

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0456H.09C
 Bill No.: HCS No. 2 for SCS for SB 91
 Subject: Sexual Offenses; Crimes and Punishment; Courts; Courts, Juvenile; Guardians;
 Probation and Parole; Juries; Counties
 Type: Original
 Date: May 10, 2021

Bill Summary: This proposal modifies and establishes provisions relating to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	Could exceed (\$15,382,073)	Could exceed (\$18,016,507)	Could exceed (\$18,169,928)
Total Estimated Net Effect on General Revenue*	Could exceed (\$15,382,073)	Could exceed (\$18,016,507)	Could exceed (\$18,169,928)

*Implementation of "Raise the Age" is the largest cost driver of this fiscal note.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Juvenile Justice Preservation Fund*	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)
Change of Venue for Capital Cases Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	Could be less than (\$2,871,060)	Could be less than (\$1,200,000)	Could be less than (\$1,200,000)

*The state's Juvenile Justice Preservation Fund is disbursed to the county circuit courts to implement Raise the Age.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Federal**	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

**Federal reimbursement and expenses exceed \$2.2M annually and net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	At least 36 FTE	At least 36 FTE	At least 36 FTE
Total Estimated Net Effect on FTE	At least 36 FTE	At least 36 FTE	At least 36 FTE

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this 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.

§§21.403, 21.405, 575.040, 575.050, 575.160, 575.270, 575.280, 575.330, and 576.030 – Offenses against a body of the General Assembly

Officials from the **Department of Corrections (DOC)** state this bill intends to create criminal penalties for offenses committed against a body of the General Assembly. It creates 2 class D felonies, 3 class E felonies, 2 class A misdemeanors, and reclassifies a class B misdemeanor to a class A misdemeanor.

For the new nonviolent class D felonies created in sections 575.040 and 575.280, the Department estimates six people will be sentenced to prison and ten to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60	60

For the new nonviolent class E felonies created in sections 575.050, 575.330 and 576.030, the Department estimates three people will be sentenced to prison and six to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in

prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	3	6	6	6	6	6	6	6	6	6
Parole			3	4	4	4	4	4	4	4
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	3	6	6	6	6	6	6	6	6	6
Field Population	6	12	21	22	22	22	22	22	22	22
Population Change	9	18	27	28	28	28	28	28	28	28

The combined cumulative impact on the department is estimated to be 23 additional offenders in prison and 52 on field supervision by FY 2024.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	9	(\$7,756)	(\$58,170)	0	\$0	16	(\$58,170)
Year 2	18	(\$7,756)	(\$142,400)	0	\$0	32	(\$142,400)
Year 3	23	(\$7,756)	(\$185,595)	1	(\$77,126)	52	(\$262,721)
Year 4	23	(\$7,756)	(\$189,307)	1	(\$69,441)	59	(\$258,748)
Year 5	23	(\$7,756)	(\$193,093)	1	(\$70,191)	65	(\$263,284)
Year 6	23	(\$7,756)	(\$196,955)	1	(\$70,950)	65	(\$267,905)
Year 7	23	(\$7,756)	(\$200,894)	1	(\$71,719)	65	(\$272,613)
Year 8	23	(\$7,756)	(\$204,912)	1	(\$72,497)	65	(\$277,409)
Year 9	23	(\$7,756)	(\$209,010)	1	(\$73,284)	65	(\$282,294)
Year 10	23	(\$7,756)	(\$213,190)	1	(\$74,080)	65	(\$287,270)

Oversight assumes, due to the narrow scope of the new crimes, the actual fiscal impact (from an increase in prisoners) would not be that high and could be as low as zero. Therefore, Oversight will reflect a fiscal impact of a range from \$0 (no additional prisoners) to DOC's numbers.

In response to similar legislation from 2021 (HB 1069), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to a previous version, officials from the **Office of Administration - Budget and Planning (B&P)** stated these sections may result in additional criminal penalty and court cost revenues. Insofar as such penalties and costs are deposited into the state treasury, the proposal would have an impact of total state revenue.

