

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5693H.011  
 Bill No.: HB 2311  
 Subject: Sexual Offenses; Crimes and Punishment; Criminal Procedure; Courts  
 Type: Original  
 Date: February 16, 2026

Bill Summary: This proposal modifies provisions relating to the sexual offender registry.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)	(Unknown, greater than \$250,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown, greater than \$250,000)</b>	<b>(Unknown, greater than \$250,000)</b>	<b>(Unknown, greater than \$250,000)</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
<b>Total Estimated Net Effect on <u>Other</u> State Funds</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
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</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
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §566.034 – Second Degree Statutory Rape

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the sexual offender registry.

Section 566.034 alters the offense of statutory rape in the second degree, increasing the age of the victim from seventeen to eighteen years of age. In FY 2025, the department totaled 47 new prison admissions and 25 new probation cases for sentences of statutory rape in the second degree. The increase in the minimum age under which a person can be considered to be a victim of statutory rape could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 17-year-olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

#### §566.068 – Second Degree Child Molestation

Officials from the **DOC** state Section 566.068 alters the offense of child molestation in the second degree, increasing the age of the victim from seventeen to eighteen and decreasing the age difference between the person committing the offense and the victim from four years older to three years older. In FY 2025, the department totaled 52 new prison admissions and 11 new probation cases for sentences of child molestation in the second degree. The increase in the minimum age under which a person can be considered to be a victim of child molestation could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 17-year-olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

#### §566.071 – Fourth Degree Child Molestation

Officials from the **DOC** state Section 566.071 alters the offense of child molestation in the fourth degree, increasing the age of the victim from seventeen to eighteen and decreasing the age difference between the person committing the offense and the victim from four years older to three years older. In FY 2025, the department totaled 12 new prison admissions and 13 new probation cases for sentences of child molestation in the fourth degree. The increase in the minimum age under which a person can be considered to be a victim of child molestation could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 17-year-olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

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 unknown impact, greater than \$250,000.

Responses regarding the proposed legislation as a whole

Officials from the **Office of the State Public Defender (SPD)** state the modifications to the age requirements in sections 566.034, 566.068, and 566.071 as contemplated by this legislation will likely increase the number of cases filed under these sections. Per the National Public Defense Workload Study, each new charge filed under these sections would take approximately 167 hours of SPD attorney work for reasonably effective representation. Because the number of cases that will be filed under these changes 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.

In response to similar legislation, HB 1592 (2025), officials from the **Office of Attorney General (AGO)** assumed 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 Elementary and Secondary Education, Department of Health and Senior Services, Department of Mental Health, Department of Public Safety - Missouri Highway Patrol, Department of Social Services, Phelps County Sheriff, Blue Springs 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.

In response to similar legislation, HB 1765 (2024), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation, HB 1108 (2023), 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other St. Louis City, counties, local law enforcement, and schools 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
<b>GENERAL REVENUE</b>			
<u>Cost – DOC (§§566.034, 566.068, 566.071) Increased incarceration costs</u>	(Unknown, greater than <u>\$250,000</u> )	(Unknown, greater than <u>\$250,000</u> )	(Unknown, greater than <u>\$250,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(Unknown, greater than <u>\$250,000</u>)</b>	<b>(Unknown, greater than <u>\$250,000</u>)</b>	<b>(Unknown, greater than <u>\$250,000</u>)</b>

<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

SEXUAL OFFENDER REGISTRY (Sections 566.034, 566.068, 566.071, 589.400, 589.401, 589.403, 589.410, and 589.414)

Currently, the age of consent for sex is 17 years old. This bill increases the age of consent to 18 years old. Additionally, certain sexual offenses are offenses only when the person who commits the offense is at least four years older than the minor victim. This bill reduces the threshold to at least three years older.

This bill amends provisions related to the sex offender registry so that individuals who qualify for exemption from the registry must petition the court to be exempt from registration requirements.

Currently, offenders required to register as tier III offenders on the sexual offender registry cannot file a petition to be removed from the registry and are required to register for their lifetime.

This bill adds to those required to register for their lifetime, those required to register under federal law, and those who are required to register as a result of an offense that was sexual in nature and committed against a minor or against an incapacitated person. The bill requires the official in charge of a correctional facility, private jail, or mental health facility to enter an offender's registration information into the state's sex offender registration system rather than forwarding the information to the Highway Patrol and the chief law enforcement official of the county or of St. Louis City where the offender will reside upon discharge, parole, or release. If a person is currently a registered sex offender and is detained in a correctional facility, private jail, or mental health institution, the official in charge of the facility, jail, or institution must inform the chief law enforcement official of the county or of St. Louis City where the offender is registered of the offender's release. Before releasing an offender, the official in charge of a facility, jail, or institution must verify whether the offender is currently a registered sex offender and, if so, the chief law enforcement official where the offender is registered must ensure the offender's status is properly updated in the registry.

The bill also moves multiple offenses currently listed under the tier I or tier II registration requirements to the tier III registration requirements, and it adds multiple offenses to each of the tiers. All the moved offenses are sexual in nature and involve a minor as the victim.

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 Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Mental Health  
Department of Corrections  
Department of Public Safety – Missouri Highway Patrol  
Department of Social Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Missouri Office of Prosecution Services  
Phelps County Sheriff

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Blue Springs Police Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
February 16, 2026



Jessica Harris  
Assistant Director  
February 16, 2026