COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3048H.03C

Bill No.: HCS for HB 1457

Subject: Judges; Courts; Crimes and Punishment; Criminal Procedure; Probation and

Parole

Type: Original

Date: March 21, 2025

Bill Summary: This proposal modifies provisions relating to judicial security.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND									
FUND	FY 2026	FY 2027	FY 2028	Fully					
AFFECTED				Implemented					
				(FY 2030)					
				(Likely to exceed					
General	(Could exceed	(Could exceed	(Could exceed	\$329,129)					
Revenue*	\$17,475)	\$64,168)	\$163,629)						
Total Estimated									
Net Effect on				(Likely to					
General	(Could exceed	(Could exceed	(Could exceed	exceed					
Revenue	\$17,475)	\$64,168)	\$163,629)	\$329,129)					

^{*}Oversight assumes \$0 to (Unknown) costs for LEF claims could exceed \$250,000 annually for all funds combined.

Numbers within parentheses: () indicate costs or losses.

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **2** of **13** March 21, 2025

E	ESTIMATED NET EFFECT ON OTHER STATE FUNDS								
FUND	FY 2026	FY 2027	FY 2028	Fully					
AFFECTED				Implemented					
				(FY 2030)					
Other State**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)					
Legal Expense*	\$0	\$0	\$0	\$0					
Colleges and									
Universities**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)					
Total Estimated									
Net Effect on									
Other State	\$0 to	\$0 to	\$0 to	\$0 to					
Funds	(Unknown)	(Unknown)	(Unknown)	(Unknown)					

^{*}Income and payouts assumed to net to zero.

^{**}Oversight assumes \$0 to (Unknown) costs for LEF claims could exceed \$250,000 annually for all funds combined.

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

^{*}Oversight assumes \$0 to (Unknown) costs for LEF claims could exceed \$250,000 annually for all funds combined.

L.R. No. 3048H.03C Bill No. HCS for HB 1457

Page **3** of **13** March 21, 2025

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

- ⊠ 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	FY 2026	FY 2027	FY 2028	Fully			
AFFECTED				Implemented			
				(FY 2030)			
Local	\$0 to	\$0 to	\$0 to	\$0 to			
Government*	(Unknown)	(Unknown)	(Unknown)	(Unknown)			

^{*}Oversight assumes \$0 to (Unknown) costs for claims could exceed \$250,000 for all funds combined.

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **4** of **13** March 21, 2025

FISCAL ANALYSIS

ASSUMPTION

§§476.1300 - 476.1313, 575.095, and 575.260 – Modifies provisions relating to judicial security

Officials from the **Department of Corrections (DOC)** state §575.095 enhances the penalty for the offense of tampering with a judicial officer, adding to the existing class B felony the stipulation that no person convicted under this section shall be eligible for parole, probation, or conditional release. This means offenders will be required to serve 100% of those sentences in prison.

Section 575.260 enhances the penalty for the offense of tampering with a judicial proceeding, adding to the existing class D felony the stipulation that no person convicted under this section shall be eligible for parole, probation, or conditional release. This means offenders will be required to serve 100% of those sentences in prison.

There were six new court commitments to prison under §575.095 and one under §575.260 in FY 2024. The average length of those sentences was 4.5 years. On average, offenders serving sentences under these sections spend 0.3 years in prison prior to first release. (There have only been 3 first releases on sentences under these sections in the previous three fiscal years.) There were also two new probation cases assigned to the DOC under §575.095 in FY 2024.

The new legislation would take away the options of probation, parole or conditional release, and require the offenders serve the full 4.5 years of their sentence in prison.

The cumulative impact on the DOC is estimated to be 29 additional offenders in prison and 26 fewer offenders on field supervision by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	7	7	7	7	7	7	7	7	7	7
After Legislation	9	9	9	9	9	9	9	9	9	9
Probation										
Current Law	2	2	2	2	2	2	2	2	2	2
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation	- Current La	w)								
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2
Cumulative Populations										
Prison	2	6	15	24	29	29	29	29	29	29
Parole		-2	-9	-16	-20	-20	-20	-20	-20	-20
Probation	-2	-4	-6	-6	-6	-6	-6	-6	-6	-6
Impact										
Prison Population	2	6	15	24	29	29	29	29	29	29
Field Population	-2	-6	-15	-22	-26	-26	-26	-26	-26	-26
Population Change				2	3	3	3	3	3	3

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **5** of **13** March 21, 2025

* 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.

If the incarcerated population impact of any one piece of legislation, or combined impact of multiple pieces of legislation, results in a prison population that exceeds the current physical capacity of 26,835, the state would need to construct additional capacity. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million.

