

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1462-04  
Bill No.: HCS for SCS for SB 363  
Subject: Department of Public Safety  
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 2029)
#General Revenue	Could exceed (\$201,067 to \$362,360)	(Could exceed \$187,078 to \$346,576)	(Could exceed \$227,214 to \$388,362)	(Could exceed \$2,290,667 to \$2,464,070)
<b>#Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$201,067 to \$362,360)</b>	<b>(Could exceed \$187,078 to \$346,576)</b>	<b>(Could exceed \$227,214 to \$388,362)</b>	<b>(Could exceed \$2,290,667 to \$2,464,070)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 32 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 2029)</b>
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
Department of Public Safety*	\$1,824,003	\$1,824,003	\$1,824,003	\$1,824,003
Capitol Police Board*	(\$1,824,003)	(\$1,824,003)	(\$1,824,003)	(\$1,824,003)
<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 2029)</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 2029)</b>
#General Revenue	1 to 3.2 FTE	1 to 3 FTE	1 to 3 FTE	1 to 3 FTE
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>1 to 3.2 FTE</b>	<b>1 to 3 FTE</b>	<b>1 to 3 FTE</b>	<b>1 to 3 FTE</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 2029)</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§43.539, 43.540 and 43.548 - Fingerprint-based criminal records checks

Due to time constraints of less than **24** hours, **Oversight** was unable to receive some of the agency responses in a timely manner and performed limited analysis. Oversight has presented his fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to a previous version, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed this proposal would not fiscally impact their agency. This bill contains corrective language in §43.540 to authorize federal fingerprint-based criminal record checks in order to remain compliant with federal requirements (P.L. 92-544). The Federal Bureau of Investigation (FBI) has indicated there is a possibility, if the language is not corrected, Missouri would be ineligible to submit federal fingerprint-based criminal record checks for licensing and employment purposes. If the FBI were to deny future submissions, no city, county, or state governmental agency would be eligible to submit federal fingerprint-based criminal record requests. The MHP receives a \$2 pass-thru fee for each fingerprint-based criminal record check completed. Based on 2018 submissions, this would have eliminated approximately 95,000 applicants and a \$190,000 (95,000 x \$2) loss of revenue to the Criminal Records System Fund.

**Oversight** assumes one purpose of this bill is to correct the language in §43.540 to authorize federal fingerprint-based criminal record checks in order to remain compliant with federal requirements. According to the Missouri Highway Patrol (MHP), this proposal will allow the continuation of the MHP to submit federal finger-print criminal record checks for licensing and employment purposes. It is unknown when the MHP will be out of compliance with the FBI. The passage of this bill will enable the Patrol to continue its current process and remain in compliance. Oversight will not reflect an impact in the fiscal note for the MHP.

In response to a previous version, officials from the **Office of State Public Defender (SPD)** stated 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 disseminating confidential fingerprint information - a new class A misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

ASSUMPTION (continued)

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.

**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.

In response to a previous version, **Oversight** notes that **Department of Health and Senior Services, Department of Mental Health, Department of Social Services** and the **Wellsville-Middletown R-1** 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 agencies.

This part of the proposal has an emergency clause.

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

In response to a similar proposal, HCS HB 982, officials from the **Department of Public Safety - Capitol Police (CP)** stated 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

ASSUMPTION (continued)

Commission (Commission). The bill authorizes the Commission to employ and supervise Missouri Capitol

Police officers as outlined in §8.177, 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.

ASSUMPTION (continued)

**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.

**Oversight** notes this proposal would transfer the Capitol Police from the Department of Public Safety to the Capitol Police Board. 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 Capitol Police Board.

In response to a previous version, officials from the **Office of Administration - Facilities Management Design and Construction (OA/FMDC)** stated these sections touch some functions of OA/FMDC but do not have any direct fiscal impact.

In response to similar legislation (HCS for HB 982), officials from the **Office of Administration (OA)** stated 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.

In response to a similar proposal (HCS for SS for SB 145), **Oversight** notes that the **DOC** 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.

ASSUMPTION (continued)

#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.

§190.092 - Automated External Defibrillator Act

In response to a similar proposal, HCS SS SB 145, officials from the **(FMDC)** stated 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.

In response to a similar proposal (HCS for SS for SB 145), **Oversight** notes that the **DOC** stated the proposal would not have a direct fiscal impact on their organization.



ASSUMPTION (continued)

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.

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.

