the terms of a trust or in MUFIPA. In addition, the MUFIPA applies when Missouri is the principal place of administration of a trust or estate or the situs of property that is not held in a trust or estate and is subject to a life estate or other term interest.

This bill details the fiduciary's duties including the power to adjust or convert an income trust to a unitrust and vice versa. In addition, the bill specifies the business or other activity conducted by the fiduciary that the fiduciary may account separately, as specified in the bill. This bill calls for the application of MUFIPA to a trust or estate existing or created on or after August 28, 2025, with exceptions.

The bill defines "unitrust" to mean a trust for which net income is an amount computed by multiplying a determined value of a trust by a determined percentage, including a trust for which under the terms the income or net income must or can be calculated in such way.

The provisions that apply to unitrusts do not create a duty to take or consider action or to inform a beneficiary about the applicability of the provisions. A fiduciary that in good faith takes or fails to take an action under the unitrust provisions is not liable to a person affected by the action or inaction. The bill details the actions that the fiduciary can take without court approval. The bill specifies determinations, considerations, and procedures required of a fiduciary in taking actions. The requirements include sending a notice in a record, describing and proposing to take the action, to certain persons all as detailed in the bill. The MUFIPA includes provisions allowing these persons to object to a proposed action, where the fiduciary or a beneficiary may request the court to have the proposed action taken as proposed, taken with modifications, or prevented. The bill contains requirements relating to the unitrust policy and unitrust rate. This bill provides for uniformity in the interpretation and application of the MUFIPA; contains a severability clause;

and explains MUFIPA's interaction with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et Seq.

CHANGES OF ATTORNEYS IN WORKERS' COMPENSATION CASES (Sections 287.200 and 287.470)

The bill permits the Labor and Industrial Relations Commission to change the name, information, or fee arrangement of the attorney or law firm representing a claimant upon the filing of a written agreement, signed by both the claimant and the attorney, with the Commission. Additionally, a lifetime payment for permanent total disability will be suspended during the time in which an employee is restored to his or her regular work or its equivalent through the use of glasses, prosthetic appliances, or physical rehabilitation.

COMPLAINTS, DISCIPLINE, AND REMOVAL OF ADMINISTRATIVE LAW JUDGES (Sections 287.610 and 621.045)

Current law requires a retention vote be taken by the Administrative Law Judge Review Committee with respect to each workers' compensation Administrative Law Judge (ALJ). Additionally, the Committee is required to conduct performance audits periodically and make recommendations of confidence or no confidence with respect to each ALJ. This bill repeals these requirements and instead creates new provisions for filing complaints against and removing ALJs. Prior to filing a complaint, the Director must notify the ALJ in writing of the reasons for the complaint. Special provisions are included if the reason for the complaint is willful neglect of duty or incompetency. Upon a finding by the Administrative Hearing Commission (AHC) that the grounds for disciplinary action are met, the Director may, singly or in combination, issue the disciplinary actions against the ALJ, as specified in the bill, including removal or suspension from office. If there are no grounds for disciplinary action, the ALJ will immediately resume duties and receive any attorneys' fees due under current law. The bill repeals a requirement that the Committee's members not have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. The bill additionally repeals a requirement that all members of the Committee have a working knowledge of workers' compensation.

PAYMENT AND RETIREMENT BENEFITS OF ADMINISTRATIVE LAW JUDGES (Sections 287.615, 287.812, and 287.835)

The bill provides that the compensation for an ALJ and chief administrative law judges will be determined solely by the rate outlined in law and will not increase when pay raises for executive employees are appropriated. The bill furthermore repeals reference to the position of Chief Legal Counsel. The bill repeals a prohibition on the payment of any retirement benefits under workers' compensation law to any administrative law judge who has been removed from office by impeachment or for misconduct, or to any person who has been disbarred from the practice of law, or to the beneficiary of any such persons.

COURT DISSOLUTION OF A LIMITED LIABILITY COMPANY (Section 347.143)

Currently, a limited liability company (LLC) may be dissolved involuntarily by a decree of the circuit court located in the county of the registered office of the LLC upon application by or for a member of the LLC when it is not reasonably practicable to carry on business in conformity with the operating agreement. This bill expands the circumstances under which an LLC may be dissolved to include when a court determines that: (1) Dissolution is reasonably necessary for the protection of the rights or interests of complaining members; (2) The business of the LLC has been abandoned; (3) The management of the LLC is deadlocked or subject to internal dissension, or (4) Those in control of the LLC have been found guilty of, or have knowingly allowed persistent and pervasive fraud, mismanagement, or abuse of authority.

