

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2217H.01I
Bill No.: HB 989
Subject: Crimes and Punishment; Criminal Procedure; Victims Of Crime
Type: Original
Date: March 25, 2025

Bill Summary: This proposal establishes the "Missouri Survivors' Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue	Unknown	Unknown	Unknown

*Unknown DOC savings related to resentencing provisions assumed to be greater than OSCA's unknown costs. Unknown savings assumed to be less than \$250,000 annually.

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

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	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
Local Government*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Additional potential costs due to resentencing provisions.

FISCAL ANALYSIS

ASSUMPTION

§§557.600, 557.602, 557.604, 557.606, and 557.608 – Missouri survivor’s act

Officials from the **Department of Corrections (DOC)** state §557.604 is created, in which it is stipulated that defendants who are survivors of domestic abuse within one year prior to or on the date of the offense, and that abuse was a substantial contributing factor to the defendant’s criminal liability, shall be given a sentence by the court that is one felony level below that which would normally be given.

Section 557.608 is created, in which it is stipulated that any person confined in an institution with the DOC who is eligible for an alternative sentence under §557.604, may apply for a resentencing, in which the court may lower the sentence one felony level below the sentence given at the time of conviction.

Currently, there is no data available on the number of offenders who would meet the criteria specified in these sections. Therefore, the DOC is unable to estimate a fiscal impact from this legislation. It is believed this legislation would result in offenders serving shorter sentences, which would create a cost savings to the department. It is further assumed the savings would be less than \$250,000 annually.

Oversight has no information to the contrary. Oversight notes that it currently costs the DOC \$10,485 annually to house an inmate in one of their correctional facilities. It would take approximately 24 inmates being released from prison each year under these resentencing provisions for savings to exceed \$250,000 annually. Therefore, for fiscal note purposes, Oversight assumes an Unknown savings to General Revenue, less than \$250,000 annually for the DOC.

Officials from the **Office of the State Courts Administrator (OSCA)** state HB 989 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.

Furthermore, **Oversight** assumes DOC's unknown savings (less than \$250,000 annually) will be greater than OSCA's unknown costs (less than \$250,000 annually) and for fiscal note purposes is presenting an Unknown savings to GR.

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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of new duties (resentencing under §557.608) applied retroactively to cases without funding will have a negative fiscal impact on local prosecutors' office although the cost is difficult to determine.

Oversight assumes this proposal could have an unknown negative impact on local prosecutors and will, therefore, present a \$0 to unknown cost to local governments.

Officials from the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Office of the Governor**, the **Office of the State Public Defender**, the **University of Missouri System**, the **Newton County Health Department**, the **Phelps County Sheriff**, the **Branson Police 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 notes the provisions of this proposal are effective November 1, 2025.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (8 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Savings</u> – DOC (§§557.604 and 557.608) – reduction in incarceration costs	Unknown	Unknown	Unknown
<u>Costs</u> – OSCA (§§557.604 and 557.608) – potential increase in costs	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND*	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

*Oversight assumes DOC's unknown savings will be greater than OSCA's unknown costs and for fiscal note purposes is presenting an unknown savings to GR. Oversight assumes the unknown savings will not exceed \$250,000.

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (8 Mo.)	FY 2027	FY 2028
LOCAL GOVERNMENTS - PROSECUTORS			
<u>Costs</u> – County prosecutors/circuit attorney (§557.608) – increased costs due to potential resentencing provisions	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</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 establishes the "Missouri Survivors' Act", which provides that if it has been established during a hearing to sentence a person or to accept a person's guilty plea that the person is a survivor of domestic abuse, the court must consider that the defendant has been abused by the defendant's intimate partner or family or household member. The bill specifies what type of evidence the defendant must provide to the court to prove the abuse. If the court finds by a preponderance of the evidence that the defendant is a survivor of domestic abuse and that the

abuse was a substantial contributing factor to the defendant's criminal liability, the court must depart from the applicable sentence ranges as specified in the bill.

If a court has imposed a sentence on a defendant for an offense other than an offense that would require the defendant to be placed on the sex offender registry or an attempt or conspiracy to commit the offense or an offense for which the defendant has been sentenced to death and the defendant is serving the sentence, the court must impose a lesser sentence if the court determines after a hearing that, at the time of the offense for which the sentence is being served, the defendant was a victim of domestic abuse and the abuse was a significant contributing factor to the criminal behavior of the defendant.

The bill allows a person who is in the custody of the Department of Corrections for a class A, B, C, or D felony committed prior to November 1, 2025, and who is eligible for a lesser sentence under the provisions of this bill to, on or after November 1, 2025, submit a request to the judge who imposed the original sentence to apply for resentencing. The bill specifies instances in which the resentencing application will be randomly assigned to a different judge. A request that has not met the requirements of the section will be dismissed without prejudice. If the request has met the requirements to apply, the court will provide notice to the person that he or she may submit an application for resentencing. The bill describes the types of evidence that must accompany the application for resentencing. If the court determines that an applicant should not be resentenced, the court must inform the applicant of its decision and enter an order to that effect. If the court determines that the applicant should be resentenced, the court will enter an order vacating the sentence originally imposed and will impose a new sentence as specified in the bill.

The provisions of this bill will become effective November 1, 2025

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 Health and Senior Services
Department of Mental Health
Department of Corrections
Department of Social Services
Office of the Governor
Office of the State Public Defender
University of Missouri System
Newton County Health Department
Phelps County Sheriff
Branson Police Department
Kansas City Police Department
St. Louis County Police Department

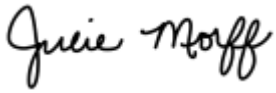
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Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
March 25, 2025



Jessica Harris
Assistant Director
March 25, 2025