ASSUMPTION (continued)

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.

**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).

§§195.015 and 195.017 - Controlled substances

Officials from the **Department of Health and Senior Services (DHSS)** state §195.015.4 requires the promulgation of rules and regulations, which include the following duties (not all inclusive): establish guidelines, implement strategies, make evidence-based system changes, and create policy recommendations. The DHSS, Office of General Counsel will need an additional 0.1 FTE for an attorney (salary of \$64,500 per year) to perform the research necessary to ensure the new guidelines and information for this proposed legislation has been properly vetted and implementation is completed quickly and with fiscal responsibility. Due to current workload being at maximum limits, these costs cannot be absorbed.

**Oversight** assumes 0.1 FTE would not be provided fringe benefits and the state would only pay Social Security and Medicare benefits of 7.65 percent.

ASSUMPTION (continued)

**Oversight** assumes since DHSS states their workload currently being at maximum limits and the responsibility to perform the research necessary to ensure the new guidelines and information for this proposed legislation has been properly vetted and implementation is completed quickly and with fiscal responsibility, Oversight will range the cost of the partial FTE from \$0 to DHSS' estimate less fringe benefits over 7.65%.

DHSS states 195.015.4 of the proposed legislation requires the Division of Regulation and Licensure, Section for Health Standards and Licensure, Bureau of Narcotics and Dangerous Drugs (BNDD) to promulgate emergency rules within 30 days of publication in the federal register each time the Drug Enforcement Administration (DEA) designates a substance as a controlled substance or reschedules or deletes a substance. The DEA makes such changes an average of 20 times annually.

It is assumed it will take a Health and Senior Services Manager approximately 16 hours to promulgate each emergency rule change. Based on 2,080 working hours per year, this would require 0.15 FTE to assume the duties set forth in the proposed section (16 hours x 20 rule changes ÷ 2,080 hours per year = 0.15) for a total personal service annual cost of \$9,915 (\$66,098 x 0.15).

**Oversight** obtained information from the DHSS regarding the U.S. Department of Justice, Drug Enforcement Administration (DEA) Diversion Control Division. Oversight determined that in the past 5 years (2014 - 2018), the DEA has taken scheduling actions on substances/controlled substances 99 times (average 19.8 actions per year). Based on this information the DHSS would need 0.15 FTE to manage the DEA's average annual change in substance/controlled substance schedules. Oversight assumes the additional duties can be performed within current funding/staffing levels.

§195.805 - No marketing of medical marijuana products that appeal to persons under 18 years of age

Officials from the **Department of Health and Senior Services** state §195.805.3 requires the promulgation of rules and regulations, which include the duties (but not all inclusive): establish guidelines, implement strategies, make evidence-based system changes, and create policy recommendations. DHSS, Office of the Counsel will need an additional 0.1 FTE for an attorney (salary of \$64,500 per year to perform the research necessary to ensure the new guidelines and information for this proposed legislation has been properly vetted and implementation is completed quickly and with fiscal responsibility. Due to current workload being at maximum limits, these costs cannot be absorbed.

ASSUMPTION (continued)

**Oversight** assumes 0.1 FTE would not be provided fringe benefits and the state would only pay Social Security and Medicare benefits of 7.65 percent.

Section 195.805 prohibits marijuana for medical use to be designed, produced, or marketed in a manner that is designed to appeal to persons under 18 years of age. It provides for enforcement actions on the part of the DHSS. The department expects to absorb these costs in the normal ebb and flow of operations. However, until the FY20 budget is final, the department cannot identify specific funding sources.

**Oversight** notes provisions of 195.805.2 provides for departmental sanctions, including administrative penalties, for any licensed or certified entity regulated by the Department of Health and Senior Services that designs, produces, or markets medical marijuana products that would appeal to persons under eighteen years of age. Administrative penalties are distributed to school districts based on the location of the entity receiving the penalty. It is unknown whether penalties will be imposed or how much in penalties may be distributed to school districts. Therefore, Oversight will present penalties to school districts as \$0 to Unknown, for fiscal note purposes.

