

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0279-06  
Bill No.: HCS for SS for SB 145  
Subject: Criminal Procedure; Law Enforcement Officers and Agencies; Department of Public Safety; Children and Minors  
Type: #Updated  
Date: May 6, 2019  
#Updated to reflect a revised response from the Missouri House of Representatives

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Bill Summary: This proposal modifies provisions relating to public safety.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>   |  |  |  |  |
|---|--|--|--|--|
| FUND AFFECTED   | FY 2020                                      | FY 2021                                      | FY 2022                                      | Fully Implemented (FY 2025)                  |
| #General Revenue                                      | Could exceed (\$183,556 to \$320,768)        | Could exceed (\$174,253 to \$333,751)        | Could exceed (\$201,050 to \$362,198)        | Could exceed (\$267,058 to \$433,305)        |
| <b>#Total Estimated Net Effect on General Revenue</b> | <b>Could exceed (\$183,556 to \$320,768)</b> | <b>Could exceed (\$174,253 to \$333,751)</b> | <b>Could exceed (\$201,050 to \$362,198)</b> | <b>Could exceed (\$267,058 to \$433,305)</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 22 pages.

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |                              |                              |                              |                                    |
|---|------------------------------|------------------------------|------------------------------|------------------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2020</b>               | <b>FY 2021</b>               | <b>FY 2022</b>               | <b>Fully Implemented (FY 2025)</b> |
| Department of Public Safety*                                  | \$1,824,003                  | \$1,824,003                  | \$1,824,003                  | \$1,824,003                        |
| Missouri State Capitol Commission*                            | (\$1,824,003)                | (\$1,824,003)                | (\$1,824,003)                | (\$1,824,003)                      |
| Colleges and Universities                                     | \$0 or (Unknown)             | \$0 or (Unknown)             | \$0 or (Unknown)             | \$0 or (Unknown)                   |
| DNA Profiling Analysis Fund (0772)                            | \$1,028,041                  | \$1,233,649                  | \$1,233,649                  | \$1,233,649                        |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>Less than \$1,028,041</b> | <b>Less than \$1,233,649</b> | <b>Less than \$1,233,649</b> | <b>Less than \$1,233,649</b>       |

\* Reallocation of funds and FTE nets to zero.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |                                    |
|---|----------------|----------------|----------------|------------------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2020</b> | <b>FY 2021</b> | <b>FY 2022</b> | <b>Fully Implemented (FY 2025)</b> |
|   |                |                |                |                                    |
|   |                |                |                |                                    |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>                         |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                     |                     |                     |                                    |
|---|---------------------|---------------------|---------------------|------------------------------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2020</b>      | <b>FY 2021</b>      | <b>FY 2022</b>      | <b>Fully Implemented (FY 2025)</b> |
| #General Revenue  | 0 or up to 3        | 0 or up to 3        | 0 or up to 3        | 0 or up to 3                       |
| Department of Public Safety*                              | -40                 | -40                 | -40                 | -40                                |
| Missouri State Capitol Commission*                        | 40                  | 40                  | 40                  | 40                                 |
| <b>#Total Estimated Net Effect on FTE</b>                 | <b>0 or up to 3</b> | <b>0 or up to 3</b> | <b>0 or up to 3</b> | <b>0 or up to 3</b>                |

\* Reallocation of funds and FTE nets to zero.

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                  |                  |                  |                                    |
|--|------------------|------------------|------------------|------------------------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2020</b>   | <b>FY 2021</b>   | <b>FY 2022</b>   | <b>Fully Implemented (FY 2025)</b> |
| <b>Local Government</b>                    | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b>                   |

## FISCAL ANALYSIS

### ASSUMPTION

#### §§210.1014 and 488.5050 - Public safety

**Oversight** notes that the **Department of Public Safety - Missouri State Highway Patrol (MHP)** states section 210.1014 would not have a direct fiscal impact on their organization. The MHP states the Amber Alert is already built into the Missouri Uniform Law Enforcement System (MULES). The MHP is currently working on enhancing a system interface that a law-enforcement agency utilizing the Regional Justice Information Service (REJIS) would be able to use to request an Amber Alert directly from the REJIS system. Therefore, given this work is already underway, the MHP assumes no additional work will be required at the state level to comply with this bill.

Section 488.5050 extends the expiration of a criminal court surcharge for the DNA Profiling Analysis Fund from August 28, 2019, to August 28, 2029.

Pursuant to 650.052, RSMo, the MHP is designated as the central repository for the DNA profiling system known as CODIS or the Combined DNA Index System. The CODIS Unit of the MSHP Crime Laboratory manages the Offender DNA Profiling program and collaborates with the seven other Missouri CODIS laboratories, allowing for their participation in the National DNA Index System. The CODIS Unit receives an average of 21,000 offender DNA samples annually for entry into CODIS, where they are searched against DNA profiles developed from crime scene evidence, unidentified human remains, and missing persons. To date, this program has assisted over 14,300 investigations. It is an invaluable tool for law enforcement in Missouri and nationwide.

