

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5399H.03C  
 Bill No.: HCS for HB Nos. 1887, 2361, 1913, 2862 & 2321  
 Subject: Crimes and Punishment; Criminal Procedure; Science and Technology; Civil Procedure  
 Type: Original  
 Date: March 13, 2026

Bill Summary: This proposal creates the offense of and civil penalties for disclosure of intimate digital depictions.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
General Revenue*	(\$83,423 to Unknown)	(\$204,218 to Unknown)	(\$277,737 to Unknown)	(\$422,377 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$83,423 to Unknown)</b>	<b>(\$204,218 to Unknown)</b>	<b>(\$277,737 to Unknown)</b>	<b>(\$422,377 to Unknown)</b>

\*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)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
General Revenue	0 FTE	0 FTE	0 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>1 FTE</b>

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

#### §§537.043 and 573.570 – Disclosure of Digital Depictions

Officials from the **Department of Corrections (DOC)** state this proposal creates the offense of and civil penalties for disclosure of intimate digital depictions.

Section 573.570 creates the offense of disclosure of a digital depiction, a class E felony, unless it is a second or subsequent offense or it is reasonable to expect that the offense could impact government activity or facilitate violence, in which case it is a class C felony. If the digital depiction is of an individual who is under eighteen years of age, the penalty is a class D felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class E felony, class D felony, and class C felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, with 1.4 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, with 1.7 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2031.

For each new class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, with 2.1 years served prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2030.

Section 573.570 also stipulates that failure of an information content provider to reasonably comply with the notice and removal obligations specified in this section shall be treated as an unfair practice under section 407.020, and they shall be subject to the penalties provided in

section 407.020. Section 407.020 stipulates any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class E felony.

As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of two new class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, with 1.4 years served in prison prior to first release. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

Total Combined Cumulative Impact

The combined cumulative impact of this bill would be 27 additional offenders in prison and 52 additional offenders under field supervision by FY 2030.

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	9	(\$11,123)	(\$83,423)	0	\$0	15	(\$83,423)
Year 2	18	(\$11,123)	(\$204,218)	0	\$0	30	(\$204,218)
Year 3	24	(\$11,123)	(\$277,737)	0	\$0	48	(\$277,737)
Year 4	27	(\$11,123)	(\$318,703)	1	(\$103,674)	52	(\$422,377)
Year 5	27	(\$11,123)	(\$325,077)	1	(\$96,001)	59	(\$421,079)
Year 6	27	(\$11,123)	(\$331,579)	1	(\$97,019)	63	(\$428,598)
Year 7	27	(\$11,123)	(\$338,210)	1	(\$98,047)	67	(\$436,258)
Year 8	27	(\$11,123)	(\$344,974)	1	(\$99,089)	67	(\$444,063)
Year 9	27	(\$11,123)	(\$351,874)	1	(\$100,142)	67	(\$452,016)
Year 10	27	(\$11,123)	(\$358,911)	1	(\$101,206)	67	(\$460,117)

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 State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that 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 or (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 the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to Section 573.570, creating a class C felony, would take approximately fifty-seven hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional three attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

Additionally, the D or E felonies that are created under this same section, would require approximately thirty-five hours of SPD work for reasonably effective representation. If one hundred D or E felonies were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

**Oversight** assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

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.

In response to similar legislation, SB 411 (2025), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime [573.570] creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Commerce and Insurance, Department of Mental Health, Department of Labor and Industrial Relations, Department of Natural Resources,**