§§217.735, 559.106, 589.400, 589.401, and 589.414 - Relating to sexual offenders

In response to a similar proposal (Perfected HCS for HB 1151), officials from the **DOC** stated the DOC is responsible for supervising those who are charged with failure to register. Failure to register as a sex offender is in violation of 589.425, RSMo, with penalties of class D, E or unclassified felonies. While this bill proposes no new penalties, the expanded registry population increases the potential of a violation of 589.425, RSMo, and other restrictions such as housing. On December 31, 2017, the Missouri sex offender registry had 15,882 individuals. An audit by the Office of State Auditor discovered 1,259 sex offenders (7.9%) noncompliant with registration. In FY18, the number of convictions for failure to register is 85 persons (6.8% of those who are noncompliant on registration). Of those who must register, three would be expected to fail to register; however only 6.8% noncompliant on registration are convicted. Therefore, we would expect no one would be convicted because of failure to register with enactment of this bill.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to a similar proposal (Perfected HCS for HB 1151), **Oversight** notes that the **Department of Public Safety - Missouri State Highway Patrol (MHP)** stated the proposal

ASSUMPTION (continued)

would not have a direct fiscal impact on their organization. Missouri's current legislation has already been deemed substantially compliant with the Sex Offender Registration and Notification Act (SORNA), and components of this proposed legislation would be more restrictive than SORNA.

In response to a similar proposal (Perfected HCS for HB 1151), **Oversight** notes that the **Department of Health and Senior Services, Department of Mental Health, Department of Social Services, Missouri Office of Prosecution Services, Office of State Courts Administrator** and **Joplin Police Department** stated the proposal would not have a direct fiscal impact on their organizations.

In response to a similar proposal (HCS for HB 1151), officials from the **Springfield Police Department, St. Louis County Police Department, St. Louis County Department of Justice Services** and **St. Louis County** 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriffs' departments, counties and the City of St. Louis 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).

§488.5050 - Extends the expiration date of the DNA Profiling Analysis Fund

In response to a similar proposal (HCS for SS for SB 145), officials from the **MHP** stated §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

ASSUMPTION (continued)

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.

**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 March 31, 2019 was \$3,548,852 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.

ASSUMPTION (continued)

In response to a similar version (HCS for HB 37), **Oversight** notes that the **Office of Administration - Budget & Planning** 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 on the fiscal note.

§§565.021, 556.061, 579.015, 579.020, 579.065, 579.068 - Increase in criminal penalties

In response to a similar proposal (SCS for SB 6), officials from the **DOC** state the bill makes changes to the schedule of controlled substances and adds drug offenses to four criminal statutes.

§565.021 - 2<sup>nd</sup> Degree Murder

**DOC** states this section adds the offense of manufacturing, delivering or distributing a schedule I or II controlled substance that caused or was a contributing factor in the death of a person. The number of deaths from drug overdoses is a national concern and Missouri reported 1,367 deaths from drug overdoses during 2017 (**Oversight** determined this is the most recent data available from the Centers for Disease Control and Prevention (CDC)). At present it is unknown the number of convictions of the providers of the controlled substance, but the DOC is estimating one per year will receive a prison sentence. It is also likely that the offender would be sentenced to a drug offense but the conviction will be concurrent with the murder conviction.

In FY18 the average sentence for 2<sup>nd</sup> degree murder was 21.0 years and offenders will serve 85% of their time before parole. The expected time served is 17.9 years which is beyond the 10 year budget horizon. In FY2029 the population increase is estimated to be 10.

§579.015 - Possession of a controlled substance

**DOC** states this section increases the felony class from D to C if the offender is employed as an emergency care provider or other care assistant. The US Bureau of Labor Statistics reported in 2017 personal care assistants comprised 1.42% of the occupational workforce so the DOC is estimating that 1.42% of offenders convicted of drug possession will be sentenced for the class C offense. The offense is estimated to increase the average sentence from 4.3 years to 7 years (the average sentence for drug distribution). There were 1,176 prison admissions (FY 18) for drug possession of which 17 will be sentenced for a class C felony. Time served for the class D offense in FY18 is 28.9% and 33.5% for the class C. The change will add 2 offenders to the population in FY22.

ASSUMPTION (continued)

**Oversight** obtained information from the Bureau of Labor Statistics (May 2017 National Occupational Employment and Wage Estimates (most recent available)). The Personal Care Aids employment category (Occupation code 39-9021) employs 2,035,610 persons nationwide and the total employment for all occupational categories is 142,549,250. Therefore, personal care aids comprise 1.428% of the occupational workforce.