§37.710 - Adds provisions to the Office of Child Advocate statutes

In response to similar legislation from 2021 (HCS HB 673), officials from the **Department of Social Services (DSS), Children's Division (CD)** stated this section adds language to the Office of Administration (OA), Office of Child Advocate (OCA) statutes that nothing in their statute should preclude them from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

There is no fiscal impact to CD as this language applies to the Office of Child Advocate and the State Technical Assistance Team.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for CD for this section in the fiscal note.

§37.717 - Office of Administration to create a safety reporting system for DSS

In response to similar legislation from 2021 (HCS HB 673), officials from **OA, OCA** stated this bill requires them to create a safety reporting system that will allow employees of the Department of Social Services (DSS), Children's Division (CD) to report concerns about the safety of children served by CD, as well as the safety of CD's employees. Any criminal act reported to OCA through this system must be reported to the appropriate authorities by OCA.

OCA assumes this bill will result in an unknown increase in concerns regarding the safety of children that are reported to OCA. OCA believes existing staff can handle the increase in incoming reports regarding child safety; however, should the increase be greater than expected, additional staff could be required.

Reviewing the safety concerns of Children's Division employees is a new responsibility for OCA, which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) Senior Social Services Specialists (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OA, OCA.

In response to similar legislation from 2021 (HCS HB 673), officials from **OA, ITSD** stated their calculations for this proposal are based on 12 weeks of effort by two staff to develop safety reporting system in §37.717.1 along with additional ongoing support to handle the maintenance of the new application; and two weeks effort by one staff to develop method for electronic exchange of data between DSS and OA in §210.652 with ongoing maintenance included to support that process going forward.

OA, ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the safety reporting system and data exchange are estimated at \$95/hour. It is assumed the necessary modifications will require 1,123.20 hours for a cost of \$106,704 (1,123.20 * \$95) in FY22. Ongoing support and maintenance costs are estimated to be \$23,516 in FY23 and \$24,063 in FY24; 100% GR.

In response to similar legislation from 2021 (HCS HB 673), officials from **DSS, CD** stated this bill creates a new section, which creates a safety reporting system in which employees of DSS may report information regarding the safety of those served by the DSS and the safety of such department's employees.

2. The identity of any individual who reports shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the DSS confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the DSS to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

There is no fiscal impact to CD as this statute is established under the Office of Child Advocate. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§49.266 – Issuing County Ordinances

In response to a previous version, officials from the **Department of Public Safety's Division of Fire Safety** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Oversight notes this proposal is revising the language in Section 49.266. According to the Revisor of Statutes, changes to Section 49.266 in 2014 were declared unconstitutional.

Oversight notes violations of any regulation adopted under subsection 1 would be an infraction. Oversight assumes the adoption of such ordinances would take further action of third class county commissions. Therefore, even though this proposal may eventually and indirectly lead to an increase in fine (and court costs) revenue from violations of such ordinances, Oversight will assume this revision will not have a direct fiscal impact and will reflect a \$0 fiscal impact for the proposal.

§§49.310 & 476.083 – Establishes rules for certain areas of the courthouse and county offices

In response to similar legislation from 2021 (Perfected HB 678), officials from the **Office of the State Courts Administrator (OSCA)** assumed the part of the proposal will have no fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Oversight assumes this proposal is establishing rules, in the absence of a local agreement, for any courthouse that contains both a county offices and court facilities. Oversight assumes this proposal will not have a direct fiscal impact to the state or to county governments.

§160.261 - Provisions relating to school district personnel; reports of abuse

In response to similar legislation from 2021 (HCS HB 673), officials from the **CD** stated school districts retain a small percentage of reports that fall under §160.261. The communication and documentation CD currently completes to coordinate compliance with §160.261 would approximate the workload anticipated by the changes.

The Children's Division does not anticipate a fiscal impact.