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	2	(\$10,485)	(\$17,475)	0	\$0	(2)	(\$17,475)
Year 2	6	(\$10,485)	(\$64,168)	0	\$0	(6)	(\$64,168)
Year 3	15	(\$10,485)	(\$163,629)	0	\$0	(15)	(\$163,629)
Year 4	24	(\$10,485)	(\$267,042)	0	\$0	(22)	(\$267,042)
Year 5	29	(\$10,485)	(\$329,129)	0	\$0	(26)	(\$329,129)
Year 6	29	(\$10,485)	(\$335,712)	0	\$0	(26)	(\$335,712)
Year 7	29	(\$10,485)	(\$342,429)	0	\$0	(26)	(\$342,429)
Year 8	29	(\$10,485)	(\$349,275)	0	\$0	(26)	(\$349,275)
Year 9	29	(\$10,485)	(\$356,260)	0	\$0	(26)	(\$356,260)
Year 10	29	(\$10,485)	(\$363,385)	0	\$0	(26)	(\$363,385)

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

Officials from the **Office of the State Courts Administrator (OSCA)** state this proposal 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 **Office of Administration (OA)** state §§476.1300 to 476.1313 of this bill provides restrictions on the use of a court-related officer's personal information and establishes civil remedies for violation, including costs and attorney fees. These provisions have the potential to increase costs to the Legal Expense Fund (LEF) if a claim were successfully brought against a state employee for violation of this legislation.

Oversight notes because this bill creates a possible new cause of action, Oversight will show a net \$0 direct fiscal impact for the LEF and a possible \$0 to (unknown) fiscal impact to General Revenue and other state funds. Oversight notes the possible litigation exposure as described by OA could also apply to colleges and universities, federal funds, as well as local political

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **7** of **13** March 21, 2025

subdivisions as the LEF does not cover costs for local political subdivisions or colleges and universities in most cases. For fiscal note purposes only, Oversight will range costs from \$0 to (Unknown) for all funds. Oversight will assume the unknown impact could reach the \$250,000 threshold.

Officials from the **Metropolitan St. Louis Sewer District (MSD)** state the proposed legislation would impact MSD to the extent that staff time would be necessary to note accounts when written requests are received to not provide personal identifiable information, and also to redact that information from any future sunshine law requests received for that information.

Oversight has no information to the contrary. Oversight assumes the administrative impact of this proposal as provided by the Metropolitan St. Louis Sewer District would be minimal and absorbable within current staffing levels. Therefore, Oversight will present no fiscal impact for this organization for fiscal note purposes.

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.

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 Revenue (DOR)** state since most of the data and information retained by the DOR is confidential, and not considered publicly available information, this legislation will have minimal impact that will be absorbed.

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

Officials from the Office of Administration - Administrative Hearing Commission and the Division of Budget and Planning, 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 Health and Senior Services, the Department of Mental Health, the Department of Natural Resources, the Department of Labor and Industrial Relations, the Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Fire Safety, Director's Office, Missouri Gaming Commission, Missouri State Highway Patrol, 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 National Guard, the Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Petroleum Storage Tank Insurance Fund,

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **8** of **13** March 21, 2025

the Office of the State Public Defender, the Office of the State Treasurer, the University of Missouri System, the City of Kansas City, the Jackson County Election Board, the Kansas City Election Board, 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 Clay County Auditor, the Phelps County Sheriff, the Branson Police Department, the Kansas City Police Department, the St. Louis Count Police Department, 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 Morgan County Public Water Supply District #2, the South River Drainage District, the St. Charles County Public Water Supply District #2, the Wayne County Public Water Supply District #2, the University of Central Missouri, the Office of the Lieutenant Governor, 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, the Missouri Office of Prosecution Services, the Missouri State Employee's Retirement System 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.

In response to the previous version of this proposal, officials from the City of Osceola, the Osceola Water/Wastewater District and the Mid-Continent Public Library each assumed the proposal would have no fiscal impact on their respective organizations.

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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local election authorities, county health departments, county

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **9** of **13** March 21, 2025

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, colleges, electric companies and coops, solid waste management districts and public libraries 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.

FISCAL IMPACT – State	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented
				(FY 2030)
GENERAL REVENUE FUND				
<u>Costs</u> – DOC (§§575.095 and				
575.260) – increase in				
incarcerations p.4-6	(\$17,475)	(\$64,168)	(\$163,629)	(\$329,129)
<u>Costs</u> – OSCA (§§476.1300 -				
476.1313, 575.095, and 575.260)	\$0 to	\$0 to	\$0 to	\$0 to
- potential increase in costs p.6	(Unknown)	(Unknown)	(Unknown)	(Unknown)
– potentiai increase in costs p.o	(Olikilowii)	(Clikilowii)	(Clikilowii)	(Clikilowii)
<u>Costs</u> – State agencies				
(§§476.1300 - 476.1313) –				
potential contributions to Legal				
Expense Fund for violations and	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
payment of claims p.6-7	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT	(Could	(Could	(Could	(Likely to
ON THE GENERAL	exceed	exceed	exceed	exceed
REVENUE FUND	<u>\$17,475)</u>	<u>\$64,168)</u>	<u>\$163,629)</u>	<u>\$329,129)</u>
OTHER STATE FUNDS				
OTHER STATE FUNDS				
<u>Costs</u> (§§476.1300 - 476.1313) –				
potential contributions to Legal				
Expense Fund for violations and	\$0 to	\$0 to	\$0 to	\$0 to
payment of claims p.6-7	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT	\$0 to	\$0 to	\$0 to	\$0 to
ON OTHER STATE FUNDS	(Unknown)	(Unknown)	(Unknown)	(Unknown)