It costs \$28.93 per sample/DNA profile in raw consumables to produce a DNA profile by our CODIS unit. If labor costs, instrument, and software maintenance are included, the cost per sample/DNA profile can approach \$46.13.

Failure to address this funding source will not only result in a laboratory budgetary shortfall of approximately \$750,000 each year or the discontinuation of the program which would result in an average of 21,000 offender DNA samples annually not being registered in the CODIS DNA database but could also obviate a return on investment to the citizens of Missouri.

Additional internal calculations are based on the 2017 MSHP Criminal Justice Information Services (CJIS) arrest statistics and the Crime Lab 2017 arrestee offender sample intake. FTE needs and cost calculations are based on the unit's present estimated processing capacity and operational costs.

ASSUMPTION (continued)

**Oversight** does not have any information contrary to that provided by the MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

**Oversight** notes the proposal extends income to the DNA Profiling Fund (0772). The balance of the fund at December 31, 2018 was \$3,550,916 and receipts into this fund over the past five fiscal years have been:

FY2018 - \$1,170,953  
FY2017 - \$1,169,311  
FY2016 - \$1,224,606  
FY2015 - \$1,279,702  
FY2014 - \$1,323,673

(Source: Missouri State Treasurer, Fiscal Year End Fund Activity Reports).

**Oversight** notes over the past five years, this fund averaged \$1,233,649 in annual receipts ( $\$1,170,953 + \$1,169,311 + \$1,224,606 + \$1,279,702 + 1,323,673 = \$6,168,245 / 5$ ). For fiscal note purposes, Oversight will use the five-year average as a basis of annual collections into this fund. Oversight assumes income to the fund will more than exceed MHP's estimated costs for the program.

**Oversight** notes that the **Department of Corrections (DOC)** has stated the proposal would not have a direct fiscal impact on their organization.

In response to a similar version (HCS for HB 37), **Oversight** notes that the **Office of Administration - Budget & Planning (B&P)** stated the proposal would not have a direct 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 organizations.

§§8.007, 8.111, 8.170, 8.172, 8.177 and 8.178 - Authorizes Missouri State Capitol Commission to employ Capitol Police Officers

Officials from the **Department of Public Safety - Capitol Police (CP)** state this bill would remove Missouri Capitol Police from the Department of Public Safety (DPS) and place it under the direction of the Missouri State Capitol Commission (Commission). The bill authorizes the Commission to employ and supervise Missouri Capitol Police officers as outlined in §8.177,

ASSUMPTION (continued)

RSMo. It also gives the Commission the authority to appoint a sufficient number of Capitol Police officers to patrol the capitol grounds and handle all traffic and parking upon the capitol grounds and the grounds of other state-owned or leased properties in the capital city and the county which contains the seat of government.

The transfer from DPS to the Commission would require Capitol Police to replace the current department patch to reflect the division name change. Because the redesigned patch may not cover old stitching, it may be difficult for a local vendor to remove and replace all department patches and provide quality service in completing the order within the required time frame. Therefore, it is suggested to purchase new uniform shirts with the new department patch for each of the 34 officers. Each officer would receive two long-sleeve and two short-sleeve shirts which equates to 136 shirts (34 \* 4) requiring patches. In addition, the department would need to replace all vehicle decals and office emblems.

The following equipment items and costs will be considered a one-time expense:

|                                   |                            |   |               |
|-----------------------------------|----------------------------|---|---------------|
| Vehicle/office emblems            | \$700 per emblem x 10      | = | \$7,000       |
| Long-sleeve police uniform shirts | \$78 per shirt x 68 shirts | = | \$5,304       |
| Short-sleeve police uniform shirt | \$66 per shirt x 68 shirts | = | \$4,488       |
| 1,000 replacement uniform patches | \$2 per patch x 1,000      | = | \$2,000       |
| Replacement of coat patch         | \$12 per coat x 34 coats   | = | <u>\$ 408</u> |
| Total costs                       |                            |   | \$19,200      |

Capitol Police consulted with the Office of Administration/Information and Technology Systems Division (OA/ITSD) to determine technology-related costs associated with the bill. At this time, it is unknown which ITSD section would provide services to Capitol Police.

OA/ITSD indicated there would be a cost associated with moving Capitol Police information and programs from the Department of Public Safety to a new server under the Commission. However, the cost estimate is unknown at this time.