**Department of Public Safety – (Capitol Police and Missouri Highway Patrol), Department of Social Services, Missouri Department of Conservation, Missouri National Guard, Office of Administration, Office of the Secretary of State, University of Missouri System, City of Kansas City, Phelps County Sheriff, Branson Police Department, Kansas City Police Department, St. Louis County Police Department, Northwest Missouri State University and the University of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation, HB 2361 (2026), officials from the **City of Springfield** and **Blue Springs Police Department** each assumed 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, local law enforcement, schools, and colleges 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> – State Government	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2030)
<b>GENERAL REVENUE</b>				
<u>Cost – DOC</u> (\$573.570) p.4-6				
Personal Service	\$0	\$0	\$0	(\$53,079)
Fringe Benefits	\$0	\$0	\$0	(\$38,179)
Exp. & Equip.	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$12,416)</u>
<u>Total Costs - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$103,674)</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Cost – DOC</u> (\$573.570) Increased incarceration costs p.4-6	(\$83,423 to Unknown)	(\$204,218 to Unknown)	(\$277,737 to Unknown)	(\$318,703 to Unknown)

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2030)
Cost – OSCA (§§537.043 and 573.570) Increase in potential court costs p.6	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$83,423 to Unknown)</u></b>	<b><u>(\$204,218 to Unknown)</u></b>	<b><u>(\$277,737 to Unknown)</u></b>	<b><u>(\$422,377 to Unknown)</u></b>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	1 FTE

<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

**DISCLOSURE OF DIGITAL DEPICTIONS**

This bill creates a civil cause of action against a person who discloses a digital depiction, as defined in the bill, of an individual who is under 18 years of age or an intimate digital depiction, as defined in the bill, of an individual and who knows or recklessly disregards the fact that the individual has not consented to such disclosure.

The depicted individual may recover damages, as specified in the bill, along with injunctive relief. An action cannot be brought if the disclosure was made in good faith to or by a law enforcement officer in the course of reporting or investigating unlawful conduct or as part of a legal proceeding; or if the disclosure was a matter of legitimate public concern or interest or if the disclosure reasonably intended to assist the depicted individual.

A civil action can also be brought against a parent or legal guardian who discloses an intimate digital depiction of his or her child.

The bill also creates the criminal offense of disclosure of a digital depiction. A person commits the offense if the person discloses, or threatens to disclose:

- (1) A digital depiction of an individual; or
- (2) An intimate digital depiction with the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual or with the actual knowledge that or reckless disregard for whether the disclosure or threat of disclosure will cause harm to the depicted individual.

A person will be guilty of a Class E felony for the first offense or a Class C felony for any second and subsequent offenses.

A person will be guilty of a Class D felony if the digital depiction is of an individual under 18 years of age.

The criminal penalties will apply to any parent or legal guardian who discloses an intimate digital depiction of his or her child.

It will not be a defense in a civil or criminal proceeding that there is a disclaimer stating that the digital depiction was unauthorized or that the depicted individual did not participate in the creation or development of the digital depiction.

No later than December 31, 2026, an information content provider, as defined in the bill, must establish a process in which a depicted person can request the removal of a published digital depiction or an intimate digital depiction. Once the information content provider receives such a request, it must follow certain procedures, as described in the bill; however, the information content provider and certain other entities, as described in the bill, will not be held liable for such depictions.

The criminal penalties will not apply to certain Federally defined interactive computer services, law enforcement, a person reporting unlawful activity, or a person participating in a hearing, trial, or other legal proceeding.

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 Commerce and Insurance  
Department of Mental Health  
Department of Natural Resources  
Department of Corrections  
Department of Labor and Industrial Relations  
Department of Public Safety –  
    Capitol Police  
    Missouri Highway Patrol  
Department of Social Services  
Missouri Department of Conservation  
Missouri National Guard  
Office of Administration  
Office of the State Courts Administrator  
Office of the Secretary of State  
Office of the State Public Defender  
University of Missouri System  
Missouri Office of Prosecution Services  
City of Kansas City  
City of Springfield  
Phelps County Sheriff  
Branson Police Department  
Blue Springs Police Department  
Kansas City Police Department  
St. Louis County Police Department  
Northwest Missouri State University  
University of Central Missouri



Julie Morff  
Director  
March 13, 2026



Jessica Harris  
Assistant Director  
March 13, 2026