

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1771H.011
 Bill No.: HB 592
 Subject: Children And Minors; Crimes And Punishment; Criminal Procedure
 Type: Original
 Date: February 25, 2025

Bill Summary: This proposal modifies provisions relating to juvenile proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
General Revenue*	(Could exceed \$43,687)	(Could exceed \$106,947)	(Could exceed \$163,629)	(Could exceed \$226,986)
Total Estimated Net Effect on General Revenue	(Could exceed \$43,687)	(Could exceed \$106,947)	(Could exceed \$163,629)	(Could exceed \$226,986)

*Oversight assumes DSS unknown costs plus DOC costs could exceed \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
Federal*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

*Income and expenses \$0 to (Unknown) net to \$0 and may exceed \$250,000 per year.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
Total Estimated Net Effect on FTE	0	0	0	\$0

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

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§211.033, 211.071, 211.072, 219.021, 221.044, & 571.070 – Juvenile Proceedings

Officials from the **Department of Corrections (DOC)** state §221.044 adds language that allows for the transfer of a juvenile detainee to an adult detention facility once the detainee is eighteen years of age or older. The DOC must still have a certified sentence and judgement sentencing this person to the department in order to receive him or her. Therefore, the DOC doesn't anticipate any impact as DOC expects these individuals to be housed in jail.

Section 571.070 expands the elements for those who could be charged for unlawful possession of firearms to persons under eighteen years of age possessing a firearm on public property in certain situations. This offense is a class C felony unless a person has been convicted of a dangerous felony, in which case it is a class B felony.

It is unknown the number of people that this may encompass. Therefore, the DOC will utilize a standard C felony and B felony response to estimate the possible fiscal impact.

For each new class C felony, the DOC estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years could be served in prison with 2.1 years to first release. The remaining 3.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the DOC is estimated to be 15 additional offenders in prison and 31 additional offenders on field supervision by FY 2032.

Change in prison admissions and probation openings with legislation-Class C Felony

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the DOC assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and serve, on average, 3.4 years in prison prior to first release. The DOC assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community. The cumulative impact on the department is estimated to be 5 additional offenders in prison and 4 additional offenders on field supervision by FY 2034.

Change in prison admissions and probation openings with legislation-Class B Felony

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
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	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

Combined Cumulative Estimated Impact

The impact of a new class C felony and a new class B felony on the DOC is estimated to be 20 additional offenders in prison and 35 additional offenders on field supervision by FY2034.

Change in prison admissions and probation openings with legislation

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	5	10	15	19	20	20	20	20	20	20
Parole	0	0	0	1	5	10	15	16	17	17
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	5	10	15	19	20	20	20	20	20	20
Field Population	6	12	18	19	23	28	33	34	35	35
Population Change	11	22	33	38	43	48	53	54	55	55

* 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.

	# 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	5	(\$10,485)	(\$43,687)	0	\$0	6	(\$43,687)
Year 2	10	(\$10,485)	(\$106,947)	0	\$0	12	(\$106,947)
Year 3	15	(\$10,485)	(\$163,629)	0	\$0	18	(\$163,629)
Year 4	19	(\$10,485)	(\$211,408)	0	\$0	19	(\$211,408)
Year 5	20	(\$10,485)	(\$226,986)	0	\$0	23	(\$226,986)
Year 6	20	(\$10,485)	(\$231,526)	0	\$0	28	(\$231,526)
Year 7	20	(\$10,485)	(\$236,156)	0	\$0	33	(\$236,156)
Year 8	20	(\$10,485)	(\$240,879)	0	\$0	34	(\$240,879)
Year 9	20	(\$10,485)	(\$245,697)	0	\$0	35	(\$245,697)
Year 10	20	(\$10,485)	(\$250,611)	0	\$0	35	(\$250,611)

Oversight has no information to the contrary. However, Oversight assumes since the provisions of §571.070 provide that a person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his/her possession and “such person is under eighteen” and has “previously been adjudicated delinquent for what would be a felony if committed by an adult that DOC’s impact will be “less than” the amounts provided.