**Oversight** notes the one-time costs as outlined by Capitol Police to replace existing emblems, department patches, and uniforms. Oversight assumes each shirt and coat (one inner coat and one outer coat) would require two patches, one for each sleeve. In addition, vehicle and office emblems would also need to be replaced to reflect this change.

**Oversight** notes OA/ITSD is unable to provide an estimate of the cost associated with moving the information and programs from the Department of Public Safety to a new server under the Commission, Oversight will reflect CP's impact as (\$19,200 to Unknown) for fiscal note purposes.

ASSUMPTION (continued)

**Oversight** notes this proposal would transfer the Capitol Police from the Department of Public Safety to the Missouri State Capitol Commission. The Capitol Police has been the primary law enforcement agency for the 72-acre state office building campus known as the Capitol Complex since 1983. Officers patrol the buildings and grounds in their jurisdiction 24 hours a day, seven days a week. Patrols are made on foot, by vehicle and on bicycle. Criminal investigations, medical emergencies, traffic accidents, security and fire alarms and security escorts are only a few of the many incidents and calls for service officers provide to over 15,000 state employees and over 200,000 annual visitors to the seat of government. Using the Governor's Executive Budget recommendation for FY 2020, Oversight will show a transfer of \$1,824,003 and 40 FTE from the Department of Public Safety to the Missouri State Capitol Commission.

In response to similar legislation (HCS for HB 982), officials from the **Office of Administration (OA)** state no fiscal impact. OA does not assume any added responsibilities as a result of this legislation. OA states the Capitol Commission currently does not have sufficient appropriation authority to pay the officer's salaries nor do they have staff to oversee the Capitol Police and the day-to-day operations.

**Oversight** notes that the **DOC** has stated the proposal would not have a direct fiscal impact on their organization.

Officials from the **Governor's Office (GOV)** state section 8.111 establishes the "Capitol Police Board" which will consist of five members: the Governor or their designee, the Speaker of the House of Representatives or their designee, the President pro tempore of the Senate or their designee, the Chief Justice of the Missouri Supreme Court or their designee, and the chair of the State Capitol Commission. There should be no added cost to the Governor's Office as a result of this measure.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#Officials from the **Missouri House of Representatives (MHR)** state one (1) Human Resource Analyst II at an annual salary of \$46,000 would be needed to support the human resources, budget and reporting needs of the Capitol Police Board.

#**Oversight** does not have any information contrary to that provided by MHR. Therefore, Oversight will reflect MHR's impact for fiscal note purposes.

ASSUMPTION (continued)

§190.942 - Automated External Defibrillator Act

Officials from the **Office of Administration - Facilities Management Design and Construction (FMDC)** state this bill requires any person or entity that acquires an automated external defibrillator to take certain steps to notify EMS of its location and test and maintain it. FMDC does not currently purchase defibrillators for most state facilities. However, a few have been placed in certain facilities and acquired by other state agencies/entities. FMDC assumes it would be the responsibility of any state agency/entity that purchases a defibrillator to comply with this statute. The cost for FMDC to comply with this statute for the few defibrillators FMDC has purchased to date is presumed to be under \$10,000. However, if FMDC were to acquire defibrillators for additional state facilities, the fiscal impact would increase. FMDC oversees approximately 490 leased and 250 state-owned locations statewide. If a defibrillator were purchased for each one, FMDC assumes one full-time employee (FTE) would be needed to perform the function required by this bill. To cover the duties listed above, FMDC would likely need to hire a certified nurse/paramedic/inspector/emergency management coordinator. The salary estimate for such an employee would be \$50,000-\$60,000 a year for each FTE. The estimated cost of travel is \$10,000 annually. Therefore, FMDC estimates that the impact of this bill is \$0 to \$70,000 annually. This does not include the cost of purchasing defibrillators.

**Oversight** notes the FMDC originally assumed the intent of this proposal was to maintain current defibrillators and, therefore, would not have a fiscal impact to the state. However, upon further evaluation, FMDC now assumes it would need to maintain and potentially purchase defibrillators for all leased and state-owned facilities on a statewide basis. Oversight assumes, for fiscal note purposes, the FMDC may need to hire 1 FTE at a salary of at least \$50,000 plus fringe benefits, travel and equipment and expense. Therefore, Oversight will range costs to the General Revenue from \$0 to (Unknown exceeding \$88,000) annually.

**Oversight** notes that the **DOC** has stated the proposal would not have a direct fiscal impact on their organization.

In response to a similar proposal (SB 423), officials from the **St. Louis County Police Department (St. Louis County PD)** stated they have approximately 38 automated external defibrillators (AEDs) that would need to be tested on the 90-day schedule. Each test/inspection would take approximately 15 minutes. The total testing time would be 9.5 hours (38 AEDs \* 15 minutes/60 minutes per hour = 9.5 hours). Additionally, the testing would have to be done every quarter (12 months/4 = every 3 months or approximately 90 days) to stay within the time-line of the proposal. This increases the testing time to 38 hours (9.5 hours \* 4 quarters = 38 hours).