Oversight notes the deleted portions of §160.261 included school administration responsibilities in conjunction with CD's role in investigating and reporting on abuse and misconduct reports. Because the provisions under Chapter 210 already contained CD's guidelines for investigations, their workload is largely unchanged by the provisions of this section. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§210.145 - An information system capable of receiving and maintaining reports of child abuse or neglect

In response to similar legislation from 2021 (HCS HB 673), officials from the **CD** stated it appears this section makes changes to the electronic hotline reporting system. This is previously prescribed by §210.130.2. Therefore, Children's Division does not anticipate any additional fiscal impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for CD for this section in the fiscal note.

§210.152 – OCA may release findings about any member of the multidisciplinary team

In response to similar legislation from 2021 (HCS HB 673), officials from the **Children’s Division** stated this section adds language that nothing in the section shall preclude the Office of Child Advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

CD does not anticipate a fiscal impact at this time.

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

§§211.012, 211.181, 211.435, <211.438>, and <211.439> – Juvenile court proceedings

In response to a similar proposal from 2021 session, Perfected HCS for HB 1242, officials from the **Department of Social Services (DSS)** stated the provisions of this proposal clarify the “Raise the Age” legislation that was passed during the 2018 session. Assuming that is the sole intent of this proposal, there is no fiscal impact to DSS. If the intent of this legislation is to implement the “Raise the Age” legislation, DSS does not have the resources available to provide services for juveniles to 18 years of age (up from 17 years of age) and full year of costs would be \$5,294,153 (\$3,043,596 GR; \$2,250,557 Federal).

In response to similar legislation from 2021 (HCS HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation modifies provisions relating to juvenile court proceedings.

While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,687 additional juvenile law violations and 2,176 status violations annually in the 34 multi-county circuits, 38th and 46th circuits.

Based upon projected additional violations in the 34 multi-county circuits, 38th and 46th circuits, the FY18 estimated juvenile personnel cost in these circuits would be \$2,306,227 (34 juvenile officer FTE). In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multicounty circuits of \$1,352,050. The total cost would be \$3,850,461.

Below is a breakdown of the costs:

Multi Circuits*

	FTE	Salary	Total	Fringes	Total
Juvenile Officer	34	\$44,352	\$1,507,968	\$798,259	<u>\$2,306,227</u>
				Total	\$2,306,227

Training for all new juvenile officer staff	\$ 192,184
Program Cost for multicounty circuit ((\$350 per juvenile (3,863*\$350))	<u>\$1,352,050</u>
Total Cost	\$3,850,461

* Note: The 34 multi-county, 38th and 46th circuits are state paid

Single County Circuits

State general revenue would need to be appropriated for the ten single county circuits' juvenile personnel, training and program cost. Based on their submissions, the total cost for the ten single county circuit would be at least \$10,187,476.

The total cost to state general revenue if this proposed legislation would be implemented would be at least (\$3,850,461 + \$10,187,476) **\$14,037,937**.

The projected number of status offenders may vary depending on the number of children reported as truant from school and whether 17 year olds are included in the truancy numbers.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DSS and OSCA.

In response to a previous version, officials from the **B&P** stated Section 211.435 repeals the current statutory authorization for the state's Juvenile Justice Preservation Fund, which is currently located in the state treasury. In place of this authorization, the section authorizes each county's circuit court to establish a local "Juvenile Justice Preservation Fund" to implement and maintain the expansion of the juvenile court jurisdiction to include the cases of persons eighteen years of age. The section leaves unaltered the currently authorized means for the generation of revenues into the fund, including the existing traffic violation surcharge. It does, however, change how the fund is required to be distributed. Current law requires that the monies be deposited into the state treasury fund be distributed to judicial circuits based on caseload. The proposal would instead require that any surcharge-generated revenues revert to the counties from which they originate and further that such revenues be paid directly to the counties rather than deposited into the state fund. The section also includes a new provision which appears to forbid the state or the counties from using fund monies in place of other funding sources that are required by law to be used for "existing and new juvenile treatment services." Redirecting revenues to be deposited in local government funds rather than the state treasury will decrease total state revenues. OA B&P defers to the Judiciary for an estimate of this fiscal impact.