COSTS & FEES IN DIVORCE PROCEEDINGS (Section 452.355)

Currently, a court may order a party in a divorce proceeding to pay a reasonable amount of court costs and attorneys' fees to the other party. This bill allows a court in an action to enforce a temporary order or final judgment in a divorce proceeding to order court costs and fees to be paid to the party seeking enforcement by the party against whom enforcement is sought.

UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT (Sections 453.700 to 453.742)

The bill establishes the "Uniform Unregulated Child Custody Transfer Act", which specifies that a parent or guardian of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child. That type of transfer is only allowed through the methods specified in the bill. A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates any provision in the bill. The person must notify Children's Division within the Department of Social Services of the transfer violation as soon as practicable. A violation of this matter is a class B misdemeanor. If the Children's Division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of the provisions in this bill, the Children's Division may conduct a home visit as provided by law and take appropriate action to protect the welfare of the child. Law enforcement agencies may also investigate a possible violation of the provisions in this bill. If the Children's Division conducts a home visit for a child adopted or placed through an inter-country adoption, the Children's Divisions must: (1) Prepare a report on the welfare and plan for permanent placement of the child; and (2) Provide a copy to the United States Department of State. A person may not solicit or advertise to find a person or child in violation of the provisions in the bill nor to act as an intermediary in violation of the provisions in this bill. A violation of this matter is as class B misdemeanor.

Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency must provide or have provided to the prospective

adoptive parent general adoption information, which should address the information as described in the bill, as well as information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child, which must include information as specified in the bill. Also, a child-placing agency must provide or have provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child, which must address issues as specified in the bill. If new information is discovered by the child-placing agency at any point in the adoption process, it must provide that information to the prospective parent. Upon request from the child or the adoptive parent, the child-placing agency or the Children's Division will provide information about how to obtain financial assistance or support services: (1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and (2) To help preserve the placement or adoption. The Children's Division and law enforcement can initiate proceedings to determine whether a child-placing agency has failed to comply with the provisions in the bill, which can result in either law enforcement filing for injunctive relief or initiating an administrative proceeding, or Children's Division suspending or revoking the agency's license.

BENTLEY AND MASON'S LAW (Section 454.1050)

This bill establishes "Bentley and Mason's Law", which provides that, if a person is convicted of the offense of driving while intoxicated and the offense caused the death of a parent or guardian, the person must pay, pursuant to a court order, a monthly restitution to the child of the deceased parent or guardian until the child reaches 18 years of age or has graduated from high school. Monthly restitution will be determined and remitted as specified in the bill. If the person ordered to pay restitution is unable to make required monthly payments because the person is imprisoned or otherwise confined, the person must begin making the payments no later than the first anniversary of the date of the defendant's release from the correctional facility and must pay all arrearages, regardless of whether the payments were due to be terminated while the person was imprisoned or otherwise confined. The amount of restitution paid under this bill will be deducted from any civil judgment against the defendant. The Attorney General or a person, parent, or guardian of a child due restitution under the bill may enforce a restitution order issued in the same manner as a judgment in a civil action.

CLASSIFICATION OF MINORS FOR ORDERS OF PROTECTION (Sections 455.010, 455.035, and 455.513)

This bill modifies the definitions of "adult" and "child" in provisions relating to orders of protection. An "adult" is any person 18, instead of 17, years of age or older and a "child" is any person under 18, instead of 17, years of age unless he or she is otherwise emancipated.

CONFIDENTIALITY OF CERTAIN CASES IN COURT CASE MANAGEMENT SYSTEM (Section 476.1025)

This bill provides that a parent, spouse, child, or personal representative of a person who was convicted of a misdemeanor offense may file a motion with a copy of the death certificate in the court of conviction to have the record made confidential on any automated case management system if the person has been deceased for six months or more. Prior to making the conviction confidential, the court must determine whether any person would be unfairly prejudiced by the confidentiality of the conviction.

FUNDING OF BASIC CIVIL LEGAL SERVICES FOR CERTAIN PERSONS (Section 477.650)

Currently, the provision of law establishing the Basic Civil Legal Services Fund, which provides funding to legal services organizations in this state to provide civil legal services and representation to eligible low-income persons, is set to expire on December 31, 2025. This bill repeals the expiration date.

MENTAL HEALTH TREATMENT COURTS (Section 478.001)

The bill adds mental health courts to the list of treatment court divisions, defined as a court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense. This bill specifies that a mental health treatment court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

REFERENCES TO THE CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (Section 487.110)

The bill modifies references to the title and sections of law of Uniform Child Custody Jurisdiction Act, which was repealed in 2009, to the Uniform Child Custody Jurisdiction and Enforcement Act for the provision relating to child custody proceedings in family courts.