§579.065 - 1<sup>st</sup> Degree Drug Trafficking

**DOC** officials state this section of the proposal adds Fentanyl to the list of controlled substances. If the amount is from 10 to 60 grams, it is a class B felony and becomes a class A if it is a greater amount. The legislation will result in some drug distribution offenses being sentenced as 1<sup>st</sup> degree drug trafficking. In FY18, 20% of drug distribution new admissions were estimated to be for Fentanyl and there were 9 new prison admissions for 1<sup>st</sup> degree drug trafficking. Applying the 20% expansion factor results in an expected increase of 2 additional new admissions who would have been sentenced for drug distribution. The average sentence will increase from 7.0 years to 9.4 years and the percent of time served from 33.5% to 42%. The prison population is expected to increase by 2 in FY24 and stabilize at 4 in FY25.

§579.068 - 2<sup>nd</sup> Degree Trafficking

This section adds Fentanyl to the list of controlled substances if the amount is greater than 10 grams. In FY18, 23% of drug possession new admissions are estimated to have been 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%. 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.



ASSUMPTION (continued)

The **total** impact of this part of the legislation is an increase in the prison population by 24 in FY29 and an increase of 5 in the field (probation) population.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	1.0	(\$6,287)	(\$5,239)	0	absorbed	\$0	(\$5,239)
Year 2	2.0	(\$6,287)	(\$12,825)	0	absorbed	\$0	(\$12,825)
Year 3	8.0	(\$6,287)	(\$52,328)	0	absorbed	\$0	(\$52,328)
Year 4	14.0	(\$6,287)	(\$93,405)	0	absorbed	\$0	(\$93,405)
Year 5	17.0	(\$6,287)	(\$115,689)	0	absorbed	\$0	(\$115,689)
Year 6	20.0	(\$6,287)	(\$138,827)	0	absorbed	\$0	(\$138,827)
Year 7	21.0	(\$6,287)	(\$148,684)	0	absorbed	\$0	(\$148,684)
Year 8	22.0	(\$6,287)	(\$158,879)	0	absorbed	\$0	(\$158,879)
Year 9	23.0	(\$6,287)	(\$169,423)	0	absorbed	\$0	(\$169,423)
Year 10	24.0	(\$6,287)	(\$180,325)	0	absorbed	\$0	(\$180,325)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the impact provided by DOC in the fiscal note.

In response to a similar proposal (SCS for SB 6), 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 possession of a newly added substance to the controlled substance list. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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.

In Fiscal Year 2018, SPD’s Trial Division opened 2,431 “drug” related cases (Chapter 195). These drug cases represent almost 4% of the total Trial Division caseload of 63,395.

**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

ASSUMPTION (continued)

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.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing appropriation. With drug-related cases a large portion of SPD's workload, Oversight will assume the changes in this proposal could result in costs exceeding \$100,000 per year to the Office of the State Public Defender.

§§556.061 and 579.020 - Distribution of heroin

In response to a similar proposal (SB 93), officials from the **DOC** state the bill proposes to make delivery of a controlled substance that contains heroin a class B felony and a dangerous felony. Since January 2017, distribution of a controlled substance is a class C felony. In FY18 there were 62 new admissions for the distribution of heroin (15 percent of new admissions for drug distribution). The average sentence was seven years, and the percent of sentence served before first release was 33.5 percent. If the sentence is enhanced to a class B felony, the average sentence would be expected to increase to 8.9 years (the average sentence of those sentenced when the offense was a class B) and the offenders would serve 85 percent before first release. The impact includes an estimate of 35 percent of the remaining sentence after the first release for the incarceration of parole returns.

The full impact is estimated to be an increase in the prison population of 260 in FY28 and a reduction in the parole population of 143 because more of the sentence is served in prison. The impact will begin after the offenders serving the current sentence would be released (FY23).

ASSUMPTION (continued)

	# remaining in prison	Cost per year	Total Costs for <b>prison</b>	# not on probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$6,287)	\$0	0	absorbed	\$0	\$0
Year 2	0	(\$6,287)	\$0	0	absorbed	\$0	\$0
Year 3	0	(\$6,287)	\$0	0	absorbed	\$0	\$0
Year 4	6	(\$6,287)	(\$40,031)	-6	absorbed	\$0	(\$40,031)
Year 5	68	(\$6,287)	(\$462,757)	-68	absorbed	\$0	(\$462,757)
Year 6	130	(\$6,287)	(\$902,376)	-130	absorbed	\$0	(\$902,376)
Year 7	192	(\$6,287)	(\$1,359,395)	-192	absorbed	\$0	(\$1,359,395)
Year 8	254	(\$6,287)	(\$1,834,334)	-192	absorbed	\$0	(\$1,834,334)
Year 9	260	(\$6,287)	(\$1,915,218)	-143	absorbed	\$0	(\$1,915,218)
Year 10	260	(\$6,287)	(\$1,953,522)	-143	absorbed	\$0	(\$1,953,522)

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

In response to a similar proposal (SB 93), officials from the **SPD** stated they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the enhanced penalties for distribution of heroin, now a class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In FY 2018, SPD's Trial Division opened 1,165 cases where the charge was delivery of a controlled substance 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.