Additionally, current section 211.438 currently provides that "expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided." The proposal reveals this section. Removing this condition does not alter in any way the state constitutional provisions that make such services subject to appropriations.

In response to similar legislation from 2021 (HCS HB 1242), officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Oversight notes the Juvenile Justice Preservation Fund (0739) had a balance of \$2,871,606 as of February 28, 2021. Oversight notes §211.435.2 states these funds shall revert to the counties of origin. Therefore, Oversight will reflect a loss in FY 2022 of these funds. Oversight notes collections into the fund totaled \$1,201,466 in FY 2020. Oversight will reflect this funding as an offset to OSCA employees that will be paid from the state's General Revenue Fund for implementation at the circuit courts.

These sections contain an emergency clause.

§447.541 – Unclaimed property

In response to similar legislation from 2021 (SB 408), officials from the **Office of the State Treasurer (STO)** stated they find no fiscal impact for these changes. However, allowing the State Treasurer to advertise unclaimed property in other ways will allow the STO to notify more constituents of their unclaimed property.

Oversight notes that the STO has 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 for this provision.

§451.040 – Marriage licenses

In response to similar legislation from 2021 (HB 144), officials at **Jackson County** assumed a positive fiscal impact from this proposal. Staffing costs could be lowered.

In response to similar legislation from 2020 (HCS for HB Nos. 1972 & 2366), officials from the **Mississippi County Recorder of Deeds Office** and the **Daviess County Recorder of Deeds Office** each assumed no fiscal impact to their respective entities from this proposal.

Oversight notes the legislation does not specifically address if a form will need to be created by the County Recorder of Deeds Office or if software may need to be purchased. Oversight assumes this proposal is permissive and action would only be taken by the County Recorder of Deeds Office if they have budgeted funds for this purpose and if it would benefit their county. Therefore, Oversight will reflect a \$0 fiscal note assuming any costs involved would be absorbed by the County Recorder of Deeds Office.

§455.010 – Stalking

In response to similar legislation from 2021 (HCS HB 292), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (HB 292), officials from the **Crestwood Police Department**, the **Ellisville Police Department**, and the **Springfield Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

§475.050 – Appointment of guardians

In response to similar legislation from 2021 (HB 1003), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§479.162 – Discovery in municipal courts

In response to a provision in HB 177 from 2021 session, officials from the **City of Kansas City** stated §479.162 in this legislation would have a negative fiscal impact on Kansas City. If Kansas City had to provide a police report or probable cause statement to every defendant that carried potential of 15 days or more in jail, the Prosecutor's Office would be overwhelmed. Police reports are generated by the investigating entity, most commonly the Kansas City Police Department (which is a state agency and separate from Kansas City). KCPD has a large number of staff that are able to retrieve records and are well trained in redaction of those records pursuant to law. Currently, defendants and defense counsel contact KCPD directly to obtain copies of their reports. If Kansas City were to take on that responsibility, it would require additional staff to perform those duties which would be a negative fiscal impact. Kansas City's municipal court is unlike any other in the state based upon their high volume of cases.

In response to similar legislation from 2021 (HCS HB 712), officials from the **City of Hughesville** and **Boone County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation (HB 712), officials from the **City of Southwest**, **St. Louis City** and the **City of Tipton** each assumed the proposal will have no fiscal impact on their respective

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 will reflect an unknown cost to local prosecutor's offices.

In response to similar legislation from 2021 (HCS HB 712), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to HB 712, officials from the **B&P** stated Section 479.162 may result in a potential revenue decrease for local or state agencies that currently charge fees for obtaining a police report or probable cause statement regarding certain municipal ordinance violations and potential additional costs for prosecutors to provide them free of charge. B&P defers to those entities for estimates of fiscal impact. To the degree currently collected fees are deposited into the state treasury, the proposal may impact total state revenue.

§485.060 – Compensation of court reporters

In response to similar legislation from 2021 (HCS HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, with an annual increase of \$20,685 per court reporter, the fiscal impact is an unknown cost of up to \$3,040,720 annually.

