

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5381S.06T
 Bill No.: Truly Agreed To and Finally Passed SS for SCS for HB 1740
 Subject: Civil Penalties; Courts; Crimes and Punishment; Domestic Relations; Drunk Driving/Boating; Motor Vehicles; Department of Revenue; Roads and Highways; Victims of Crime
 Type: Original
 Date: June 29, 2026

Bill Summary: This proposal modifies provisions relating to driving while intoxicated.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue*	(\$788,989 to Could exceed \$1,288,989)	(Could exceed \$400,766)	(Could exceed \$582,040)	(Could exceed \$1,815,328)
Total Estimated Net Effect on General Revenue	(\$788,989 to Could exceed \$1,288,989)	(Could exceed \$400,766)	(Could exceed \$582,040)	(Could exceed \$1,815,328)

*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. DOC estimates the offender population would increase by 150 by year seven under this legislation.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
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 2036)
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 2036)
General Revenue	1 FTE	1 FTE	1 FTE	0 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE	0 FTE

*Increase and reduction of FTE net to zero.

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 2036)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§302.304, 302.440, 302.525, 302.574 & 577.010 – Driving While Intoxicated

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

The Department currently requires the installation of an ignition interlock device (IID), for any second or subsequent intoxicated-related enforcement contact (administrative and point accumulation actions) added to a driver's record, as a condition of reinstatement. This includes administrative alcohol suspensions and revocations; chemical refusals; point suspensions, and revocations; as well as any limited or restricted driving privileges granted to these offenders.

This legislation is requiring the department to add the ignition interlock device requirement to any person with a blood alcohol content .15% or more for a first-time offense.

This proposed legislation would require programming to the current Missouri driver license system, internally referred to as FUSION, to evaluate both administrative actions and convictions processed by the department and add the ignition interlock requirement to those actions even if there is not a prior alcohol-related enforcement contact to the drivers' record if the blood alcohol content is .15% or more.

This language is changing requirements for all restricted driving privileges (RDP) to have the ignition interlock installed before the department issues the privilege. Currently, a sixty-day restricted privilege is issued without the ignition interlock requirement for first time offenders and are automatically generated systematically without the driver having to request one from the department. This will add multiple additions to systematic evaluation routines that exist today and require the department to revise all correspondence that is generated to the driver and notices issued roadside by law enforcement.

In FY 2025, the department issued 1,118 sixty-day RDPs for first time offenders.

DOR records indicate that 9,303 records currently require the installation of an ignition interlock device for reinstatement monitoring or to comply with a court order.

In FY 2025, the department received 4,437 administrative alcohol cases that showed a blood alcohol content (BAC) of .15% or more as a first-time offense.

Passage of this bill will add IID requirements and monitoring to approximately 5,555 additional records.

Ignition interlock manufacturers are required by State code of Regulations, 7 CSR 60-2, to submit all device status' (installs, deinstalls, and failure to maintain) and certification of completion of the monitoring period. The department anticipates an increase in telephone inquiries, correspondence and additional communication required between their office and the ignition interlock manufacturers to ensure the integrity of the data and to meet the current department auditing processes.

The department answers approximately 26,518 calls a year regarding reinstatement requirements. The department anticipates a significant increase in calls due to this proposed language.

The impact to the department is estimating a 50% increase in call volume, the department is requesting one (1) FTE to answer these additional telephone inquiries. If the increase is more significant than anticipated, additional FTEs may be requested through the appropriations process.

Telephone Inquiries

A telephone operator is expected to process 65 telephone inquiries daily.

26,518	Current call volume for reinstatement requirements
x 50%	Percent which will generate telephone inquiries
13,295	Telephone inquiries received per year
/ 240	Workdays per year
55	Telephone inquiries received per day
/ 65	Telephone inquiries processed per day
0.85 =	1 FTE needed to answer telephone inquiries

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates for 1 FTE as provided by DOR.

DOR notes, to implement the proposed legislation, the Department will:

- Complete programming and user acceptance testing of FUSION for the new evaluation for ignition interlock requirement for first time offenders based on .15% BAC or higher and issuance of restricted driving privileges
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA)
- Update Code of Regulation
- Update the Department website
- Update forms, correspondence and procedures
- Update the Missouri Driver Guide
- Provide training to team members

FY 2027 – Driver License Bureau

Research/Data Analyst 1300 hrs. @ \$37.14 per hr. = \$48,282

Associate Research/Data Analyst 1300 hrs. @ \$31.16 per hr. = \$40,508

Administrative Manager 1000 hrs. @ \$51.40 per hr. = \$51,400

FY 2027 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$31.16 per hr. = \$10,470

Total = \$150,660

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

FUSION Impact

DOR notes: Implementation Consultant 350 hrs. @ \$225 per hr. = **\$78,750**

Oversight does not have information to the contrary and therefore, Oversight will reflect the FUSION estimates as provided by DOR.