Because the locations of the AED vary across St. Louis County boundaries, drive time would be a significant addition to the cost of the tests. Drive time to each AED device is difficult to estimated due to varying time-lines.



ASSUMPTION (continued)

The St. Louis County PD would have to devote a minimum of 40 hours a year, or 120 hours every three years, to test the AEDs. Basing the salary on a Professional Staff 110, the average hourly wage with fringe benefits is \$31.82 per hours. The estimated total cost per year is \$1,273 per year (\$3,818 for the three year period of the fiscal note) to the St. Louis County PD.

**Oversight** does not have any information to the contrary for local government costs for this proposal. For fiscal note purposes, Oversight will reflect costs to all local governments as (Unknown).

In response to a similar proposal (SB 423), officials from the **University of Missouri Health Care System** reviewed the proposed legislation and has determined that as written, it should not create expenses in excess of \$100,000 annually, which is an amount that can be absorbed within current funding levels.

**Oversight** contacted University of Missouri Health Care System (UMHCS) officials regarding their "less than \$100,000" fiscal impact. Officials indicated UMHCS currently has AEDs in their ambulances and throughout the institution. Although manufacturers' maintenance and care policies/procedures are followed, UMHCS has concerns there may be additional costs associated with this proposal above what is currently incurred and want to make sure they adhere to the provisions of the proposal. UMHCS officials also indicated that the expenses expected to be incurred under the provisions of this proposal would be "absorbable" within current funding levels.

Based upon the responses received, **Oversight** will reflect a potential cost to local political subdivisions as well as colleges and universities to implement the provisions of this bill.

In response to a similar proposal (SB 423), **Oversight** notes the **Department of Health and Senior Services, Department of Natural Resources, Department of Public Safety - (Office of the Director, Capitol Police, Fire Safety, and Missouri State Highway Patrol), City of Kansas City, Andrew County Health Department, Bollinger County Health Center, Columbia/Boone County Department of Public Health and Human Services, Springfield Police Department, Wellsville-Middleton R-1 School District, and State Technical College of Missouri** stated the proposal would not have a direct fiscal impact on their organizations.

In response to similar legislation (HB 1038), officials from **Osage County, Joplin Police Department** and **St. Louis County Department of Justice Services** assumed the proposal would have no fiscal impact on their organizations.

ASSUMPTION (continued)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for these organizations for fiscal note purposes.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, local public health agencies, ambulances, fire departments, police and sheriffs' departments, schools, and colleges and universities were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

§§579.065 and 579.068 - Controlled substances

In response to a similar proposal (SCS for HCS for HB 239), officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of trafficking fentanyl. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2018, SPD's Trial Division opened 155 cases under charge codes 579.065 and 579.068 of the 63,395 total cases opened.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

ASSUMPTION (continued)

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state this bill adds fentanyl, flunitrazepam, gamma-hydroxybutyric acid, and carfentanil to the list of controlled substances for 1<sup>st</sup> and 2<sup>nd</sup> degree drug trafficking.

Section 579.065 (1) removes the upper weight limits of various drugs and adds one gram or more of flunitrazepam for the first offense, any amount of gamma-hydroxybutyric acid for the first offense, and more than ten milligrams of fentanyl in the 1st degree drug trafficking offense. The trafficking of all these drugs as a 1st degree offense is a class B felony.

However, trafficking these drugs in larger quantities, as per weights specified by this bill, is a class A felony. Similarly, trafficking one gram or more of flunitrazepam for a second or subsequent offense, any amount of gamma-hydroxybutyric acid for a second or subsequent offense, or twenty milligrams or more of fentanyl is also a class A felony.

Flunitrazepam is not approved by the FDA and is illegal. The effects of overdosing is known and may be increased with the use of opioids. Gamma-Hydroxybutyric is an approved Schedule 1 drug that is used to treat narcolepsy. Both drugs have illegal street uses but the impact of lowering the felony class is considered to have little impact upon on the DOC. Very few offenders receive prison sentences for possession unless the offenders have multiple convictions. Offenders sentenced to probation will serve the same time on probation (three years after earning compliance credits).

The bill adds these two drugs (flunitrazepam and gamma-hydroxybutyric acid) to 1<sup>st</sup> degree drug trafficking. A search of the criminal justice literature did not indicate that the illegal use of the two drugs was significant, nor a recent phenomenon, and there is no additional impact.