Oversight notes that the \$20,685 from OSCA's response is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$60,072 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service below starting January 1, 2022:

06-10 years of service -	\$63,226
11-15 years of service -	\$68,442
16-20 years of service -	\$74,260
21+ years of service -	\$80,757

Oversight notes officials from OSCA provided a listing of the current court reporters, but would not provide a start date (to calculate years of service) for each. Therefore, Oversight will have to make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service. Oversight will assume "Beginning on January 1, 2022" means that court reporters will be eligible for pay raises as they attain the requisite years of service (therefore, in addition to the raises awarded on January 1, 2022, raises could be earned

each year thereafter as long as the court reporter hit the new thresholds). Oversight will also make the assumption that all raises will be given as of January 1st, regardless of when in the year the court reporter hit the new step year thresholds (6, 11, 16, and/or 21 years). Therefore, Oversight will reflect 6 months of impact in FY 2022 (January 1 - June 30). In FY 2023, Oversight will reflect the other six months of the January 1, 2022 raises, and six months of the January 1, 2023 raises.

Oversight will also assume fringe benefits of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers' compensation.

Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which we do not have) for the court reporters.

In response to similar legislation from 2021 (HCS HB 1242), officials from the **Office of Administration** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to a previous version, officials from the **B&P** stated Section 485.060 provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts. B&P defers to the Judiciary for an estimate of implementation costs.

§488.016 – Court costs

In response to a previous version (HCS SCS SB 91), officials from the **Missouri Office of Prosecution Services (MOPS)** stated this would have a potential negative fiscal impact on MOPS, county prosecutors and the circuit attorney since any waiver of the surcharge authorized by Section 56.765, RSMo, [such as the waiver provided in proposed Section 488.016 of this bill] would result in a decrease in funds available for use by MOPS, county prosecutors and the circuit attorney. The exact negative impact is difficult to determine.

Oversight does not have any information contrary to that provided by MOPS. Therefore, Oversight will reflect MOPS's (Unknown) impact for fiscal note purposes.

In response to similar legislation from 2021 (HB 823), officials from the **Office of State Courts Administrator (OSCA)** stated this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

In response to a previous version, officials from the **B&P** stated Section 488.016 would waive court costs for any person who is an honorably discharged veteran of any branch of the Armed

Forces of the United States and who successfully completes a veterans' treatment court. B&P defers to the Judiciary for an estimate of this fiscal impact.

§491.016 – Witness statements

In response to similar legislation from 2021 (HCS HB 548), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

§494.455 – Modifies the compensation of jurors for certain counties

In response to a previous version, officials from the **B&P** stated Section 494.455 allows but does not require a county to change the amounts and ways the county compensates jurors. County governments may choose to incur additional costs under the proposal.

Oversight assumes this could increase juror costs to counties by an unknown amount.

§550.125 – Change of venue for capital cases

In response to similar legislation from 2021 (HCS HB 157), officials from **Cole County** stated the County has a triple homicide capital case that has been transferred from Wayne County. The estimated cost to Cole County for juror sequestration and associated costs is at least \$120,000. If COVID-19 is still a factor when the trial is held, that amount is estimated to increase at least 25%. Creation of the fund in this bill will have a positive fiscal impact to Cole County.

Oversight does not have information to the contrary. Depending on when the trial will take place and when the outcome of the trial will occur, Oversight is unclear of when the reimbursement to Cole County will occur. Therefore, Oversight will reflect the estimates as \$0 to unknown as stated in the fiscal impact chart below.

In response to similar legislation from 2021 (HCS HB 157), officials from the **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently due to the unknown number of sequestered jury capital cases on a change of venue with applications submitted for reimbursement from the proposed fund. OSCA may be able to absorb with existing staff and resources but would reflect any actual needs in future budget requests.

Oversight does not have information to the contrary and therefore, Oversight will assume the assumption as provided by the OSCA.