ASSUMPTION (continued)

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.

According to "The Missouri Project" (RubinBrown, June 2014), the number of hours that should be spent on an A/B felony case is 54.3. This number takes into account time for travel and in-court appearances. In contrast, the number of hours that should be spent on a C/D/E felony case is 28.5, for a difference of 25.8 additional hours ( $54.3 - 28.5 = 25.8$ ) per case. For purposes of this fiscal note, if just five percent of the 1,165 cases in FY18 were elevated to a class A/B felony, this would equate to 58 cases ( $1,165 \text{ cases} \times .05$ ). Therefore, the SPD could spend an additional 1,496 hours (rounded down) on these cases annually ( $58 \text{ cases} \times 25.8 \text{ hours}$ ).

**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 (could exceed \$100,000) per year to the General Revenue Fund.

§590.120 - Peace Officer Standards and Training Commission

In response to a similar proposal (HCS for SS for SB 145), **Oversight** notes that the **DOC** stated the proposal would not have a direct fiscal impact on their organization.

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.

ASSUMPTION (continued)

**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.

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 years 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.

ASSUMPTION (continued)

**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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** notes that the **Attorney General's Office, Department of Elementary and Secondary Education, Office of State Courts Administrator** and **Missouri Senate** have stated the proposal would not have a direct fiscal impact on their organizations.

In response to a previous version, officials from the **Joint Committee on Administrative Rules (JCAR)** stated the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

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

In response to a previous version, **Department of Public Safety - Office of the Director** and **Department of Conservation** 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.

FISCAL IMPACT -  
State Government

Fully  
 Implemented  
 (FY 2029)

	FY 2020	FY 2021	FY 2022	
<b>#GENERAL REVENUE FUND</b>				
<u>Costs - CP (§8.177)</u>				
One-time costs to replace emblems, uniforms, patches p. 5-7	(\$19,200)	\$0	\$0	\$0
<u>Costs - OA/ITSD (§8.177) p. 6-7</u>				
Moving CP information and programs from DPS to Commission	(Unknown)	\$0	\$0	\$0
<u>#Costs - MHR (§8.111) p. 8</u>				
Personal services	(\$46,000)	(\$46,460)	(\$46,925)	(\$48,346)
Fringe benefits	(\$26,628)	(\$26,768)	(\$26,910)	(\$27,343)
Equipment and Expense	<u>(\$4,000)</u>	<u>(\$1,025)</u>	<u>(\$1,051)</u>	<u>(\$1,131)</u>
Total <u>Costs - MHR</u>	<u>(\$76,628)</u>	<u>(\$74,253)</u>	<u>(\$74,886)</u>	<u>(\$76,820)</u>
FTE Change - MHR	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs - FMDC (§190.092) p. 8</u>	\$0 or Could exceed	\$0 or Could exceed	\$0 or Could exceed	\$0 or Could exceed
Personal service	(\$41,667)	(\$50,500)	(\$51,005)	(\$54,684)
Fringe benefits	(\$23,206)	(\$27,999)	(\$28,153)	(\$29,274)
Travel	<u>(\$8,333)</u>	<u>(\$10,250)</u>	<u>(\$10,506)</u>	<u>(\$12,489)</u>
Total <u>Costs - FMDC</u>	<u>\$0 or (Could exceed \$73,206)</u>	<u>\$0 or (Could exceed \$88,749)</u>	<u>\$0 or (Could exceed \$89,664)</u>	<u>\$0 or (Could exceed \$96,447)</u>
FTE Change - FMDC	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

FISCAL IMPACT -  
State Government

Fully  
 Implemented  
 (FY 2029)

