

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5568S.02C
Bill No.: SCS for HB 2697, HB 1589, HB 1637, and HCS for HB 2127
Subject: Animals; Bonds - Bail; Courts; Children and Minors; Judges; Juries; Crimes and Punishment; Criminal Procedure; Consumer Protection; Department of Corrections; Evidence; Highway Patrol; Firearms; Internet and E-Mail; Probation and Parole; Law Enforcement Officers and Agencies; Sexual Offenses; Weapons; Victims of Crime
Type: Original
Date: April 28, 2022

Bill Summary: This proposal modifies provisions relating to criminal laws.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | | |
|--|---------------------------------|---------------------------------|-------------------------------------|--------------------------------------|
| FUND AFFECTED | FY 2023 | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
| General Revenue | (\$912,316 to \$919,195) | (\$856,579 to \$873,419) | (\$1,385,664 to \$1,411,430) | (\$2,346,391 to (\$2,392,873) |
| | | | | |
| Total Estimated Net Effect on General Revenue | (\$912,316 to \$919,195) | (\$856,579 to \$873,419) | (\$1,385,664 to \$1,411,430) | (\$2,346,391 to (\$2,392,873) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | | |
|--|----------------|----------------|----------------|------------------------------------|
| FUND AFFECTED | FY 2023 | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
| | | | | |
| | | | | |
| Total Estimated Net Effect on Other State Funds | \$0 | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | | |
|--|------------|------------|------------|-----------------------------|
| FUND AFFECTED | FY 2023 | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
| | | | | |
| | | | | |
| Total Estimated Net Effect on All Federal Funds | \$0 | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | | |
|---|--------------|--------------|--------------|-----------------------------|
| FUND AFFECTED | FY 2023 | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
| General Revenue | 0 FTE | 1 FTE | 2 FTE | 5 FTE |
| | | | | |
| Total Estimated Net Effect on FTE | 0 FTE | 1 FTE | 2 FTE | 5 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 2023 | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
| | | | | |
| Local Government | Unknown to (Unknown) | Unknown to (Unknown) | Unknown to (Unknown) | Unknown to (Unknown) |

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

§§43.650 and 589.437 – Violent offender registry

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposal would require the Patrol's Sex Offender Registry vendor to create and maintain a database specific for the Violent Offender Registry and develop an interface with DOC for the submission of the registry data to be generated to the website and when an offender is to be removed once individuals are no longer on probation or parole for offenses requiring registration. The cost to create a Violent Offender Registry and associated components is estimated at \$600,000.

The Patrol states a portion of §43.650 related to the sexual offender registry website is federally mandated, pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Title I of the Sex Offender Registration and Notifications Act (SORNA).

The MHP states this response is different than the response provided for HB 293 (2021) for a couple of reasons. In 2019, the state contract for the Sex Offender Registry was awarded to a new vendor. During the 2021 Legislative Session, the vendor continued working towards implementation of the Sex Offender Registry but did not offer a Violent Offender Registry. Therefore, HB 293 (2021) would not have been able to be completed by this vendor and would have been required to be developed and built by MHP IT personnel. In addition, as the workflow of the Violent Offender Registry was anticipated to be similar to the Sex Offender Registry, the MHP would need two (2) FTE to train and audit entities, monitor phone lines, e-mail inquiry response, perform quality control on offenders being added to and removed from the registry as well as other general administration duties as it relates to the registry and website.

However, since the completion of the 2021 Legislative Session, the contract was terminated with the vendor that was awarded the contract in 2019 as they were unable to implement certain provisions outlined in the contract. Consequently, the Patrol used the vendor who had previously maintained the contract; however, the contract is near expiration. As these two vendors are the main resource of Sex Offender Registry systems in the country, a Single Feasible Source contract is being pursued with the current vendor to include the website. With the proposal of HB 1705 and limitations of MHP IT personnel and other projects, the Violent Offender Registry would be required to be developed and built by this vendor. This bill was provided to the vendor and the fiscal impact was the estimated quote provided. Due to the level of automation that is

anticipated with this proposal, personnel involvement is anticipated to be limited and could be handled by current MHP personnel.