The legislation will result in these drug distribution offenses being sentenced as 1<sup>st</sup> degree drug trafficking. In FY18, 20 percent of drug distribution new admissions were estimated to be for these drugs, and there were 9 new prison admissions for 1<sup>st</sup> degree drug trafficking. Applying the 20 percent expansion factor results is an expected increase of 2 additional new admissions who would have been sentenced to drug distribution. The average sentence will increase from 7.0 years to 9.4 years and the percent time served from 33.5 to 42 percent. The prison population is expected to increase by 2 in FY24 and stabilize at 4 in FY25.

ASSUMPTION (continued)

Section 579.068 establishes the drug trafficking offenses in 2<sup>nd</sup> degree. This section also removes the upper weight limits of various drugs, and adds more than ten milligrams of fentanyl in the 2<sup>nd</sup> degree drug trafficking offense. The trafficking of all these drugs as a 2<sup>nd</sup> degree offense is a class C felony, and is a class B felony for larger quantities. Trafficking of less than one gram of flunitrazepam, in the 2<sup>nd</sup> degree, is a class C felony. It is a class B felony for a repeated offense.

In FY18, 23 percent of new admissions for drug possession were estimated to be for fentanyl, and there were 34 new admissions for 2<sup>nd</sup> degree drug trafficking. The impact is expected to be 5 offenders charged with 2<sup>nd</sup> degree drug trafficking instead of drug possession. The average sentence will increase from 4.3 years to 7 years, and the average time served will increase from 28.9 to 33.5 percent. The population will increase by 4 in FY22 and stabilize at 9 in FY23.

There is no impact on probation sentencing from these statute changes because the probation term will be unchanged.

The total impact of the legislation is an increase in the prison population by 13 in FY25 and an increase of 6 in the field population in FY29. Note that the impact is lower than the impact estimated in the last legislative session because the number of new admissions for drug trafficking 1st and 2<sup>nd</sup> degree declined in FY18 (56 in FY17 and 43 in FY18).

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2019 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less

ASSUMPTION (continued)

specific caseload, DOC projects the impact based on prior year(s) actual data. When projecting the impact in those circumstances, DOC uses actual caseload dispersion data to determine the caseload impact per district, and therefore project the number of officers needed.

The DOC cost of incarceration is \$17.224 per day or an annual cost of \$6,287 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

|         | # to<br>prison | Cost per<br>year | Total Costs for<br><b>prison</b> | # to<br>probation<br>& parole | Cost per<br>year | Total cost<br>for<br><b>probation<br/>and parole</b> | Grand Total -<br>Prison and<br>Probation<br>(includes 2%<br>inflation) |
|---------|----------------|------------------|----------------------------------|-------------------------------|------------------|--|--|
| Year 1  | 0              | (\$6,287)        | \$0                              | 0                             | absorbed         | \$0  | \$0  |
| Year 2  | 0              | (\$6,287)        | \$0                              | 0                             | absorbed         | \$0  | \$0  |
| Year 3  | 4              | (\$6,287)        | (\$26,164)                       | -4                            | absorbed         | \$0  | (\$26,264)   |
| Year 4  | 9              | (\$6,287)        | (\$60,046)                       | -9                            | absorbed         | \$0  | (\$60,046)   |
| Year 5  | 11             | (\$6,287)        | (\$74,858)                       | -7                            | absorbed         | \$0  | (\$74,858)   |
| Year 6  | 13             | (\$6,287)        | (\$90,238)                       | -4                            | absorbed         | \$0  | (\$90,238)   |
| Year 7  | 13             | (\$6,287)        | (\$92,042)                       | 1                             | absorbed         | \$0  | (\$92,042)   |
| Year 8  | 13             | (\$6,287)        | (\$93,883)                       | 3                             | absorbed         | \$0  | (\$93,883)   |
| Year 9  | 13             | (\$6,287)        | (\$95,761)                       | 5                             | absorbed         | \$0  | (\$95,761)   |
| Year 10 | 13             | (\$6,287)        | (\$97,676)                       | 6                             | absorbed         | \$0  | (\$97,676)   |

**DOC** states the removal of the upper possession limits of specific drugs in sections 579.065 and 579.068 would not lessen the impact of this bill. Removal of the upper limits cleans up the legislation and avoids duplication of the information. **DOC's** response is the same as HB 239/0687-01.

**Oversight** does not have any information contrary to that provided by **DOC**. Therefore, **Oversight** will reflect **DOC's** revised impact for fiscal note purposes.

§590.120 - Peace Officer Standards and Training Commission

**Oversight** notes that the **DOC** has stated the proposal would not have a direct fiscal impact on their organization.