	FY 2020	FY 2021	FY 2022	
<b>GENERAL REVENUE FUND (Continued)</b>				
<u>Costs - DHSS</u> (§195.015) p. 10-11				
Personal service				
(0.1 Attorney)	\$0 to (\$5,375)	\$0	\$0	\$0
Fringe benefits	\$0 to (\$411)	\$0	\$0	\$0
Equipment and expense	<u>\$0 to (\$4,069)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs - DHSS</u>	<u>\$0 to (\$9,855)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FTE Change - DHSS	0 to 0.1 FTE	0 FTE	0 FTE	0 FTE
 <u>Costs - DHSS</u> (§195.805) p. 11-12				
Personal service				
(0.1 Attorney)	\$0 to (\$5,375)	\$0	\$0	\$0
Fringe benefits	\$0 to (\$411)	\$0	\$0	\$0
Equipment and expense	<u>\$0 to (\$4,069)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs - DHSS</u>	<u>\$0 to (\$9,855)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FTE Change - DHSS	0 to 0.1 FTE	0 FTE	0 FTE	0 FTE
 <u>Costs - DOC</u> (§§556.061, 565.021, 579.015, 579.020, 579.065, 579.068) p. 15-19				
Increase in incarceration costs	(\$5,239)	(\$12,825)	(\$52,328)	(\$2,113,847)



FISCAL IMPACT -  
State Government

Fully  
 Implemented  
 (FY 2029)

**GENERAL  
 REVENUE FUND  
 (Continued)**

Costs - DNR

(§§640.142,  
 640.144, 640.145)

	FY 2020	FY 2021	FY 2022	Fully Implemented (FY 2029)
p. 21	\$0 or	\$0 or	\$0 or	\$0 or
Personal services	(\$30,283)	(\$36,703)	(\$37,070)	(\$39,745)
Fringe benefits	(\$19,737)	(\$23,795)	(\$23,907)	(\$24,722)
Equipment and Expense	<u>(\$18,357)</u>	<u>(\$10,251)</u>	<u>(\$10,507)</u>	<u>(\$12,489)</u>
Total <u>Costs - DNR</u>	<u>\$0 or (\$68,377)</u>	<u>\$0 or (\$70,749)</u>	<u>\$0 or (\$71,484)</u>	<u>\$0 or (\$76,956)</u>
FTE Change - DNR	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

Costs - SPD

(§§43.539, 43.540,  
 43.548, 556.061,  
 579.020, 579.065,  
 579.068) p. 4-5,  
 17-18

Salaries, fringe benefits, and equipment and expense	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>	<u>(Could exceed \$100,000)</u>
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**#ESTIMATED  
 NET EFFECT ON  
 THE GENERAL  
 REVENUE FUND**

<b><u>Could exceed (\$201,067 to \$362,360)</u></b>	<b><u>(Could exceed \$187,078 to \$346,576)</u></b>	<b><u>(Could exceed \$227,214 to \$388,362)</u></b>	<b><u>(Could exceed \$2,290,667 to \$2,464,070)</u></b>
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#Estimated Net FTE  
 Change for General  
 Revenue

1 to 3.2 FTE	1 to 3 FTE	1 to 3 FTE	1 to 3 FTE
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FISCAL IMPACT -  
State Government

Fully  
 Implemented  
 (FY 2029)

FY 2020                      FY 2021                      FY 2022

**COLLEGES AND  
 UNIVERSITIES**

Costs - Colleges and  
 Universities  
 (§190.092) 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. 13-14

\$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

FISCAL IMPACT -  
State Government

Fully  
 Implemented  
 (FY 2029)

	FY 2020	FY 2021	FY 2022	
<b>DEPARTMENT OF PUBLIC SAFETY</b>				
<u>Reallocation - CP funding and 40 FTE from DPS to Capitol Police Board p. 5-7</u>	<u>\$1,824,003</u>	<u>\$1,824,003</u>	<u>\$1,824,003</u>	<u>\$1,824,003</u>
<b>ESTIMATED NET EFFECT TO THE DEPARTMENT OF PUBLIC SAFETY</b>	<u>\$1,824,003</u>	<u>\$1,824,003</u>	<u>\$1,824,003</u>	<u>\$1,824,003</u>
<b>CAPITOL POLICE BOARD</b>				
<u>Reallocation - CP funding and 40 FTE into the Board p. 5-7</u>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>
<b>ESTIMATED NET EFFECT TO THE COMMISSION</b>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>	<u>(\$1,824,003)</u>

FISCAL IMPACT -  
 Local Government

Fully  
 Implemented  
 (FY 2029)