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

In response to similar legislation from 2022 (Perfected HB 1705), officials from the **Department of Corrections (DOC)** stated after further review of this legislation, the DOC has determined that this language adds the terms violent offender to the online registry but does not reference penalties relating to failing to register. This online registry is for notification purposes only in relation to sexual and violent offenders. Therefore, the DOC assumes no impact to this legislation.

Oversight notes §589.425 states "a person commits the crime of failing to register as a sex offender" as either a class E felony or a class D felony. Oversight notes there does not appear to be a penalty for failing to register as a violent offender; therefore, notes DOC's assumption that failing to register as a violent offender does not have penalty provisions attached. Therefore, 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 similar legislation from 2022 (Perfected HB 1705), officials from the **Department of Mental Health** 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.

§§191.900, 191.905, 565.184, and 630.155 – Protection of vulnerable persons

In response to similar legislation from 2022 (HB 2601), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to the protection of vulnerable persons.

Section 565.184

The Office of State Court Administrators (OSCA) reports 17 class A misdemeanors under §565.184 during FY 2021. These offenses are now considered nonviolent class D felony offenses.

For each new nonviolent class D felony, the DOC estimates three (3) people could be sentenced to prison and five (5) 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 could be 17 additional offenders in prison and 46 additional offenders on field supervision by FY 2027.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Probations | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 6 | 12 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 17 |
| Parole | | | 1 | 7 | 13 | 13 | 13 | 13 | 13 | 13 |
| Probation | 11 | 22 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Impact | | | | | | | | | | |
| Prison Population | 6 | 12 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 17 |
| Field Population | 11 | 22 | 34 | 40 | 46 | 46 | 46 | 46 | 46 | 46 |
| Population Change | 17 | 34 | 51 | 57 | 63 | 63 | 63 | 63 | 63 | 63 |

Section 630.155

The DOC did not receive any new commitments under §630.155 in FY 2021. Therefore, the DOC estimates no impact to minimal impact from changing the class E felony offense in that section to a class D felony offense.

Section 191.905

A new class D Felony was added for person who knowingly abuse or neglect a person receiving health care.

For each new nonviolent class D felony, the DOC estimates three (3) people could be sentenced to prison and five (5) 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 department could be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2027.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 |

Combined Estimated Cumulative Impact

The combined estimated cumulative impact of a new Class D felony and 17 class A misdemeanor changed to Class D Felony on the DOC could be 25 additional offenders in prison and 68 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| New Admissions | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| Probation | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| Probations | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 16 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 9 | 18 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| Parole | 0 | 0 | 2 | 11 | 20 | 20 | 20 | 20 | 20 | 20 |
| Probation | 16 | 32 | 48 | 48 | 48 | 48 | 48 | 48 | 48 | 48 |
| Impact | | | | | | | | | | |
| Prison Population | 9 | 18 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| Field Population | 16 | 32 | 50 | 59 | 68 | 68 | 68 | 68 | 68 | 68 |
| Population Change | 25 | 50 | 75 | 84 | 93 | 93 | 93 | 93 | 93 | 93 |

In response to similar legislation from 2022 (HB 2601), officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Labor and Industrial Relations**, the **Department of Social Services**, and the **Office of the State Public Defender** 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 from 2022 (HB 2601), officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for a statement of fiscal impact.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other hospitals and nursing homes were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

§217.690 – Eligibility for parole

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to criminal laws.

This section adds language that excludes offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration, thereby requiring offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years to serve a longer period of incarceration prior to consideration for parole.

There are currently 201 offenders in prison who are both: 1) incarcerated only on a sentence, or a combination of sentences, for offenses committed when they were less than 18 years, and 2) serving a sentence for a conviction of murder in the second degree. Of those 201 offenders, nine are excluded from consideration for having a prior release from prison. Of the remaining 192 offenders, 65 have been incarcerated for 15 years or more. Given the parole board is currently reviewing these cases, DOC assumes the passage of this proposal would result in these 65 individuals remaining in prison.