ASSUMPTION (continued)

Officials from the **Governor's Office (GOV)** state this section establishes within DPS a "Peace Officer Standards and Training Commission" which will consist of eleven members, including a voting public member, appointed by the Governor, by and with advice and consent of the Senate, from a list of qualified candidates submitted to the Governor. Three members will be sitting police chiefs chosen from a list of names submitted to the Governor by the Missouri Police Chief's Association board of directors; three will be sitting sheriffs chosen from a list of names submitted to the Governor by the Missouri Sheriffs' Association board of directors; and the five remaining positions will be chosen from a list of qualified candidates submitted to the Governor by the Director of DPS. One member will represent a state law enforcement agency covered by the provisions of chapter 590, RSMo; one shall be a peace officer at or below the rank of sergeant employed by a municipality; one shall be a peace officer at or below the rank of sergeant employed by a county; and one shall be a chief executive officer of a certified training academy. There should be no added cost to the Governor's Office as a result of these measures.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§640.142, 640.144 and 640.145 - Hydrant inspection program

Officials from the **Department of Natural Resources (DNR)** state the proposal would require the DNR's Division of State Parks (DSP) to design a hydrant inspection program for 49 permitted water systems. Therefore, the division may need one (1) FTE, Technical Assistant IV, to include continuing operating expenses. This position would travel to 49 state parks to accurately locate and identify each hydrant using a GIS location and mapping system. This position would also be responsible for designing a plan and performing the annual testing and flushing of every hydrant and dead-end main, scheduling the repair or replacement of broken hydrants, overseeing all maintenance, inspections, testing, and maintaining all records to meet the required reporting requirements.

The DSP does not have the existing budget authority to absorb the costs for the proposed legislation.

**Oversight** does not have any information contrary to that provided by DNR. Therefore, Oversight will reflect DNR's impact for fiscal note purposes (from \$0 to the FTE costs) as DNR states the 'may' need an additional FTE.

**Oversight** will reflect an unknown cost to local public water systems from these sections.

ASSUMPTION (continued)

Bill as a Whole

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

**Oversight** assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

**Oversight** notes that the **Department of Economic Development - Public Service Commission, Department of Health and Senior Services, Department of Public Safety - Office of the Director, Missouri Department of Conservation, Missouri Office of Prosecution Services, Office of State Courts Administrator, Missouri Senate** and have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

| <u>FISCAL IMPACT -</u><br><u>State Government</u>                  | FY 2020<br>(10 Mo.)                       | FY 2021                                   | FY 2022                                   | Fully<br>Implemented<br>(FY 2025)         |
|--|---|---|---|---|
| <b>#GENERAL REVENUE FUND</b>                                       |   |   |   |   |
| <u>Costs - CP (§8.177)</u><br>p. 5-7                               |   |   |   |   |
| One-time costs to<br>replace emblems,<br>uniforms, patches         | (\$19,200)                                | \$0                                       | \$0                                       | \$0                                       |
| <u>Costs - OA/ITSD</u><br>(§8.177) p. 6                            |   |   |   |   |
| Moving CP<br>information and<br>programs from DPS<br>to Commission | (Unknown)                                 | \$0                                       | \$0                                       | \$0                                       |
| <u>#Costs - MHR</u><br>(§8.111) p. 7                               |   |   |   |   |
| Personal service   | (\$38,333)                                | (\$46,460)                                | (\$46,925)                                | (\$48,346)                                |
| Fringe benefits  | (\$22,190)                                | (\$26,768)                                | (\$26,910)                                | (\$27,343)                                |
| Equipment and<br>Expense   | (\$3,833)                                 | (\$1,025)                                 | (\$1,051)                                 | (\$1,131)                                 |
| <u>Total Costs - MHR</u>   | <u>(\$64,356)</u>                         | <u>(\$74,253)</u>                         | <u>(\$74,886)</u>                         | <u>(\$76,820)</u>                         |
| FTE Change -<br>MHR  | 1 FTE                                     | 1 FTE                                     | 1 FTE                                     | 1 FTE                                     |
| <u>Costs - FMDC</u><br>(§190.942) p. 8                             |   |   |   |   |
| Personal service   | (\$41,667)                                | (\$50,500)                                | (\$51,005)                                | (\$52,551)                                |
| Fringe benefits  | (\$23,203)                                | (\$27,999)                                | (\$28,153)                                | (\$28,624)                                |
| Travel   | (\$8,333)                                 | (\$10,250)                                | (\$10,506)                                | (\$11,314)                                |
| <u>Total Costs - FMDC</u>  | <u>\$0 or (Could<br/>exceed \$73,203)</u> | <u>\$0 or (Could<br/>exceed \$88,749)</u> | <u>\$0 or (Could<br/>exceed \$89,664)</u> | <u>\$0 or (Could<br/>exceed \$92,489)</u> |
| FTE Change -<br>FMDC   | 0 or 1 FTE                                | 0 or 1 FTE                                | 0 or 1 FTE                                | 0 or 1 FTE                                |