Officials from the **Department of Corrections (DOC)** assume the following regarding this proposal:

Section 577.010 enhances penalties for driving while intoxicated in cases where injuries or death occurred. Previously the penalties only applied to law enforcement and emergency personnel injuries or death. It also stipulates certain offenders will serve a minimum amount of their sentence in prison.

Driving under the influence is now a class D violent felony if negligence while doing so results in injury occurring to another person. In FY 2025, 87 offenders were sentenced to probation, and 7 offenders were sentenced to prison for DWI – Physical Injury.

Driving under the influence is now a class C felony if negligence while doing so results in serious injury to another person. In FY 2025, 53 offenders were sentenced to probation, and 9 offenders were sentenced to prison for DWI – Serious Physical Injury.

Driving under the influence is now a class B felony if negligence while doing so results in another person dying. Individuals found guilty of these offenses will not be eligible for parole or probation until they have served a minimum term of 5 years of imprisonment. In FY 2025, 4 offenders were sentenced to probation, and 6 offenders were sentenced to prison for DWI – Death of Another.

Driving under the influence becomes a class A felony if an offender causes the death of another person and they have previously been convicted of driving under the influence at the Class B DWI felony level. However, this subsection is modified so that this only applies if the offender is

a habitual DWI offender or caused the death of another due to criminal negligence. Since it is unclear under what circumstances convicted offenders gained their Class B DWI felony, it is difficult to estimate the impact of these changes.

Class B 5 years probation and parole ineligible (excluding two offenses in prior section)

In FY 2025, 10 offenders were sentenced to probation and 25 offenders were sentenced to prison for DWI offenses not mentioned above.

Class A 10 years' probation and parole ineligible

In FY 2025, no offenders were sentenced to probation or prison for Class A DWI offenses. As a result, no impact is estimated.

Combined Cumulative Impact

The total cumulative impact of this legislation would be 150 additional offenders in prison and 50 fewer offenders in field supervision by FY 2035.

	# 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	14	(\$11,123)	\$ 129,768	0	\$0	(14)	\$ 129,768
Year 2	28	(\$11,123)	\$ 317,673	0	\$0	(28)	\$ 317,673
Year 3	43	(\$11,123)	\$ 497,612	0	\$0	(43)	\$ 497,612
Year 4	67	(\$11,123)	\$ 790,856	(1)	\$94,995	(63)	\$ 695,861
Year 5	96	(\$11,123)	\$ 1,155,830	(1)	\$96,001	(81)	\$ 1,059,828
Year 6	136	(\$11,123)	\$ 1,670,174	(1)	\$97,019	(99)	\$ 1,573,155
Year 7	150	(\$11,123)	\$ 1,878,946	(1)	\$98,047	(90)	\$ 1,780,898
Year 8	150	(\$11,123)	\$ 1,916,525	(1)	\$99,089	(70)	\$ 1,817,436
Year 9	150	(\$11,123)	\$ 1,954,855	0	\$0	(50)	\$ 1,954,855
Year 10	150	(\$11,123)	\$ 1,993,952	0	\$0	(50)	\$ 1,993,952

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.

In response to similar legislation, HCS for HB 87 (2025), officials from the **Missouri Office of Prosecution Services** assumed the proposal would 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 this agency.

§454.1050 - "Bentley and Mason's Law"

Officials from the **Office of the State Courts Administrator (OSCA)** state this section would have an impact on Show-Me Courts and possibly other systems. It is estimated the fiscal impact would be \$500,000 to \$1,000,000 to develop a new Child Support module.

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

In response to similar legislation, SB 235 (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.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Elementary and Secondary Education, Department of Higher Education and Workforce Development, Department of Social Services, Department of Public Safety - Missouri Highway Patrol, Missouri Department of Transportation, Office of the State Public Defender, University of Missouri System, Northwest Missouri State University** and the **University of Central Missouri** 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 colleges and county circuit clerks 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 – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
GENERAL REVENUE				
<u>Savings – DOC (§577.010)</u> p.6				
Personal Service	\$0	\$0	\$0	\$55,234
Fringe Benefits	\$0	\$0	\$0	\$39,730
Expense & Equipment	\$0	\$0	\$0	\$4,125
<u>Total Savings - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$99,089</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(1 FTE)

