

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6526H.011  
 Bill No.: HB 2848  
 Subject: Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: February 11, 2026

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Bill Summary: This proposal establishes the offense of masked intimidation.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*	(\$18,538 to Unknown)	(\$45,382 to Unknown)	(\$69,434 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$18,538 to Unknown)</b>	<b>(\$45,382 to Unknown)</b>	<b>(\$69,434 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
<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

Officials from the **Office of the State Courts Administrator** and **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

#### §§557.035 & 565.097 – Masked Intimidation

Officials from the **Department of Corrections (DOC)** assume §557.035 adds §565.097 to the list of violations that the state may pursue a class E felony offense when the state believes it to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims.

§565.097 creates the offense of masked intimidation. This is a misdemeanor offense except when it is charged as outlined in new section added.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in the class C misdemeanor and a class B Misdemeanor. The offense resulting in a class Violent E 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 Violent E felony.

For each new violent class E felony, the department estimates two people could be sentenced to prison and one to probation. The average sentence for a violent class E felony offense is 4 years, of which 3 years could be served in prison with 2.2 years to first release. The remaining 1.0 year could be on parole. Probation sentences could be 4 years.

The cumulative impact on the department is estimated to be 6 additional offenders in prison and 3 additional offenders on field supervision by FY 2029.

	# 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	2	(\$11,123)	(\$18,538)	0	\$0	1	(\$18,538)
Year 2	4	(\$11,123)	(\$45,382)	0	\$0	2	(\$45,382)
Year 3	6	(\$11,123)	(\$69,434)	0	\$0	3	(\$69,434)
Year 4	6	(\$11,123)	(\$70,823)	0	\$0	6	(\$70,823)
Year 5	6	(\$11,123)	(\$72,239)	0	\$0	6	(\$72,239)
Year 6	6	(\$11,123)	(\$73,684)	0	\$0	6	(\$73,684)
Year 7	6	(\$11,123)	(\$75,158)	0	\$0	6	(\$75,158)
Year 8	6	(\$11,123)	(\$76,661)	0	\$0	6	(\$76,661)
Year 9	6	(\$11,123)	(\$78,194)	0	\$0	6	(\$78,194)
Year 10	6	(\$11,123)	(\$79,758)	0	\$0	6	(\$79,758)

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 our current capacity (27,368) which is habitable, but we do 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 information to the contrary and therefore, Oversight will reflect the cost estimates of additional offenders as provided by DOC.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by Section 565.097, would take approximately fourteen 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.

Officials from the **Missouri Highway Patrol** assume 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 this agency.

**Oversight** notes a violation of the provisions of this proposal results in a misdemeanor or felony charge which carries a fine in addition to any individual county/municipal fees and court costs. The fine revenue for the ticket goes to local school funds and court costs go to various state and local funds.

Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. For simplicity, Oversight will not reflect the increased revenue from fines and court costs to various state funds and local political subdivisions.

Below are examples of some of the state and local funds which court costs are distributed to.

	<b>Fee Amount</b>
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$5.00
Prosecuting Attorney Training Fund	\$5.00 (\$2.50 State/\$2.50 County)
Spinal Cord Injury Fund	\$2.00

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<b>GENERAL REVENUE</b>			
<u>Cost – DOC (§§557.035 &amp; 565.097) – increased number of offenders due to new offense</u>	(\$18,538 to <u>Unknown</u> )	(\$45,382 to <u>Unknown</u> )	(\$69,434 to <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$18,538 to <u>Unknown</u>)</b>	<b>(\$45,382 to <u>Unknown</u>)</b>	<b>(\$69,434 to <u>Unknown</u>)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

A person commits the offense of masked intimidation if the person intentionally harasses, intimidates, or threatens any other person while hiding or concealing their face with a mask, hood, or any other article or device for the purpose of concealing their identity and with the intent to place another person in reasonable fear for their physical safety. The offense is a class C misdemeanor, unless it is a second or subsequent offense, in which case it is a class B misdemeanor. This offense shall also be considered a hate offense punishable as a class E felony when the state believes that the offense was knowingly motivated because of race, color, religion, national origin, sex, sexual orientation, or disability of the victim.

This act shall not apply to any person wearing a mask or otherwise covering one's face in certain cases, including for holidays, the occupation of the person, weather, artistic or theatrical production, emergencies, or religious purposes. Additionally, nothing in this act shall be construed to diminish or infringe upon any right protected under the First Amendment.

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

Department of Corrections  
Missouri Highway Patrol  
Office of the State Public Defender



Julie Morff  
Director  
February 11, 2026



Jessica Harris  
Assistant Director  
February 11, 2026