Officials from the **Department of Social Services (DSS)** state any creation of a crime or modification of offense provisions in this legislation would potentially increase the number of youth committed to the Division of Youth Services (DYS). It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth’s case, making the impact more difficult to calculate. The DSS assumes a \$0 to (Unknown) fiscal impact to the General Revenue (GR) and the Federal funds.

Oversight has no information to the contrary. Oversight notes a recent review of the DSS website showed data from FY2021 reported average monthly count of youths in DYS custody was 679 and that the number of youths committed was 366.

Oversight will present a \$0 to (Unknown) fiscal impact to GR and Federal funds for this proposal as provided by DSS. Oversight notes Federal funds will net to \$0 as DSS will receive reimbursement of allowable costs by the Federal Government. Oversight further assumes unknown costs could exceed \$250,000 annually.

Officials from the **Attorney General’s Office (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 **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Public Defender**, the **City of Kansas City**, the **City of O’Fallon**, the **Phelps County Sheriff’s Office**, the **Kansas City Police Department** and the **St. Louis County Police Department**, the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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, various counties officials and local law enforcement agencies 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 2030)
GENERAL REVENUE FUND				
<u>Costs – DOC – (\$571.070) - increase in incarceration, probation and parole costs p.3-6</u>	(Less than \$43,687)	(Less than \$106,947)	(Less than \$163,629)	(Less than \$226,986)
<u>Costs – DSS - (\$571.070) – increase in commitments to DYS p.6</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Could exceed \$43,687)</u>	<u>(Could exceed \$106,947)</u>	<u>(Could exceed \$163,629)</u>	<u>(Could exceed \$226,986)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
FEDERAL FUNDS				
<u>Income</u> – DSS - (\$571.070) – reimbursement for increase in youth commitment costs p.6	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – DSS - (\$571.070) – increase in commitments to DYS p.6	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill applies provisions related to the filing of petitions to transfer a juvenile to a court of general jurisdiction when a juvenile is accused of an offense to motions to modify.

Additionally, if a juvenile who has been certified as an adult and is awaiting trial is ordered to be released from an adult jail following a transfer order and is subsequently detained on a violation of the conditions of release or bond, the juvenile must return to the custody of the adult jail pending further court order. To hold a juvenile in an adult jail for longer than 180 days, an extension must be granted. If an extension is granted, this bill requires the court to hold a hearing every 30 days to determine whether the placement of the juvenile in an adult jail is still in the best interests of justice.

Currently, when a juvenile turns 18 or is convicted of adult charges, the juvenile must be transferred from juvenile detention to an adult facility. This bill applies this requirement to when a juvenile pleads guilty as well.

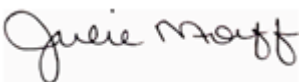
The bill requires county jail staff to designate a liaison who will be assigned to each juvenile who is awaiting trial in a juvenile detention facility and who has been certified as an adult. The liaison will assist in communication with the facility on the needs of the juvenile. Currently, the Division of Youth Services cannot keep any youth beyond his or her 18th birthday. This bill increases that to a youth's 19th birthday. As specified in this bill, if a person is 18 years old or older or turns 18 while in juvenile detention, upon a motion by a juvenile officer, the court may order that the person in juvenile detention be detained in an adult jail or other adult detention facility until the disposition of that person's juvenile court case.

The bill also amends the offense of unlawful possession of a firearm to include when a person knowingly has a firearm in his or her possession and the person is under 18 years old and has previously been adjudicated delinquent for what would be a felony if committed by an adult.

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 Mental Health
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Office of the State Public Defender
City of Kansas City
City of O'Fallon
Phelps County Sheriff's Office
Kansas City Police Department
St. Louis County Police Department
Missouri Office of Prosecution Services
Office of the State Courts Administrator



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