Oversight notes the DOC stated an (Unknown) fiscal impact in SB 664. However, for purposes of this fiscal note, DOC assumes the passage of section 217.690 would result in the 65 individuals remaining in prison. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

§§407.1700 and 570.036 – Organized retail theft

In response to a previous version (Perfected HB 2697), officials from the **Department of Corrections (DOC)** stated this proposal establishes the offense of organized retail theft. A class C felony is created for all thefts during a period of 120 days and less than \$1,000, and a class B felony was created for all thefts during a period of 120 days and more than \$10,000.

In section 407.1700.7, the bill creates the equivalent of a new class E felony by designating violations of the provisions of 407.1700 to be treated as violations of sections 407.010 to 407.130.

For each new nonviolent class E felony, the department estimates one person will 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 department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 class C felony, the department estimates four people will be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class C Felony

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| New Admissions | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 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 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Probations | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Parole | | | | 1 | 5 | 9 | 13 | 13 | 13 | 13 |
| Probation | 6 | 12 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 |
| Impact | | | | | | | | | | |
| Prison Population | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Field Population | 6 | 12 | 18 | 19 | 23 | 27 | 31 | 31 | 31 | 31 |
| Population Change | 10 | 20 | 30 | 34 | 38 | 42 | 46 | 46 | 46 | 46 |

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Probations | | | | | | | | | | |
| Cumulative Populations | | | | | | | | | | |
| Prison | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Parole | | | | | | 1 | 2 | 3 | 4 | 4 |
| Probation | | | | | | | | | | |
| Impact | | | | | | | | | | |
| Prison Population | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Field Population | | | | | | 1 | 2 | 3 | 4 | 4 |
| Population Change | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9 |

Thus, the combined cumulative impact is estimated to be 22 additional offenders in prison and 30 additional offenders on field supervision by FY 2027, with a net population change of 43 new offenders.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Probations | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 8 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 6 | 12 | 17 | 21 | 22 | 22 | 22 | 22 | 22 | 22 |
| Parole | 0 | 0 | 1 | 2 | 6 | 11 | 16 | 17 | 18 | 18 |
| Probation | 8 | 16 | 24 | 24 | 24 | 24 | 24 | 24 | 24 | 24 |
| Impact | | | | | | | | | | |
| Prison Population | 6 | 12 | 17 | 21 | 22 | 22 | 22 | 22 | 22 | 22 |
| Field Population | 8 | 16 | 25 | 26 | 30 | 35 | 40 | 41 | 42 | 42 |
| Population Change | 14 | 28 | 42 | 47 | 52 | 57 | 62 | 63 | 64 | 64 |

Oversight notes the provisions of this proposal state the court shall order a person who violates §570.036 to pay restitution. Oversight assumes restitution will be paid to the merchant and there will be no impact to the State.

In response to a previous version (HB 2697), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates the crime of organized retail theft under Section 570.036. The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to a previous version (HB 2697), officials the **Office of the State Courts Administrator**, the **City of O'Fallon**, and the **City of Springfield** 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 these agencies.

In response to similar legislation from 2022 (HCS HB 2108), officials from the **Office of Attorney General (AGO)** assumed any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

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

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

In response to similar legislation from 2022 (HCS HB 2108), officials from the **Office of the State Courts Administrator**, the **City of Claycomo**, the **City of O'Fallon**, and the **City of Springfield** assumed the proposal will have no fiscal impact on their organizations.

In response to a previous version (HB 2108), officials from the **City of Freistatt**, the **City of Hughesville**, the **City of Laclede**, the **City of Osceola**, the **City of St. Louis**, and the **Greene County Prosecutor's Office** 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 these agencies.

§544.170 – Period of detention

In response to similar legislation (SB 130) from 2021, officials from the **Boone County Sheriff's Department** stated over the last several years, the department has seen a large increase in those persons arrested on felony charges. At this time, the jail is housing just six misdemeanor detainees with more than 200 detainees' total. The extension to 48 hours for certain felony arrestees will result in an increase in the amount of time a felony arrestee is housed in the jail. The daily average cost to house a detainee is around \$60 a day. The jail

intakes 8-12 persons a day. Therefore, the department estimates the housing cost will increase \$120 a day.

