

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6316H.011
 Bill No.: HB 2699
 Subject: Crimes and Punishment; Criminal Procedure; Judges; Courts
 Type: Original
 Date: January 13, 2026

Bill Summary: This proposal modifies the offense of tampering with a judicial officer and the offense of tampering with a judicial proceeding.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2034)
General Revenue**/**	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$173,586 to Unknown)	(\$638,842 to Unknown)
Total Estimated Net Effect on General Revenue	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$173,586 to Unknown)	(\$638,842 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.

**OSCA potential unknown costs assumed to be less than \$250,000 annually.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2034)
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 2034)
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 2034)
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 2034)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§575.095 and 575.260 – Offense of Tampering with a Judicial Officer or Tampering with a Judicial Proceeding

Officials from the **Department of Corrections (DOC)** state HB 2699 modifies the offense of tampering with a judicial officer and the offense of tampering with a judicial proceeding.

Section 575.095 enhances the penalty for the offense of tampering with a judicial officer by removing the eligibility for parole, probation, or conditional release.

Section 575.260 enhances the penalty for the offense of tampering with a judicial proceeding by removing the eligibility for probation, parole or conditional release.

This means offenders will be required to serve 100% of those sentences in prison.

There were 3 new court commitments to prison under §575.095 and none under §579.260 in FY25. The average length of those sentences was 7.5 years. On average, offenders serving under these sections serve an average of 1.4 years in prison prior to first release. (There have only been 7 first releases on sentences under these sections in the previous three fiscal years.) There were also four new probation cases assigned to the DOC under §575.095 and one new probation case assigned to the department under §575.260 in FY25.

The DOC is unable to determine how many of these offenses meet the criteria for no parole/probation/conditional release as data has not been previously gathered on the circumstances of the offenses. Therefore, the following estimates assume the above bill would apply to all offenders convicted in FY25.

Combined Cumulative Impact

The cumulative impact of the changes to sentencing for §§570.095 and 575.260 would be 50 additional offenders in prison and 27 fewer offenders on field supervision by FY 2034.

	# 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	5	(\$11,123)	(\$46,346)	0	\$0	(5)	(\$46,346)
Year 2	10	(\$11,123)	(\$113,455)	0	\$0	(10)	(\$113,455)
Year 3	15	(\$11,123)	(\$173,586)	0	\$0	(15)	(\$173,586)
Year 4	22	(\$11,123)	(\$259,684)	0	\$0	(17)	(\$259,684)
Year 5	30	(\$11,123)	(\$361,197)	0	\$0	(20)	(\$361,197)
Year 6	38	(\$11,123)	(\$466,666)	0	\$0	(23)	(\$466,666)
Year 7	46	(\$11,123)	(\$576,210)	0	\$0	(26)	(\$576,210)
Year 8	50	(\$11,123)	(\$638,842)	0	\$0	(27)	(\$638,842)
Year 9	50	(\$11,123)	(\$651,618)	0	\$0	(27)	(\$651,618)
Year 10	50	(\$11,123)	(\$664,651)	0	\$0	(27)	(\$664,651)

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 department 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 DOC'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 DOC.

In response to similar legislation, SB 1235 (2026), officials from the **Office of the State Courts Administrator (OSCA)** stated the 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.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2034)
GENERAL REVENUE				
Cost – DOC (§§575.095 and 575.260) Increase in incarceration costs p.4	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$173,586 to Unknown)	(\$638,842 to Unknown)
Cost – OSCA (§§575.095 and 575.260) Increase in potential court costs p.5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$173,586 to Unknown)	(\$638,842 to Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2034)
	<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

This bill prohibits a person convicted of the offense of tampering with a judicial officer for either threatening or causing harm to a judicial officer or a member of the officer's family or for using force, threats, or deception against or toward the officer or members of the officer's family from being eligible for parole, probation, or conditional release.

The bill prohibits a person convicted of the offense of tampering with a judicial proceeding from being eligible for parole, probation, or conditional release.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

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