In response to a previous version, officials from the **B&P** stated Section 550.125 creates a new "Change of Venue for Capital Cases Fund" in the state treasury, but does not appear to create any means to create revenues to the fund except through appropriations passed by the General

Assembly. The proposal does not in any way appear to require such appropriations. It also does not impact total state revenues.

In response to similar legislation from 2021 (HB 157), officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation from 2020 (Perfected HCS for HB 1331), officials at the **Grundy County Circuit Clerk & Recorder’s Office** stated they have not received any Change of Venue capital cases for their county.

In response to similar legislation from 2020 (Perfected HCS for HB 1331), officials at **Marion County** stated they have had one capital case in the past decade and are unaware of any capital cases that they have received a “Change of Venue”.

In response to similar legislation from 2020 (Perfected HCS for HB 1331), officials at the **Wright County Circuit Clerk** assumed no fiscal impact from this proposal.

Oversight notes the table below is a 5 year average of the occurrence of disposed felony cases that had change of venue in the State of Missouri:

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	5 Year <u>Average</u>
Total Circuit Felony Cases Dipated*	45,782	46,148	45,132	42,659	42,918	44,528
Total Change of Venue Cases**	577	683	753	924	792	746
Percentage of Felony Cases with Change of Venue	1.3%	1.5%	1.7%	2.2%	1.8%	1.7%
*Table 1 of Courts Annual Report Supplement						
**Table 50 of Courts Annual Report Supplement						

Change of Venue cases for Felony Cases represent a small percentage of the overall Felony Cases. Oversight assumes that capital cases would be an even smaller percent.

Oversight notes that the new fund would be subject to appropriation by the General Assembly and that counties could receive reimbursement for cost associated with a change of venue on a capital case with the sequestering of jurors. Oversight notes that OSCA will disburse the money to the county if they are eligible for reimbursement. Oversight notes not all funds may be reimbursed to the counties. Therefore, Oversight will reflect appropriations going to the new fund from general revenue as a \$0 to unknown and potential reimbursements to counties as a \$0 to (unknown) from the new fund for this proposal.

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a previous version, officials from the **Office of the Secretary of State (SOS)** noted many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 their office can sustain within their core budget. Therefore, they reserve 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 request funding through the appropriation process.

§566.150 - Offenders of sex crimes not to be near facilities used by children

Officials from the **Department of Corrections (DOC)** state this section prohibits certain offenders of sex crimes from being near facilities used primarily by children. It adds Missouri Department of Conservation nature or education center properties to the existing facilities used by children, where a sex offender would be in violation of this section, if knowingly be present in or loiter within five hundred feet of such facilities. Subsection 4 adds exception of this rule to parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri Department of Conservation with the permission from the nature or education center manager.

For each new nonviolent class E felony, the DOC estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

For each new nonviolent class D felony, the DOC estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2024.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

The combined cumulative impact is 10 new prison admissions and 23 new offenders in the field with a net population change of 33 offenders by FY 2024.

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	4	(\$7,756)	(\$25,853)	7	absorbed	\$0	(\$25,853)
Year 2	8	(\$7,756)	(\$63,289)	14	absorbed	\$0	(\$63,289)
Year 3	10	(\$7,756)	(\$80,693)	23	absorbed	\$0	(\$80,693)
Year 4	10	(\$7,756)	(\$82,307)	26	absorbed	\$0	(\$82,307)
Year 5	10	(\$7,756)	(\$83,953)	29	absorbed	\$0	(\$83,953)
Year 6	10	(\$7,756)	(\$85,633)	29	absorbed	\$0	(\$85,633)
Year 7	10	(\$7,756)	(\$87,345)	29	absorbed	\$0	(\$87,345)
Year 8	10	(\$7,756)	(\$89,092)	29	absorbed	\$0	(\$89,092)
Year 9	10	(\$7,756)	(\$90,874)	29	absorbed	\$0	(\$90,874)
Year 10	10	(\$7,756)	(\$92,691)	29	absorbed	\$0	(\$92,691)

The combined impact of changes in this bill:

The combined cumulative impact on the Department is estimated to be 33 additional offenders in prison and 93 on field supervision by FY2026.