In response to similar legislation (SB 130) from 2021, officials from the **Lewis County Sheriff's Department** stated impact will vary dependent on size and scope of jurisdiction. The cost per day will also vary from jurisdiction. Generally, the cost of incarceration ranges from \$45 per day to \$80 per day. Departments must consider new booking data and calculate the release of these types of inmate.

In response to similar legislation (SB 130) from 2021, officials from the **Crestwood Police Department** stated this 48 hour detention period could have a fiscal impact, though not terribly burdensome, on the department for the extra meals the city would provide to the suspect/prisoner.

In response to similar legislation (SB 130) from 2021, officials from the **Ellisville Police Department** stated this would have a positive impact from a criminal investigation standpoint. The minor fiscal impact of housing someone an extra day is greatly offset by the positive nature of this change.

Oversight notes the statements of fiscal impact and no impact to various police and sheriff's departments. Oversight is unable to project a statewide impact to local jailers for the additional time some persons may be kept in custody. Oversight will reflect an impact to local governments as \$0 to (Unknown) additional costs, but as stated above, this additional time would be beneficial to law enforcement agencies. Oversight notes this proposal is permissive and allows more flexibility to local law enforcement.

§544.453 – Release from prison

In response to similar legislation from 2022 (SB 1093), officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, and the **Department of Corrections** 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 from 2022 (SB 1093), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation of §544.453 on the judicial setting of bond could substantially increase the number of persons held in pretrial detention resulting in an increase in persons eligible for SPD services. The fiscal impact of this legislation on SPD is unknown as the number of additional persons eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore,

Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2022 (SB 1093), officials from the **Phelps County Sheriff's Office** 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.

In response to similar legislation from 2021 (SB 487), officials from the **St. Joseph Police Department** 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 only reflects the responses received from state agencies and political subdivisions; however, other local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

Oversight assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be implemented and if this will result in a savings (fewer persons being held pretrial) or additional cost (more persons being held pretrial) to local jails. Therefore, Oversight will reflect a positive to negative unknown savings/costs to local jail funds for this proposal.

§556.046 – Included offenses

In response to similar legislation from 2022 (HB 2589), officials from the **Attorney General's Office**, the **Department of Corrections**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Oversight assumes this proposal clarifies instructions given to a jury regarding included offenses and, therefore, will reflect a zero impact in the fiscal note for these agencies.

§§558.016, 558.019, 571.015, and 571.070 – Criminal laws

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated this proposal intends to extend the amount of time an offender spends in prison prior to first release when admitted on an Armed Criminal Action (ACA) sentence. Given ACA sentences are already defined as dangerous felonies, which require a minimum prison term of 85% of the length of the sentence prior to first release and current legislation requires all ACA sentences to be served consecutive to other sentences, DOC estimates that the

proposed changes to the sentencing for ACA offenses presents minimal to no potential to impact department operations.

Section 571.070 modifies the felony class for unlawful possession of a firearm from a class D felony to a class C felony if the person has no history of a dangerous felony conviction or prior conviction for unlawful possession of a firearm, and from a class C felony to a class B felony if the person has a prior conviction for a dangerous felony or a prior conviction for unlawful possession of a firearm. The proposal also intends to increase the penalties associated with first and subsequent convictions related to the unlawful possession of a firearm.

There were 70 offenders admitted to prison in FY 2021 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, two had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, DOC estimates the impact based on 68 new court commitments per year as class C felonies instead of class D felonies and two new court commitments per year as class B felonies instead of class C felonies.

