

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5584H.011
 Bill No.: HB 2383
 Subject: Crimes and Punishment; Criminal Procedure; Telecommunications
 Type: Original
 Date: January 27, 2026

Bill Summary: This proposal establishes and modifies criminal offenses involving certain infrastructures.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
General Revenue*	(\$111,230 to Unknown)	(\$272,291 to Unknown)	(\$472,744 to Unknown)	(\$508,129 to Unknown)
Total Estimated Net Effect on General Revenue	(\$111,230 to Unknown)	(\$272,291 to Unknown)	(\$472,744 to Unknown)	(\$508,129 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 All 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)
General Revenue	0 FTE	0 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	1 FTE	1 FTE

- 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.

§569.086 – Trespass on a Critical Infrastructure Facility

Officials from the **Department of Corrections (DOC)** state this proposal establishes and modifies criminal offenses involving certain infrastructures. Section 569.086 is altered to remove the offense of damage of a critical infrastructure, which is a class D felony.

§569.117 – Damage of a Critical Infrastructure Facility

Section 569.117 creates the offense of purposely damages a critical infrastructure facility, which is a class D felony. It also creates the offense of willfully or maliciously damages a critical infrastructure facility or removes any component, which is a class A misdemeanor if the damage is under \$750, a class E felony if the damage is \$750 to \$25,000, a class D felony if the damage is more than \$25,000, and a class C felony if the damage causes interruption of service.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in the class A misdemeanor. The offenses resulting in a class E felony, class D felony or class C 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 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 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 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 to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2029.

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 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.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by 569.117 would take approximately twenty-two 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 attorney. 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. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

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, the SPD may request funding through the appropriation process.

§569.119 – Unauthorized Possession of Regulated Metals

DOC states Section 569.119 creates the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material, which is a class E felony, unless it is shown that the material was unlawfully obtained from a critical infrastructure facility or the person has a prior offense for the same, in which case it 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 and class D 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 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 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 to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2029.

Combined Cumulative Impact

The cumulative impact felonies will lead to an increase of 35 offenders in prison and 71 under 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	12	(\$11,123)	(\$111,230)	0	\$0	20	(\$111,230)
Year 2	24	(\$11,123)	(\$272,291)	0	\$0	40	(\$272,291)
Year 3	32	(\$11,123)	(\$370,316)	1	(\$102,428)	64	(\$472,744)
Year 4	35	(\$11,123)	(\$413,134)	1	(\$94,995)	71	(\$508,129)
Year 5	35	(\$11,123)	(\$421,396)	1	(\$96,001)	81	(\$517,398)
Year 6	35	(\$11,123)	(\$429,824)	1	(\$97,019)	85	(\$526,843)
Year 7	35	(\$11,123)	(\$438,421)	1	(\$98,047)	89	(\$536,468)
Year 8	35	(\$11,123)	(\$447,189)	1	(\$99,089)	89	(\$546,278)
Year 9	35	(\$11,123)	(\$456,133)	1	(\$100,142)	89	(\$556,275)
Year 10	35	(\$11,123)	(\$465,256)	1	(\$101,206)	89	(\$566,461)

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 **SPD** state per the National Public Defense Workload Study, the new charge contemplated by Section 569.119 would take approximately thirty-five 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 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.

Responses regarding the proposed legislation as a whole

Officials from the **Office of the State Courts Administrator (OSCA)** state there may be 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.

Officials from the **Department of Commerce and Insurance, Department of Natural Resources, Department of Public Safety - Missouri Highway Patrol, Missouri Department of Transportation, Metropolitan St. Louis Sewer District, South River Drainage District, and Wayne County PWS #2** 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 utilities and electric companies and coops 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 2030)
GENERAL REVENUE				
<u>Cost – DOC (§§569.117 and 569.118) p.3-6</u>				
Personal Service	\$0	\$0	(\$52,554)	(\$53,079)
Fringe Benefits	\$0	\$0	(\$37,802)	(\$38,179)
Exp. & Equip.	<u>\$0</u>	<u>\$0</u>	<u>(\$12,072)</u>	<u>(\$3,737)</u>
Total Costs - DOC	<u>\$0</u>	<u>\$0</u>	<u>(\$102,428)</u>	<u>(\$94,995)</u>
FTE Change - DOC	0 FTE	0 FTE	1 FTE	1 FTE
<u>Cost – DOC (§§569.117 & 569.118) Increased incarceration costs p.3-6</u>	(\$111,230 to Unknown)	(\$272,291 to Unknown)	(\$370,316 to Unknown)	(\$413,134 to Unknown)
<u>Cost – OSCA (various sections) Increase in potential court costs</u>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$111,230 to Unknown)	(\$272,291 to Unknown)	(\$472,744 to Unknown)	(\$508,129 to Unknown)
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local 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

OFFENSES INVOLVING CERTAIN INFRASTRUCTURE (Sections 569.086, 569.117, and 569.119)

This bill modifies the definition of "critical infrastructure facility" to include wireline telecommunication networks, infrastructure, or facilities in addition to wireless telecommunication networks, infrastructure, or facilities.

Currently, a person commits the offense of damage of a critical infrastructure facility if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. This bill modifies the offense to add if he or she willfully or maliciously damages, destroys or tampers with a critical infrastructure facility or removes any component of the facility excluding equipment. Classifications of the offense are specified in the bill and depend on the monetary value of the damages.

Any person who violates these provisions will be required to make restitution and perform community service as specified in the bill.

A person commits the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications materials if the person knowingly possesses such metals, fiber, or materials and is not the person authorized, as specified in the bill, to possess them. The offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications materials is a class E felony, except it is a class D felony if certain circumstances are proven at trial

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 Commerce and Insurance
Department of Natural Resources
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Missouri Department of Transportation
Office of the State Courts Administrator
Office of the State Public Defender

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Metropolitan St. Louis Sewer District
South River Drainage District
Wayne County PWSD #2



Julie Morff

Director

January 27, 2026



Jessica Harris

Assistant Director

January 27, 2026