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
Impact										
Prison Population	13	26	33	33	33	33	33	33	33	33
Field Population	23	46	75	85	94	94	94	94	94	94
Population Change	36	72	108	118	127	127	127	127	127	127

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	13	(\$7,756)	(\$84,023)	0	\$0	23	(\$84,023)
Year 2	26	(\$7,756)	(\$205,689)	0	\$0	46	(\$205,689)
Year 3	33	(\$7,756)	(\$266,288)	1	(\$77,126)	75	(\$343,414)
Year 4	33	(\$7,756)	(\$271,614)	1	(\$69,441)	85	(\$341,055)
Year 5	33	(\$7,756)	(\$277,046)	1	(\$70,191)	94	(\$347,238)
Year 6	33	(\$7,756)	(\$282,587)	1	(\$70,950)	94	(\$353,538)
Year 7	33	(\$7,756)	(\$288,239)	1	(\$71,719)	94	(\$359,958)
Year 8	33	(\$7,756)	(\$294,004)	1	(\$72,497)	94	(\$366,501)
Year 9	33	(\$7,756)	(\$299,884)	1	(\$73,284)	94	(\$373,168)
Year 10	33	(\$7,756)	(\$305,882)	1	(\$74,080)	94	(\$379,961)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (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 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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 specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

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 similar legislation from 2021 (SB 91), officials from the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Springfield Police Department**, and the **Boone County Sheriff's Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **B&P** stated this section may result in additional criminal penalty and court cost revenues. Insofar as such penalties and costs are deposited into the state treasury, the proposal would have an impact of total state revenue.

Bill as a Whole

Officials from the **Department of Public Safety – (Missouri Highway Patrol and Missouri Veterans Commission)**, the **City of Claycomo**, the **City of O'Fallon**, the **City of Springfield**, the **Kansas City Police Department**, and the **St. Joseph Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Department of Health and Senior Services**, the **Missouri Senate**, the **Office of the State Public Defender**, the **City of Corder**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (HCS SCS SB 91), officials from the **Attorney General's Office**, the **Missouri Department of Conservation**, the **Missouri House of Representatives**, and the **Office of Administration - Administrative Hearing Commission** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments, cities, counties, county recorders, circuit clerks, and public administrators were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT State Government</u>	FY 2022	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs - OA, OCA</u> (§37.717) p. 5-6			
Personal service	(\$66,667)	(\$80,800)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)
Equipment and expense	(\$5,464)	\$0	\$0
<u>Total Costs - OA, OCA</u>	<u>(\$114,531)</u>	<u>(\$131,950)</u>	<u>(\$133,031)</u>
FTE Changes OA, OCA	2 FTE	2 FTE	2 FTE
<u>Costs - OA, ITSD</u> (§§37.717 and 210.652) Safety reporting and data exchange p. 5-6	(\$106,704)	(\$23,516)	(\$24,063)
<u>Costs – DOC</u> p. 3-4 (§§575.040, 575.050, 575.280, 575.330, 576.030) Increase in P&P officers			\$0 or....
Personal services	\$0	\$0	(\$39,532)
Fringe benefits	\$0	\$0	(\$25,522)
Equipment and expense	\$0	\$0	(\$12,072)
<u>Total Costs – DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$77,126)</u>
FTE Change – DOC	0 FTE	0 FTE	0 or 1 FTE
<u>Costs – DOC</u> (§§575.040, 575.050, 575.280, 575.330, 576.030) Increased incarceration costs p. 3-4	\$0 or up to (\$58,170)	\$0 or up to (\$142,400)	\$0 or less than (\$185,595)
<u>Cost – OSCA – to implement Raise the Age</u> (§211.012 thru §211.435) p. 8-10	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)
FTE Change – OSCA p. 8	At least 34 FTE	At least 34 FTE	At least 34 FTE
<u>FISCAL IMPACT State Government (continued)</u>	FY 2022	FY 2023	FY 2024