Change from class D felony to class C felony

The difference in average sentence lengths between a nonviolent class D felony and a class C felony is 1.9 years. The difference in average time to first release from prison for a nonviolent class D felony and a class C felony is 0.4 years. When these differences are applied to 68 new court commitments annually, this equates to maximum cumulative impact of approximately 61 additional offenders in prison and 68 additional offenders on field supervision after seven years.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|-----------|------------|------------|------------|------------|
| New Admissions | | | | | | | | | | |
| Current Law | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 |
| After Legislation | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 | 68 |
| Probation | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | | | | | | | | | | |
| Probations | | | | | | | | | | |
| Cumulative Populations | | | | | | | | | | |
| Prison | | | 14 | 61 | 61 | 61 | 61 | 61 | 61 | 61 |
| Parole | | | -14 | -61 | -61 | 7 | 68 | 68 | 68 | 68 |
| Probation | | | | | | | | | | |
| Impact | | | | | | | | | | |
| Prison Population | | | 14 | 61 | 61 | 61 | 61 | 61 | 61 | 61 |
| Field Population | | | -14 | -61 | -61 | 7 | 68 | 68 | 68 | 68 |
| Population Change | 0 | 0 | 0 | 0 | 0 | 68 | 129 | 129 | 129 | 129 |

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class D felony is 2.1 years. The difference in average time to first release from prison for a class C felony and a class D felony is 1.3 years. When these differences are applied to two new court commitments

annually, this equates to maximum cumulative impact of approximately three additional offenders in prison and one additional offenders on field supervision after nine years.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| New Admissions | | | | | | | | | | |
| Current Law | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| After Legislation | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Probation | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | | | | | | | | | | |
| Probations | | | | | | | | | | |
| Cumulative Populations | | | | | | | | | | |
| Prison | | | | 1 | 3 | 3 | 3 | 3 | 3 | 3 |
| Parole | | | | -1 | -3 | -3 | -3 | -1 | 1 | 1 |
| Probation | | | | | | | | | | |
| Impact | | | | | | | | | | |
| Prison Population | | | | 1 | 3 | 3 | 3 | 3 | 3 | 3 |
| Field Population | | | | -1 | -3 | -3 | -3 | -1 | 1 | 1 |
| Population Change | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 4 | 4 |

§§566.010 and 566.086 – Sexual offenses

In response to similar legislation from 2022 (HB 2590), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to sexual offenses.

The bill expands the definition of “sexual contact” to include “causing semen, seminal fluid, or other ejaculate to come into contact with another person” under section 566.010.

This bill also expands section 566.086 to include “A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble” as a perpetrator if have a sexual contact with a student.

As new perpetrator i.e., “A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble” is added to the offense of sexual contact with a student, which is a class E felony, this will create an impact similar to creating a new sex and child abuse class E felony.

For each new sex or child abuse related class E felony, the department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years of which, 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years.

The cumulative impact on the department is estimated to be 9 additional offenders in prison and 9 additional offenders on field supervision by FY 2025.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Probations | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 3 | 6 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| Parole | | | | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Probation | 3 | 6 | 9 | 12 | 15 | 15 | 15 | 15 | 15 | 15 |
| Impact | | | | | | | | | | |
| Prison Population | 3 | 6 | 9 | 9 | 9 | 9 | 9 | 9 | 9 | 9 |
| Field Population | 3 | 6 | 9 | 14 | 17 | 17 | 17 | 17 | 17 | 17 |
| Population Change | 6 | 12 | 18 | 23 | 26 | 26 | 26 | 26 | 26 | 26 |

In response to similar legislation from 2022 (HB 2590), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation expands offenses by amending Section 566.010 and 566.086 and therefore, could increase the number of persons who are eligible for representation by the State Public Defender (SPD). The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2022 (HB 2590), officials from the **Department of Elementary and Secondary Education**, the **Office of the State Courts Administrator**, the **St. Joseph Police Department**, and the **Phelps County Sheriff's Department** 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.

§§566.149, 566.150 & 566.155 – Sexual Offenders

In response to similar legislation from 2022 (SS SCS SB 850), the **DOC** states the following:

Section 566.150 creates a violation for a person to knowingly loiter within 500 feet of certain properties if previously convicted of provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023,

sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors. The intent of the bill is to create a new class E felony for a first offense of loitering with 500 ft. of certain properties. A second offense would result in a new class D felony.

For each new nonviolent class E felony, the department estimates one person will 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 department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 department estimates three people will 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 department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 |

Oversight notes during the past two fiscal years, 57 people have been found guilty under §566.150:

| | Felony guilty dispositions |
|---------|----------------------------|
| FY 2021 | 29 |
| FY 2020 | 28 |
| Total | 57 |

Of the 29 individuals convicted in FY 2021, three were charged with a D felony, and 26 were charged with an E felony. In FY 2020, all 28 individuals were convicted with an E felony.

