

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0895H.01I  
Bill No.: HB 312  
Subject: Crimes and Punishment; Sexual Offenses; Parks and Recreation  
Type: Original  
Date: January 13, 2025

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Bill Summary: This proposal prohibits certain offenders from being five hundred feet of any missouri state park.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                   |                   |                    |
|--|-------------------|-------------------|--------------------|
| FUND AFFECTED  | FY 2026           | FY 2027           | FY 2028            |
| General Revenue                                      | (\$34,950)        | (\$85,558)        | (\$109,086)        |
|  |                   |                   |                    |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>(\$34,950)</b> | <b>(\$85,558)</b> | <b>(\$109,086)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2026    | FY 2027    | FY 2028    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: () indicate costs or losses.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2026</b> | <b>FY 2027</b> | <b>FY 2028</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2026</b> | <b>FY 2027</b> | <b>FY 2028</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

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

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2026</b> | <b>FY 2027</b> | <b>FY 2028</b> |
|  |                |                |                |
|  |                |                |                |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

#### §566.150 – Sexual offenders

Officials from the **Department of Corrections (DOC)** state this proposal prohibits certain offenders from being five hundred feet of any Missouri State Park.

The bill adds the phrase “any Missouri state park” to section 566.150 to prohibit certain offenders from being present in or loitering within five hundred feet of any Missouri state park. The first violation is a class E felony. A second or subsequent violation is a class D felony. As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E and D felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

|   | FY2026   | FY2027   | FY2028   | FY2029   | FY2030   | FY2031   | FY2032   | FY2033   | FY2034   | FY2035   |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| <b>New Admissions</b>                           |          |          |          |          |          |          |          |          |          |          |
| Current Law                                     | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| After Legislation                               | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| <b>Probation</b>                                |          |          |          |          |          |          |          |          |          |          |
| Current Law                                     | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| After Legislation                               | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Change (After Legislation - Current Law)</b> |          |          |          |          |          |          |          |          |          |          |
| Admissions                                      | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probations                                      | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Cumulative Populations</b>                   |          |          |          |          |          |          |          |          |          |          |
| Prison  | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Parole  |          |          | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probation                                       | 2        | 4        | 6        | 6        | 6        | 6        | 6        | 6        | 6        | 6        |
| <b>Impact</b>                                   |          |          |          |          |          |          |          |          |          |          |
| Prison Population                               | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Field Population                                | 2        | 4        | 7        | 7        | 7        | 7        | 7        | 7        | 7        | 7        |
| <b>Population Change</b>                        | <b>3</b> | <b>6</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> |

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

## Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

|   | FY2026   | FY2027    | FY2028    | FY2029    | FY2030    | FY2031    | FY2032    | FY2033    | FY2034    | FY2035    |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>New Admissions</b>                           |          |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 3        | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         |
| <b>Probation</b>                                |          |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 5        | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         |
| <b>Change (After Legislation - Current Law)</b> |          |           |           |           |           |           |           |           |           |           |
| Admissions                                      | 3        | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         | 3         |
| Probations                                      | 5        | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         | 5         |
| <b>Cumulative Populations</b>                   |          |           |           |           |           |           |           |           |           |           |
| Prison  | 3        | 6         | 8         | 8         | 8         | 8         | 8         | 8         | 8         | 8         |
| Parole  |          |           | 1         | 4         | 7         | 7         | 7         | 7         | 7         | 7         |
| Probation                                       | 5        | 10        | 15        | 15        | 15        | 15        | 15        | 15        | 15        | 15        |
| <b>Impact</b>                                   |          |           |           |           |           |           |           |           |           |           |
| Prison Population                               | 3        | 6         | 8         | 8         | 8         | 8         | 8         | 8         | 8         | 8         |
| Field Population                                | 5        | 10        | 16        | 19        | 22        | 22        | 22        | 22        | 22        | 22        |
| <b>Population Change</b>                        | <b>8</b> | <b>16</b> | <b>24</b> | <b>27</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> | <b>30</b> |

Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 10 additional offenders in prison and 23 additional offenders on field supervision by FY 2028.