| <u>FISCAL IMPACT -</u><br><u>State Government</u>   | FY 2020<br>(10 Mo.)  | FY 2021  | FY 2022  | Fully<br>Implemented<br>(FY 2025)                                |
|---|--|--|--|--|
| <b>GENERAL REVENUE FUND</b><br>(continued)  |  |  |  |  |
| <u>Costs - SPD</u><br>(§579.065 and 579.068) p. 10-11<br>Salaries, fringe benefits, and equipment and expense |  |  |  |  |
|   | (Less than \$100,000)  | (Less than \$100,000)  | (Less than \$100,000)  | (Less than \$100,000)  |
| <u>Costs - DOC</u><br>(§579.065 and 579.068) p. 11-13<br>Increased incarceration costs                        |  |  |  |  |
|   | \$0  | \$0  | (\$26,164)   | (\$90,238)   |
| <u>Costs - DNR</u><br>(§§640.142, 640.144 and 640.145) p. 14  |  |  |  |  |
|   | \$0 or...  | \$0 or...  | \$0 or...  | \$0 or....   |
| Personal services   | (\$30,283)   | (\$36,703)   | (\$37,070)   | (\$38,194)   |
| Fringe benefits   | (\$19,737)   | (\$23,795)   | (\$23,907)   | (\$24,250)   |
| Equipment and expenses  | <u>(\$13,989)</u>  | <u>(\$10,251)</u>  | <u>(\$10,507)</u>  | <u>(\$11,314)</u>  |
| Total <u>Costs - DNR</u>  | <u>\$0 or (\$64,009)</u>   | <u>\$0 or (\$70,749)</u>   | <u>\$0 or (\$71,484)</u>   | <u>\$0 or (\$73,758)</u>   |
| FTE Change - DNR  | 0 or 1 FTE   | 0 or 1 FTE   | 0 or 1 FTE   | 0 or 1 FTE   |
| <b>#ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>  |  |  |  |  |
|   | <u>Could exceed</u><br><u>(\$183,556 to</u><br><u>\$320,768)</u> | <u>Could exceed</u><br><u>(\$174,253 to</u><br><u>\$333,751)</u> | <u>Could exceed</u><br><u>(\$201,050 to</u><br><u>\$362,198)</u> | <u>Could exceed</u><br><u>(\$267,058 to</u><br><u>\$433,305)</u> |
| #Estimated Net FTE Change for General Revenue   |  |  |  |  |
|   | 0 or up to 3 FTE   | 0 or up to 3 FTE   | 0 or up to 3 FTE   | 0 or up to 3 FTE   |

|  |                     |         |         |                                   |
|--|---------------------|---------|---------|-----------------------------------|
| <u>FISCAL IMPACT -</u><br><u>State Government</u><br>(continued) | FY 2020<br>(10 Mo.) | FY 2021 | FY 2022 | Fully<br>Implemented<br>(FY 2025) |
|--|---------------------|---------|---------|-----------------------------------|

**COLLEGES AND  
UNIVERSITIES**

Costs - Colleges and  
Universities  
(\$190.942) p. 9  
AED  
maintenance and  
upkeep

\$0 or (Unknown)   \$0 or (Unknown)   \$0 or (Unknown)   \$0 or (Unknown)

**ESTIMATED NET  
EFFECT ON  
COLLEGES AND  
UNIVERSITIES**

\$0 or (Unknown)   \$0 or (Unknown)   \$0 or (Unknown)   \$0 or (Unknown)

**DNA PROFILING  
ANALYSIS FUND  
(0772)**

Income - Extension  
of Expiration Date  
for §488.5050 from  
08/28/19 to 08/28/29  
p. 4-5