FY 2020                      FY 2021                      FY 2022

**LOCAL  
 GOVERNMENTS**

Costs - Local  
 Governments  
 (§190.092) p. 9-10  
 AED maintenance  
 and upkeep

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

Income - School  
 Districts (§195.805)  
 p. 12

Penalty income            \$0 or Unknown    \$0 or Unknown    \$0 or Unknown    \$0 or Unknown

Costs - Public Water  
 Systems (§§640.142  
 - 640.145) p. 21

(Unknown)                      (Unknown)                      (Unknown)                      (Unknown)

**ESTIMATED NET  
 EFFECT ON  
 LOCAL  
 GOVERNMENTS**

**(Unknown)**                      **(Unknown)**                      **(Unknown)**                      **(Unknown)**

FISCAL IMPACT - Small Business

195.805

This proposal may impact small business manufacturers and sellers of medical marijuana products.

## FISCAL DESCRIPTION

### 43.539, 43.540 and 43.548

Currently, certain public and private qualified entities may enroll in the Missouri and Federal RAP Back programs and utilize the background check resources for applicants for employment or volunteer positions. This act removes organizations and entities that may be privately owned and operated that provide care, care placement, or educational services for children, the elderly, or persons with disabilities as patients or residents from the existing background check provisions and creates new provisions that authorize such entities to enroll in the Missouri and Federal RAP Back programs and utilize such background check resources.

Finally, this act authorizes the Department of Social Services and circuit courts to fingerprint applicants for purposes of adoptions, guardians, conservators, advocates and personal representatives over minors, incapacitated, elderly or disabled individuals. These fingerprints will be given to the Missouri Highway Patrol and FBI who will both conduct a background check of the individual fingerprinted. If either background check discovers any criminal history records, then all of those records will be made available to the entity that requested the background check.

This part of the act contains an emergency clause.

### 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.

### 190.092

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 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.

FISCAL DESCRIPTION (continued)

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.

195.015 and 195.017

This bill modifies provisions relating to controlled substances, including the Schedules, medical marijuana, and criminal provisions involving controlled substances.

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.

565.021

This act modifies the crime of murder in the second degree by adding language making a person who knowingly and unlawfully manufactures, delivers, or distributes a Schedule I or II controlled substance, excluding marijuana for medical use, and thereafter the controlled substance is the proximate cause of the death of another person who uses or consumes it. It shall not be a defense that the defendant did not directly deliver or distribute the controlled substance to the decedent.

579.015

Currently, unlawful possession of a controlled substance, except 35 grams or less of marijuana or any synthetic cannabinoid, is a Class D felony. This act adds an enhanced penalty if the defendant is an emergency care provider, a home health care employee, a hospice employee, an in-home care employee, a personal care assistant, or any other individual providing home health or personal care assistance services to patients. If such defendant knowingly and unlawfully possesses a controlled substance belonging to the patient or another member of the patient's household, the offense shall be a Class C felony.

FISCAL DESCRIPTION (continued)

579.065 and 579.068

Finally, this acts adds to the offense of trafficking drugs in the first degree knowingly distributing, delivering, manufacturing, producing, or attempting to do so more than 10 milligrams but less than 50 milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any mixture containing fentanyl or carfentanil, as a Class B felony and a Class A felony when the amount is 50 milligrams or more.

Additionally, this act adds to the offense of trafficking drugs in the second degree knowingly possessing, purchasing, or attempting to do so more than 10 milligrams but less than 50 milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any mixture containing fentanyl or carfentanil, as a Class C felony and a Class B felony when the amount is 50 milligrams or more.

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

Attorney General's Office  
Department of Economic Development - Public Service Commission  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Corrections  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Social Services  
Governor's Office  
Joint Committee on Administrative Rules  
Department of Conservation  
Missouri House of Representatives  
Lieutenant Governor's Office  
Missouri Office of Prosecution Services  
Office of Administration  
Office of State Courts Administrator  
Missouri Senate

SOURCES OF INFORMATION (continued)

Office of Secretary of State  
State Public Defender's Office  
City of Kansas City  
Osage County  
Andrew County Health Department  
Bollinger County Health Department  
Columbia/Boone County Department of Public Health and Human Services  
St. Louis County Department of Justice Services  
St. Louis County Police Department  
Springfield Police Department  
Joplin Police Department  
University of Missouri Health Care System  
State Technical College of Missouri  
Wellsville-Middletown R-1



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