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
<u>Cost – DOC</u> (§577.010) Increased incarceration costs p.6	(\$129,768 to Unknown)	(\$317,673 to Unknown)	(\$497,612 to Unknown)	(\$1,817,436 to Unknown)
<u>Cost – DOR</u> (§§302.304, 302.440, 302.525, 302.574 & 577.010) p.4				
Personal Service	(\$38,896)	(\$47,609)	(\$48,561)	(\$55,781)
Fringe Benefits	(\$29,257)	(\$35,484)	(\$35,867)	(\$41,200)
Expense and Equipment	<u>(\$12,318)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total Costs – DOR	<u>(\$80,471)</u>	<u>(\$83,093)</u>	<u>(\$84,428)</u>	<u>(\$96,981)</u>
FTE Change - DOR	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DOR</u> (§§302.304, 302.440, 302.525, 302.574 & 577.010) FUSION p.5	(\$78,750)	\$0	\$0	\$0
<u>Cost – OSCA</u> (\$454.1050) New child support module p.7	(\$500,000 to \$1,000,000)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$788,989 to Could exceed \$1,288,989)	(Could exceed \$400,766)	(Could exceed \$582,040)	(Could exceed \$1,815,328)
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE	0 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses that install ignition-interlock devices could be impacted as a result of this proposal.

FISCAL DESCRIPTION

Currently, a person who has had his or her driver's license suspended or revoked because of an assessment of points for an intoxication-related traffic offense conviction and who has a prior alcohol-related enforcement contact must show proof to the Director of Revenue that any motor vehicle driven by the person has a certified ignition interlock device installed, and the ignition interlock device must be installed for at least six months. Under this bill, the requirement applies only to a person who has an intoxication-related traffic offense conviction in which the person's blood alcohol content (BAC) was at least .08 but less than .15 and who has a prior alcohol-related enforcement contact or to a person who has an assessment of points for an intoxication-related traffic offense conviction in which the person's BAC was found to be .15 or more or in which the person caused any property damage or personal injury. The bill also requires a certified ignition interlock device (IID) provider to adopt a discounted fee schedule that provides for the payment of the costs of the IID by offenders with an income at or below 150% of the federal poverty level. A person with such an income who provides income verification will be responsible for 10% of the costs of the IID. Any additional costs accrued by the person for noncompliance are not subject to discounted rates and are the sole responsibility of the person. The provider must verify the person's income to determine the cost of the IID as provided in the bill.

The bill also prohibits limited or restricted driving privileges to be issued to any person whose driving record shows an intoxication-related traffic offense in which the person's BAC was found to be .15 or more or in which the person caused any property damage or personal injury until the person files proof with the Department of Revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device.

The bill also modifies the offense of driving while intoxicated. Currently, the offense is a class E felony if the defendant, while driving intoxicated, acts with criminal negligence, causing physical injury to another person. The bill increases the penalty for this provision to a class D felony. It is currently a class D felony if the defendant, while driving intoxicated, acts with criminal negligence, causing serious physical injury to another person. The bill increases the penalty for this provision to a class C felony.

Currently, if the defendant is driving while intoxicated and acts with criminal negligence to cause the death of another person, the defendant is guilty of a class C felony; this bill increases the penalty for that to a class B felony. If the defendant, while driving intoxicated, acts with criminal negligence to cause the death of any person, the defendant will be guilty of a class A felony.

A person found guilty of driving while intoxicated and acting with criminal negligence to cause the death of another person will not be eligible for probation or parole until the person has served at least five years' imprisonment. If the person has been found guilty of acting with criminal negligence, while driving while intoxicated, to cause the death or if the person has previously

been found guilty of driving while intoxicated and causing the death of any person, the person will not be eligible for probation or parole until the person has served at least 10 years' imprisonment.

This bill establishes "Bentley and Mason's Law". Under this bill, if a person is convicted of the offense of driving while intoxicated and such offense caused the death of a parent or guardian, and the surviving parent or guardian files a petition to receive child maintenance from the convicted person, such person may be required to pay, pursuant to a court order, child maintenance to the child of the deceased parent or guardian in an amount and duration as specified in the bill.

If the person is ordered to pay child maintenance and is unable to make maintenance because such person is imprisoned or otherwise confined, the person will have up to one year after release from incarceration to begin payment, including any arrearage. If the surviving parent or guardian brings a civil action on behalf of the child or children and obtains a judgment against the convicted person prior to any child maintenance order under this Section, no maintenance will be ordered. If the surviving parent or guardian brings a civil action after maintenance is ordered, the maintenance order must offset the judgment. The maintenance order can be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable.

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

Department of Revenue
Department of Corrections
Missouri Highway Patrol
Missouri Department of Transportation
Office of the State Courts Administrator
Office of the State Public Defender
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Social Services
Missouri Office of Prosecution Services

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University of Missouri System
Northwest Missouri State University
University of Central Missouri



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Director
June 29, 2026



Jessica Harris
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