

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5279H.011
Bill No.: HB 1625
Subject: Crimes and Punishment; Drugs and Controlled Substances
Type: Original
Date: January 12, 2026

Bill Summary: This proposal modifies the offenses of trafficking of drugs in the first and second degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes the fiscal impact could exceed the \$250,000 threshold. Oversight notes there were 164 new prison admissions for 1st and 2nd degree drug trafficking in FY 2025. To reach the \$250,000 threshold, an additional 23 prisoners would be required to be imprisoned or remain in prison (if a more severe charge) at the estimated incarceration rate of \$11,123 per year per prisoner.

Additionally, DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight assumes the unknown cost could exceed \$250,000 if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
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 2027	FY 2028	FY 2029
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§579.065 and 579.068 – Offenses Involving the Trafficking of Drugs

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offenses of trafficking of drugs in the first and second degree. The bill modifies sections 579.065 and 579.068 by adjusting the amounts of fentanyl and carfentanil associated with the definitions and penalties for drug trafficking in the first degree and drug trafficking in the second degree.

Section 579.065 changes the minimum amount of fentanyl from ten to three milligrams, and any amount of carfentanil, a class B felony. It changes the minimum amount of fentanyl from twenty to fourteen milligrams, and more than five hundredths of a milligram of carfentanil, a class A felony.

Section 579.068 changes the minimum amount of fentanyl from ten to three milligrams, and any amount of carfentanil, a class C felony. It changes the minimum amount of fentanyl from twenty to fourteen milligrams, and more than five hundredths of a milligram of carfentanil, a class B felony.

Regarding section 579.065, in FY 2025, the department totaled 20 new prison admissions and 20 new probation cases for sentences of trafficking drugs in the first degree.

Regarding section 579.068, in FY 2025, the department totaled 144 new prison admissions and 196 new probation cases for sentences of trafficking drugs in the second degree.

When an offender is sentenced to imprisonment the department receives a sentence and judgement form which contains information on the conviction(s) and sentence(s). Most sentence and judgement forms for drug related offenses do not notate the type or amount of the drug associated with the conviction. Given that the drug associated with the offense, and any amount associated with the drug, is unknown in the majority of cases, the department is unable to estimate the number of new admissions related to the possession and or distribution of fentanyl or carfentanil. Therefore, the DOC will assume an unknown impact to this legislation.

In response to similar proposals, the DOC stated they 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 estimated (unknown) 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, Office of the State Courts Administrator, and Office of the State Public Defender** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, Perfected HB 49 (2025), officials from the **Missouri Office of Prosecution Services** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost</u> – DOC (§§579.065 and 579.068) Changes to trafficking drugs felony charges relating to fentanyl/carfentanil p.3-4	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<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

OFFENSES INVOLVING THE TRAFFICKING OF DRUGS (Sections 579.065 and 579.068)

This bill amends the offenses of drug trafficking in the first degree and drug trafficking in the second degree.

Currently, trafficking drugs in the first degree is a class B felony if the person knowingly distributes, delivers, manufactures, or produces, or attempts to distribute, deliver, manufacture, or produce more than 10 milligrams of fentanyl or carfentanil. It is a class A felony if the amount is 20 milligrams or more.

Trafficking drugs in the second degree is a class C felony if the person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this State more than 10 milligrams of fentanyl or carfentanil, and is a class B felony if the amount is 20 milligrams or more.

This bill amends the quantities of fentanyl for the offense of trafficking of drugs, in the first and second degree, as follows:

- (1) Drug trafficking in the first degree is a class B felony for more than three but less than 14 milligrams of fentanyl;
- (2) Drug trafficking in the first degree is a class A felony for at least 14 milligrams of fentanyl;
- (3) Drug trafficking in the second degree is a class C felony for more than three but less than 14 milligrams of fentanyl;
- (4) Drug trafficking in the second degree is a class B felony for at least 14 milligrams of fentanyl.

Under the offense of trafficking drugs in the first degree, trafficking any amount of carfentanil up to .05 milligrams is a class B felony, and trafficking more than .05 milligrams is a class A felony. Under the offense of trafficking drugs in the second degree, trafficking any amount of carfentanil up to .05 milligrams is a class C felony, and trafficking more than .05 milligrams is a class B felony.

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 Public Safety - Missouri Highway Patrol
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services



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