FISCAL IMPACT – State Government	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
LEGAL EXPENSE FUND				(112000)
Income – (§§476.1300 - 476.1313) - payments to cover potential costs of payouts for				
violations and payment of claims	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
p.6-7	Unknown	Unknown	Unknown	Unknown
Costs (§§476.1300 - 476.1313) – payouts for violations and payment of claims p.6-7	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
COLLEGES AND UNIVERSITIES				
Costs – (§§476.1300 - 476.1313) – increase in potential judgements for violations and	\$0 to	\$0 to	\$0 to	\$0 to
payments of claims p.6-7	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMTED NET EFFECT ON COLLEGES AND	\$0 to	\$0 to	\$0 to	\$0 to
UNIVERSITIES	(Unknown)	(Unknown)	(Unknown)	(Unknown)
FEDERAL FUNDS				
<u>Costs</u> – (§§476.1300 - 476.1313) – increase in potential	0.0	00.	фо.	00.
judgements for violations and payments of claims p.6-7	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
paymono of olumb p.o /	(CIRIIOWII)	(CIMIOWII)	(CIRIIOWII)	(CIRIIOWII)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	\$0 to (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)

L.R. No. 3048H.03C Bill No. HCS for HB 1457

Page **11** of **13** March 21, 2025

FISCAL IMPACT – Local	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented
				(FY 2030)
LOCAL POLITICAL				
SUBDIVISIONS				
<u>Costs</u> – (§§476.1300 - 476.1313)				
– increase in potential				
judgements for violations and	\$0 to	\$0 to	\$0 to	\$0 to
payments of claims p.6-7	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT				
ON LOCAL POLITICAL	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
SUBDIVISIONS	(Unknown)	(Unknown)	(Unknown)	(Unknown)

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill amends the Judicial Privacy Act to replace the definition for "judicial officer" with a definition for "court-related officer", which includes various judges, prosecuting and circuit attorneys, circuit clerks, court administrators, deputy circuit clerks, division, clerks, municipal clerks, and juvenile officers and chief deputy juvenile officers.

The definition of "written request" is amended to exclude a court related officer's personal information. The bill specifies that the prohibition on a government agency publicly posting or displaying publicly available content of a court-related officer does not apply to a court-related officer's personal information that is included in any records of court proceedings of this State contained in any statewide court automation system.

This bill amends the offense of tampering with a judicial officer and the offense of tampering with a judicial proceeding to prohibit a person convicted of the offense or offenses from being eligible for parole, probation, or conditional release. (§§476.1300 - 476.1313)

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 –

HWC:LR:OD

L.R. No. 3048H.03C

Bill No. HCS for HB 1457

Page **12** of **13** March 21, 2025

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 -

Alcohol and Tobacco Control

Capitol Police

Fire Safety

Director's Office

Missouri Gaming Commission

Missouri State Highway Patrol

Missouri Veterans Commission

State Emergency Management Agency

Department of Social Services

Office of the Governor

Missouri National Guard

Missouri Department of Agriculture

Missouri Department of Conservation

Missouri Ethics Commission

Missouri Department of Transportation

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

City of Osceola

Jackson County Election Board

Kansas City Election Board

Platte County Board of Elections

St. Louis City Board of Elections

St. Louis County Board of Elections

Newton County Health Department

Clay County Auditor

L.R. No. 3048H.03C Bill No. HCS for HB 1457 Page **13** of **13** March 21, 2025

Phelps County Sheriff

Branson Police Department

Kansas City Police Department

St. Louis County Police Department

County Employees Retirement Fund

Kansas City Civilian Policer 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

Osceola Water/Wastewater District

South River Drainage District

St. Charles County Public Water Supply District #2

Wayne County Public Water Supply District #2

University of Central Missouri

Office of the Lieutenant Governor

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

Missouri State Employee's Retirement System

Missouri Office of Prosecution Services

Office of the State Courts Administrator

State Tax Commission

Mid-Continent Public Library

Julie Morff Director

March 21, 2025

Jessica Harris Assistant Director March 21, 2025