

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4943H.011
 Bill No.: HB 2072
 Subject: Crimes and Punishment; Criminal Procedure
 Type: Original
 Date: February 25, 2026

Bill Summary: This proposal modifies the offense of assault in the fourth degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|--|--------------------------------|---------------------------------|---------------------------------|---------------------------------|
| General Revenue* | (Could exceed \$55,615) | (Could exceed \$136,146) | (Could exceed \$208,303) | (Could exceed \$259,684) |
| Total Estimated Net Effect on General Revenue | (Could exceed \$55,615) | (Could exceed \$136,146) | (Could exceed \$208,303) | (Could exceed \$259,684) |

*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 | 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 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|---|------------|------------|------------|-----------------------------|
| | | | | |
| | | | | |
| 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 2027 | FY 2028 | FY 2029 | 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 2027 | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|-------------------------|------------|------------|------------|-----------------------------|
| | | | | |
| | | | | |
| Local Government | \$0 | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

§565.056 – Assault, Fourth Degree

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of assault in the fourth degree to include when a person knowingly causes physical pain to a special victim as the term is defined in 565.002. This is a class A misdemeanor unless the person has previously been found guilty or pled guilty to an assault offense as defined under section 565.079 or an assault in violation of a county ordinance in which it is a class E felony. It is a class D felony if the person has previously been found guilty or pled guilty to an assault offense on two or more occasions. For the second and subsequent offense, there is a one year of incarceration requirement which may result in an increase in prison population as the second and subsequent offenses are felonies.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in the class A misdemeanor. The offense resulting in a class E and D felony would be considered a new crime. As there is little direct data on which to base an estimate, the department estimates an impact comparable to the creation of a new class E and D felony.

For each new violent class E felony, the department estimates two people could be sentenced to prison and one to probation. The average sentence for a violent class E felony offense is 4 years, of which 3 years could be served in prison with 2.2 years to first release. The remaining 1.0 year could be on parole. Probation sentences could be 4 years.

The cumulative impact on the department is estimated to be 6 additional offenders in prison and 3 additional offenders on field supervision by FY 2029.

For each new violent class D felony, the department estimates four people could be sentenced to prison and four to probation. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years could be served in prison with 3 years to first release. The remaining 1.7 years could be on parole. Probation sentences could be 4 years.

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 16 additional offenders on field supervision by FY 2030.

Cumulative Impact

The cumulative impact on the department is estimated to be 22 additional offenders in prison and 22 additional offenders on field supervision by FY 2030.

| | # 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 | 6 | (\$11,123) | (\$55,615) | 0 | \$0 | 5 | (\$55,615) |
| Year 2 | 12 | (\$11,123) | (\$136,146) | 0 | \$0 | 10 | (\$136,146) |
| Year 3 | 18 | (\$11,123) | (\$208,303) | 0 | \$0 | 15 | (\$208,303) |
| Year 4 | 22 | (\$11,123) | (\$259,684) | 0 | \$0 | 22 | (\$259,684) |
| Year 5 | 22 | (\$11,123) | (\$264,878) | 0 | \$0 | 26 | (\$264,878) |
| Year 6 | 22 | (\$11,123) | (\$270,175) | 0 | \$0 | 29 | (\$270,175) |
| Year 7 | 22 | (\$11,123) | (\$275,579) | 0 | \$0 | 29 | (\$275,579) |
| Year 8 | 22 | (\$11,123) | (\$281,090) | 0 | \$0 | 29 | (\$281,090) |
| Year 9 | 22 | (\$11,123) | (\$286,712) | 0 | \$0 | 29 | (\$286,712) |
| Year 10 | 22 | (\$11,123) | (\$292,446) | 0 | \$0 | 29 | (\$292,446) |

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. 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 plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

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.

* 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.

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 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 Public Safety - Missouri Highway Patrol, Department of Social Services, Office of the State Courts Administrator, Office of the State Public Defender, City of Kansas City, Phelps County Sheriff, Branson Police Department, Kansas City Police Department, and 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 that we have received from state agencies and political subdivisions; however, other cities, counties, and local law enforcement were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|--|---|--|--|--|
| GENERAL REVENUE | | | | |
| <u>Cost – DOC</u> (§565.056) Increased incarceration costs p.3-5 | (\$55,615 to <u>Unknown</u>) | (\$136,146 to <u>Unknown</u>) | (\$208,303 to <u>Unknown</u>) | (\$259,684 to <u>Unknown</u>) |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | (Could exceed <u>\$55,615</u>) | (Could exceed <u>\$136,146</u>) | (Could exceed <u>\$208,303</u>) | (Could exceed <u>\$259,684</u>) |

| <u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 | Fully Implemented (FY 2030) |
|---|---------------------|-------------------|-------------------|-----------------------------------|
| | | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

THE OFFENSE OF ASSAULT IN THE FOURTH DEGREE

This bill amends the offense of assault in the fourth degree to include when a person knowingly causes physical pain to a special victim, defined in Section 565.002, RSMo. If a person commits the offense under this provision, the person will be guilty of a class A misdemeanor unless the person has previously pled guilty or been found guilty of being a prior or persistent assault offender, defined in Section 565.079, in which case the person will be guilty of a class E felony. If a person has previously pled or been found guilty of an assault offense on two or more occasions and the person violates the provisions of this bill, the person will be guilty of a class D felony. A person found guilty under the provisions of this bill will be required to serve at least six months' imprisonment for a first offense and at least one year for a second or subsequent offense prior to being eligible for probation or parole and the person will not be sentenced to pay a fine.

This legislation is not federally mandated, would not duplicate any other program and may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Office of the State Courts Administrator
Office of the State Public Defender
City of Kansas City
Phelps County Sheriff
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



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