<u>Less</u> – each circuit shall establish a Juvenile Justice Preservation Fund (assumed to be used to pay local OSCA & DSS costs – therefore Oversight is reflecting here as an offset (§211.012 thru §211.435) p. 8-10	\$2,871,060	\$1,200,000	\$1,200,000
<u>Costs</u> – DSS – Raise the age implementation (§211.012 thru §211.435) p. 8-10	(\$3,043,596)	(3,043,596)	(\$3,043,596)
<u>Costs</u> – OSCA (\$485.060) Salary adjustments for court reporters as of January 1 st p. 12-13			
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$483,532)	(\$517,443)
<u>Total Costs</u> – OSCA	<u>(\$924,512)</u>	<u>(\$1,916,219)</u>	<u>(\$2,050,608)</u>
<u>Costs</u> – DOC p. 16-19 (\$566.150) Increased incarceration costs	(\$25,853)	(\$63,289)	(\$80,693)
<u>Transfer Out</u> – p. 14-15 Appropriated funds to the Change of Venue for Capital Cases Fund	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>Could exceed (\$15,382,073)</u>	<u>Could exceed (\$18,016,507)</u>	<u>Could exceed (\$18,169,928)</u>
Estimated Net FTE Change to the General Revenue Fund	At least 36 FTE	At least 36 FTE	At least 36 FTE
<u>FISCAL IMPACT</u> State Government (continued)	FY 2022	FY 2023	FY 2024

JUVENILE JUSTICE PRESERVATION FUND (0739)			
Transfer to county circuits (§211.435) p. 10	(\$2,871,060)	\$0	\$0
Loss – All future amounts are to be retained by the county circuits (§211.435)	\$0	(\$1,200,000)	(\$1,200,000)
ESTIMATED NET EFFECTON JUVENILE JUSTICE PRESERVATION FUND (0739)	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)
CHANGE OF VENUE FOR CAPITAL CASES FUND			
Transfer In – appropriated funds from General Revenue p. 14-15	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Costs – OSCA – Reimbursement to counties that have a change of venue on a capital case from another county that sequestered jurors	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>FISCAL IMPACT State Government</u> (continued)	FY 2022	FY 2023	FY 2024

FEDERAL FUNDS			
Federal Reimbursement	\$2,250,557	\$2,250,557	\$2,250,557
<u>Costs</u> – DSS – raise the age implementation p. 8-10	<u>(\$2,250,557)</u>	<u>(2,250,557)</u>	<u>(\$2,250,557)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
CITIES AND COUNTIES			
<u>Costs – To implement Raise the Age p. 8-10</u>	(Unknown)	(Unknown)	(Unknown)
<u>Costs – MOPS (\$488.016) p. 13</u>	(Unknown)	(Unknown)	(Unknown)
<u>Costs – increased pay to jurors §494.455 p. 14</u>	(Unknown)	(Unknown)	(Unknown)
<u>Costs – to prosecutors for discovery §479.162 p. 11-12</u>	(Unknown)	(Unknown)	(Unknown)
<u>Reimbursement of Costs – Payments for a change of venue for a capital case held in counties p. 14-15</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT TO CITIES AND COUNTIES	<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

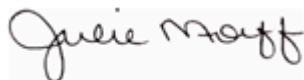
This proposal modifies various provisions related to judicial proceedings.

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

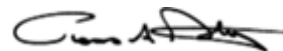
SOURCES OF INFORMATION

Attorney General’s Office

Department of Corrections
Department of Health and Senior Services
Department of Public Safety
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
Springfield Police Department
St. Joseph Police Department
St. Louis County Police Department
Boone County Sheriff's Department
City of Claycomo
City of Corder
City of Hughesville
City of Kansas City
City of O'Fallon
City of Southwest
City of Springfield
City of St. Louis
City of Tipton
Boone County
Jackson County
Mississippi County Recorder of Deeds Office
Daviess County Recorder of Deeds Office



Julie Morff
Director
May 10, 2021



Ross Strobe
Assistant Director
May 10, 2021