

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5514H.011
 Bill No.: HB 1913
 Subject: Crimes and Punishment; Courts; Science and Technology; Civil Procedure;
 Criminal Procedure
 Type: Original
 Date: February 16, 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*/**	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 to Unknown)
Total Estimated Net Effect on General Revenue	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 to Unknown)

*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

§§537.043 and 573.570 – Disclosure of Intimate 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.

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 and class C felony.

For each new nonviolent class E felony, the DOC 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, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. 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 class C felony, the DOC 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, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. 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.

Combined Cumulative Estimated Impact

The impact of a new class C felony and a new class E felony on the department is estimated to be 17 additional offenders in prison and 26 on field supervision by FY2030.

	# 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	10	(\$11,123)	(\$92,692)	0	\$0	8	(\$92,692)
Year 2	14	(\$11,123)	(\$158,836)	0	\$0	16	(\$158,836)
Year 3	17	(\$11,123)	(\$196,730)	0	\$0	25	(\$196,730)
Year 4	17	(\$11,123)	(\$200,665)	0	\$0	26	(\$200,665)
Year 5	17	(\$11,123)	(\$204,678)	0	\$0	30	(\$204,678)
Year 6	17	(\$11,123)	(\$208,772)	0	\$0	34	(\$208,772)
Year 7	17	(\$11,123)	(\$212,947)	0	\$0	38	(\$212,947)
Year 8	17	(\$11,123)	(\$217,206)	0	\$0	38	(\$217,206)
Year 9	17	(\$11,123)	(\$221,550)	0	\$0	38	(\$221,550)
Year 10	17	(\$11,123)	(\$225,981)	0	\$0	38	(\$225,981)

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 DOC's current capacity (27,368) which is habitable, but the 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 has no information to the contrary. Therefore, Oversight will present the fiscal impact of this proposal as provided by the 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 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 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 **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to §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.

Oversight assumes this proposal will create a minimal number of new cases 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, SPD may request funding through the appropriation process.

Officials from the **Department of Health and Senior Services, Department of Mental Health, Department of Labor and Industrial Relations, Department of Public Safety - Missouri Highway Patrol, Department of Social Services, Office of the Secretary of State, 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 law enforcement agencies 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 – OSCA</u> (§§537.043 and 573.570) Potential increase in court costs p.5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost – DOC</u> (§§537.043 and 573.570) Increased incarceration costs p.3-5	(\$46,346 to <u>Unknown</u>)	(\$113,455 to <u>Unknown</u>)	(\$162,013 to <u>Unknown</u>)	(\$200,665 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$46,346 to <u>Unknown</u>)	(\$113,455 to <u>Unknown</u>)	(\$162,013 to <u>Unknown</u>)	(\$200,665 to <u>Unknown</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

Except as provided in the bill, an individual who is the subject of an "intimate digital depiction", as defined in the bill, that is disclosed without the consent of the individual and made by a person who knows or recklessly disregards that the individual has not consented can bring a civil action against the other person.

In the case of an individual who is a minor or is otherwise in need of representation, a representative can assume the individual's rights as listed in the bill, but in no event can the defendant be named as the representative.

For the purposes of a civil action based on disclosure of an intimate digital depiction: an individual's "consent", as defined in the bill, to the intimate digital depiction's creation will not establish consent to its disclosure. Consent will be considered validly given only if the requirements listed in the bill are fulfilled.

This bill lists what an individual can recover in the event of a civil action based on disclosure of an intimate digital depiction, what the court can order as relief, and in what situations an individual may not bring an action for relief. A disclaimer stating that the intimate digital depiction was unauthorized or that the depicted individual, as defined in the bill, was not involved in the development of the material, is not a defense.

The bill also establishes the criminal offense of disclosure of an intimate digital depiction, which a person commits if the person discloses or threatens to disclose an intimate digital depiction: with the intent to harass, annoy, threaten, alarm, or cause harm to the depicted individual; or with the actual knowledge that, or reckless disregard for whether, such disclosure or threatened disclosure will cause harm to the depicted individual.

The bill lists the penalties associated with the offense of disclosure of an intimate digital depiction as well as whether certain defenses can be applied to the offense.

An interactive computer service, a provider of public mobile services or private mobile radio services, and a telecommunications network or broadband provider will not be held liable for the offense of disclosure of an intimate digital depiction.

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 Health and Senior Services
Department of Mental Health
Department of Corrections
Department of Labor and Industrial Relations
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Office of the State Courts Administrator
Office of the Secretary of State
Office of the State Public Defender

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Phelps County Sheriff
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
February 16, 2026



Jessica Harris
Assistant Director
February 16, 2026