## Change in prison admissions and probation openings with legislation

|   | FY2026    | FY2027    | FY2028    | FY2029    | FY2030    | FY2031    | FY2032    | FY2033    | FY2034    | FY2035    |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>New Admissions</b>                           |           |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         |
| <b>Probation</b>                                |           |           |           |           |           |           |           |           |           |           |
| Current Law                                     | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| After Legislation                               | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         |
| <b>Change (After Legislation - Current Law)</b> |           |           |           |           |           |           |           |           |           |           |
| Admissions                                      | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         | 4         |
| Probations                                      | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         | 7         |
| <b>Cumulative Populations</b>                   |           |           |           |           |           |           |           |           |           |           |
| Prison  | 4         | 8         | 10        | 10        | 10        | 10        | 10        | 10        | 10        | 10        |
| Parole  | 0         | 0         | 2         | 5         | 8         | 8         | 8         | 8         | 8         | 8         |
| Probation                                       | 7         | 14        | 21        | 21        | 21        | 21        | 21        | 21        | 21        | 21        |
| <b>Impact</b>                                   |           |           |           |           |           |           |           |           |           |           |
| Prison Population                               | 4         | 8         | 10        | 10        | 10        | 10        | 10        | 10        | 10        | 10        |
| Field Population                                | 7         | 14        | 23        | 26        | 29        | 29        | 29        | 29        | 29        | 29        |
| <b>Population Change</b>                        | <b>11</b> | <b>22</b> | <b>33</b> | <b>36</b> | <b>39</b> | <b>39</b> | <b>39</b> | <b>39</b> | <b>39</b> | <b>39</b> |

|         | # to<br>prison | Cost per<br>year | Total Costs for<br><b>prison</b> | Change in<br>probation<br>& parole<br>officers | Total cost<br>for<br><b>probation<br/>and parole</b> | # to<br>probation &<br>parole | Grand Total -<br>Prison and<br>Probation<br>(includes 2%<br>inflation) |
|---------|----------------|------------------|----------------------------------|--|--|-------------------------------|--|
| Year 1  | 4              | (\$10,485)       | (\$34,950)                       | 0  | \$0  | 7                             | (\$34,950)   |
| Year 2  | 8              | (\$10,485)       | (\$85,558)                       | 0  | \$0  | 14                            | (\$85,558)   |
| Year 3  | 10             | (\$10,485)       | (\$109,086)                      | 0  | \$0  | 23                            | (\$109,086)  |
| Year 4  | 10             | (\$10,485)       | (\$111,268)                      | 0  | \$0  | 26                            | (\$111,268)  |
| Year 5  | 10             | (\$10,485)       | (\$113,493)                      | 0  | \$0  | 29                            | (\$113,493)  |
| Year 6  | 10             | (\$10,485)       | (\$115,763)                      | 0  | \$0  | 29                            | (\$115,763)  |
| Year 7  | 10             | (\$10,485)       | (\$118,078)                      | 0  | \$0  | 29                            | (\$118,078)  |
| Year 8  | 10             | (\$10,485)       | (\$120,440)                      | 0  | \$0  | 29                            | (\$120,440)  |
| Year 9  | 10             | (\$10,485)       | (\$122,848)                      | 0  | \$0  | 29                            | (\$122,848)  |
| Year 10 | 10             | (\$10,485)       | (\$125,305)                      | 0  | \$0  | 29                            | (\$125,305)  |

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 during the past three years, the following number of individuals have been charged under §566.150:

|         | Felony Charges |
|---------|----------------|
| FY 2022 | 44             |
| FY 2023 | 34             |
| FY 2024 | 52             |
| Total   | 130            |

Of the 44 individuals charged in FY 2022, all 44 individuals were charged with an E felony. In FY 2023, one was charged with a D felony, and 33 were charged with an E felony. In FY 2024, 4 were charged with a D felony, and 48 were charged with an E felony.

**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 Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by the change to Section 566.150 would take approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

**Oversight** assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Natural Resources**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other local law enforcement 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<br>(10 Mo.)      | FY 2027                  | FY 2028                   |
|---|--------------------------|--------------------------|---------------------------|
|   |                          |                          |                           |
| <b>GENERAL REVENUE</b>                              |                          |                          |                           |
|   |                          |                          |                           |
| Cost – DOC (§566.150) Increased incarceration costs | <u>(\$34,950)</u>        | <u>(\$85,558)</u>        | <u>(\$109,086)</u>        |
|   |                          |                          |                           |
| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>      | <b><u>(\$34,950)</u></b> | <b><u>(\$85,558)</u></b> | <b><u>(\$109,086)</u></b> |
|   |                          |                          |                           |

| <u>FISCAL IMPACT – Local Government</u> | FY 2026<br>(10 Mo.) | FY 2027           | FY 2028           |
|---|---------------------|-------------------|-------------------|
|   |                     |                   |                   |
|   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> |
|   |                     |                   |                   |

#### FISCAL IMPACT – Small Business

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

#### FISCAL DESCRIPTION

##### RESTRICTIONS ON SEXUAL OFFENDERS (Section 566.150)

Currently, offenders convicted of specific offenses cannot knowingly loiter or be present within 500 feet of certain specified places. This bill adds Missouri state parks to that list of places.

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 Natural Resources  
Department of Public Safety - Missouri Highway Patrol

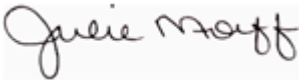
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Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director

January 13, 2025



Jessica Harris  
Assistant Director

January 13, 2025