COMPENSATION OF JURORS (Sections 488.040 and 494.455)

This bill specifies that each grand and petit juror will receive at least \$6 per day for every day the juror actually serves and a mileage reimbursement rate as provided by law for State employees. Each county and the City of St. Louis may authorize additional compensation for its jurors. Alternatively, the court of a judicial circuit may, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for State employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county.

CIVIL CASE FILING SURCHARGE (Section 488.426)

Currently, any circuit court may collect a civil case filing surcharge of an amount not to exceed \$15 for the maintenance of a law library, the county's or circuit's family services and justice fund, or courtroom renovation and technology enhancement. If the circuit court reimburses the state for salaries of family court commissioners or is the circuit court in Jackson County, the surcharge may be up to \$20. The bill provides that the circuit court in the City of St. Louis may charge a filing surcharge up to \$20.

ADMISSIBILITY OF STATEMENTS OF CHILDREN AND VULNERABLE PERSONS IN CRIMINAL CASES (Sections 491.075 and 492.304)

Currently, a statement made by a child under 14 years of age may be admissible in criminal proceedings under certain circumstances. This bill changes the age to a child under the age of 18 years of age. Additionally, the bill provides that visual or audio recordings of a child under 18 years of age or a vulnerable person, as defined in the bill, relating to certain criminal offenses shall be admissible in criminal proceedings under certain circumstances.

EXCLUSION OF PERSONAL INFORMATION IN COURT DOCUMENTS (Section 509.520)

Currently, certain information must be excluded from pleadings, attachments, exhibits, judgments, orders, or other records of the court but must be included in a confidential information sheet filed with the court, which will not be subject to public inspection or availability. This bill modifies the provision to include information concerning a witness in a criminal case that is confidential as otherwise provided by law or rule and any other information redacted for good cause by order of the court.

UNIFORM INTERSTATE DEPOSITION AND DISCOVERY ACT (Sections 510.500 to 510.521)

The bill establishes the "Uniform Interstate Depositions and Discovery Act". This bill provides procedures and processes for when a subpoena for discovery or a deposition is submitted in Missouri by a party in a foreign jurisdiction.

INFORMATION RECEIVED BY PROBATION AND PAROLE OFFICERS (Section 559.125)

This bill modifies provisions relating to privileged information received by probation or parole officers which must not be receivable in any court except for criminal proceedings.

OFFENSE OF ENTICEMENT OF A CHILD AND OFFENSE OF PATRONIZING PROSTITUTION (Sections 566.151 and 567.030)

Currently, a person over 21 years old commits the offense of enticement of a child if he or she persuades any person less than 15 years old to engage in sexual conduct. This bill changes the age to less than 17 years old. Additionally, the bill modifies the offense of patronizing

prostitution. If the person patronized for prostitution is over 15 years old but under 18 years old it is a class E felony and if the person is 15 years old or younger it is a class B felony.

CRIME VICTIMS' COMPENSATION FUND (Section 595.045)

This bill adds that a person who pleads guilty to a class E felony must pay a fee of \$46 payable to the Crime Victims' Compensation Fund

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
Office of Administration –
 Administrative Hearing Commission
 Budget and Planning
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety –
 Division of Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Director's Office
 Missouri Gaming Commission
 Missouri Highway Patrol
 Missouri Veterans Commission
 State Emergency Management Agency
Department of Social Services
Office of the Governor
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation
Missouri National Guard
MoDOT & Patrol Employees' Retirement System
Office of Administration

Petroleum Storage Tank Insurance Fund
Office of the Secretary of State
Office of the State Treasurer
Office of the State Public Defender
University of Missouri System
City of Kansas City
Jackson County Board of Election Commissioners
Platte County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Newton County Health Department
Lincoln County Assessor
Clay County Auditor
Phelps County Sheriff
County Employees Retirement Fund
Kansas City Civilian Policier Employees' Retirement
Kansas City Police Retirement System
Kansas City Public School Retirement System
Public Education Employees' Retirement System
Sheriff's Retirement System
Metropolitan St. Louis Sewer District
Morgan County Public Water Supply District #2
South River Drainage District
St. Charles County Public Water Supply District #2
Wayne County Public Water Supply District #2
Northwest Missouri State University
University of Central Missouri
Office of the State Auditor
Missouri House of Representatives
Joint Committee on Administrative Rules
Joint Committee on Education
Joint Committee on Public Employee Retirement
Legislative Research
Oversight Division
Missouri Senate
Missouri Lottery Commission
Missouri Consolidated Health Care Plan

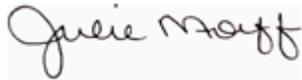
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Missouri State Employee's Retirement System
Missouri Office of Prosecution Services
Office of the State Courts Administrator
State Tax Commission



Julie Morff

Director

February 19, 2025



Jessica Harris

Assistant Director

February 19, 2025