\$1,028,041   \$1,233,649   \$1,233,649   \$1,233,649

**ESTIMATED NET  
EFFECT ON THE  
DNA PROFILING  
ANALYSIS FUND**

**\$1,028,041**   **\$1,233,649**   **\$1,233,649**   **\$1,233,649**

| <u>FISCAL IMPACT -</u><br><u>State Government</u><br>(continued)                   | FY 2020<br>(10 Mo.)         | FY 2021                     | FY 2022                     | Fully<br>Implemented<br>(FY 2025) |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------------|
| <b>DEPARTMENT<br/>OF PUBLIC<br/>SAFETY</b>   |                             |                             |                             |                                   |
| <u>Reallocation - CP</u><br>funding and 40 FTE<br>from DPS to<br>Commission p. 5-7 | <u>\$1,824,003</u>          | <u>\$1,824,003</u>          | <u>\$1,824,003</u>          | <u>\$1,824,003</u>                |
| <b>ESTIMATED NET<br/>EFFECT TO THE<br/>DEPARTMENT<br/>OF PUBLIC<br/>SAFETY</b>     | <b><u>\$1,824,003</u></b>   | <b><u>\$1,824,003</u></b>   | <b><u>\$1,824,003</u></b>   | <b><u>\$1,824,003</u></b>         |
| <br><b>MISSOURI<br/>STATE CAPITOL<br/>COMMISSION</b>                               |                             |                             |                             |                                   |
| <u>Reallocation - CP</u><br>funding and 40 FTE<br>into the Commission<br>p. 5-7    | <u>(\$1,824,003)</u>        | <u>(\$1,824,003)</u>        | <u>(\$1,824,003)</u>        | <u>(\$1,824,003)</u>              |
| <b>ESTIMATED NET<br/>EFFECT TO THE<br/>COMMISSION</b>                              | <b><u>(\$1,824,003)</u></b> | <b><u>(\$1,824,003)</u></b> | <b><u>(\$1,824,003)</u></b> | <b><u>(\$1,824,003)</u></b>       |

| <u>FISCAL IMPACT -</u><br><u>Local Government</u>                                   | FY 2020<br>(10 Mo.) | FY 2021          | FY 2022          | Fully<br>Implemented<br>(FY 2025) |
|---|---------------------|------------------|------------------|-----------------------------------|
| <b>LOCAL GOVERNMENTS</b>  |                     |                  |                  |                                   |
| <u>Costs - Local Governments</u><br>(§190.942) p. 8-9<br>AED maintenance and upkeep |                     |                  |                  |                                   |
|   | \$0 or (Unknown)    | \$0 or (Unknown) | \$0 or (Unknown) | \$0 or (Unknown)                  |
| <u>Costs - Public Water Systems</u> §§640.142 - 640.145                             |                     |                  |                  |                                   |
|   | <u>(Unknown)</u>    | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u>                  |
| <b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>                                    |                     |                  |                  |                                   |
|   | <u>(Unknown)</u>    | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u>                  |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§8.007, 8.111, 8.170, 8.172, 8.177 and 8.178

This bill moves the Missouri Capitol Police from the Department of Public Safety to the Missouri State Capitol Commission and gives the Capitol Commission the authority to employ staff and contract services to fulfill the responsibilities given.

§190.942

Currently, persons or entities that have acquired an automated external defibrillator (AED) are required to ensure that expected users receive CPR and AED training from the American Red Cross, American Heart Association, or other equivalent training course, that the AED user

FISCAL DESCRIPTION (continued)

activate the emergency medical services system as soon as possible, and that an AED placed outside of a health care facility have a physician review the protocol and training. This act repeals these provisions and requires that a person or entity who acquires an AED to comply with all regulations governing placement of the AED, notify the local emergency medical services agency of the AED's existence, location, and type, ensure that the AED is maintained and tested to the manufacturer's guidelines, ensure that testing of the AED occurs at least biannually and after each use, and ensure that an inspection of all AEDs is made every 90 days.

Currently, a person who gratuitously and in good faith renders emergency care through the use or provision of an AED shall not be held liable for any civil damages unless acting in a willful and wanton or reckless manner. This act extends this immunity to criminal penalties. Additionally, a person or entity that provides training, owns the AED, or is responsible for the site where the AED is located shall likewise not be held liable.

§§195.805, 579.065 and 579.068

This bill relates to controlled substance offenses, with penalty provisions.

§488.5050

This bill removes Chapter 195 and adds Chapter 579, RSMo, relating to controlled substances offenses, to the class of circuit court proceeding costs for which a surcharge of \$60 shall be assessed. Additionally, the bill extends the expiration date of the provisions of the bill to August 28, 2029.

§§640.142, 640.144 and 640.145

This bill modifies provisions regarding a hydrant inspection program.

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 Economic Development - Public Service Commission  
Department of Health and Senior Services  
Department of Corrections  
Department of Natural Resources

SOURCES OF INFORMATION (continued)

Department of Public Safety  
Missouri Department of Conservation  
Governor's Office  
Office of Administration  
Joint Committee on Administrative Rules  
Missouri House of Representatives  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Missouri Senate  
Office of Secretary of State  
State Public Defender's Office  
City of Kansas City  
Osage County  
Andrew County Health Department  
Bollinger County Health Center  
Columbia/Boone County Department of Public Health and Human Services  
Joplin Police Department  
Springfield Police Department  
St. Louis County Department of Justice Services  
St. Louis County Police Department  
Wellsville-Middleton R-1 School District  
State Technical College of Missouri  
University of Missouri Health Care System

NOT RESPONDING

Lieutenant Governor's Office

Kyle Rieman  
Director  
May 6, 2019



Ross Strope  
Assistant Director  
May 6, 2019