Section 566.155 states that an individual shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member if previously convicted of provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors. The intent of the bill is to create a new class E felony for a first offense. A second offense would result in a new class D felony.

For each new nonviolent class E felony, the department estimates one person will 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 department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 department estimates three people will 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 department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2027.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 |

§§566.151 and 567.030 – Criminal offenses involving a child

In response to similar legislation from 2022 (HCS HB 2616), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to criminal offenses involving a child. Section 566.151 changes the age of the victim of from any person who is less than fifteen to less than seventeen years of age. Section 567.030 changes the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. It also changes the existing class D felony to a class B felony.

Operational Impact

There were no new court commitments to prison under Section 567.030 during FY 2021. These offenses will be changed from class D felony to class B felony.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Probations | | | | | | | | | | |
| Cumulative Populations | | | | | | | | | | |
| Prison | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Parole | | | | | | 1 | 2 | 3 | 4 | 4 |
| Probation | | | | | | | | | | |
| Impact | | | | | | | | | | |
| Prison Population | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Field Population | | | | | | 1 | 2 | 3 | 4 | 4 |
| Population Change | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9 |

Oversight notes, from information provided by the State Courts Administrator, the following number of felony convictions under §567.030:

| | <u>FY 2018</u> | <u>FY 2019</u> | <u>FY 2020</u> | <u>FY 2021</u> |
|----------|----------------|----------------|----------------|----------------|
| Felonies | 0 | 1 | 0 | 2 |

Oversight notes due to the infrequency of this offense, Oversight will reflect DOC's impact as \$0 (no additional offenses committed or additional incarceration time) to the estimate provided by DOC to the General Revenue Fund.

In response to similar legislation from 2022 (HCS HB 2616), officials from the **Department of Social Services** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (HB 2616), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** assumed the proposal will have no 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.

§§569.010, 569.100, 570.010, and 570.030 – Teller machines

DOC states this proposal modifies provisions relating to criminal offenses involving teller machines. It modifies section 569.100 to include the offense of tampering with a teller machine and associated penalties and modifies section 570.030 to include the offense of stealing a property that is a teller machine or the content of a teller machine including cash regardless of the value or amount.

The offense of tampering with a teller machine is a class D felony unless the offense is committed for the purpose to defraud or obtain any property of \$750 or more or the damage to a teller machine exceeds \$750, in which case it is a class C felony. Any second or subsequent offense is a class B felony. The offense of stealing a teller machine is a class C felony.

Operational Impact

For each new nonviolent class D felony, the department estimates three people will 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 department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 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 | 0 | 0 | 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 |

For each new class C felony, the department estimates four people will be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class C Felony

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| New Admissions | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 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 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Probations | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Parole | | | | 1 | 5 | 9 | 13 | 13 | 13 | 13 |
| Probation | 6 | 12 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 |
| Impact | | | | | | | | | | |
| Prison Population | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Field Population | 6 | 12 | 18 | 19 | 23 | 27 | 31 | 31 | 31 | 31 |
| Population Change | 10 | 20 | 30 | 34 | 38 | 42 | 46 | 46 | 46 | 46 |

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Change (After Legislation - Current Law) | | | | | | | | | | |
| Admissions | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Probations | | | | | | | | | | |
| Cumulative Populations | | | | | | | | | | |
| Prison | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Parole | | | | | | 1 | 2 | 3 | 4 | 4 |
| Probation | | | | | | | | | | |
| Impact | | | | | | | | | | |
| Prison Population | 1 | 2 | 3 | 4 | 5 | 5 | 5 | 5 | 5 | 5 |
| Field Population | | | | | | 1 | 2 | 3 | 4 | 4 |
| Population Change | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9 |

§570.030 – Stealing

DOC states this section creates a total of two new felony offense in relation to stolen property. The proposal intends to create the following felonies:

The offense of stealing is a class C felony if the value of the property or services appropriated is \$25,000 or more or the property is a teller machine or the contents of a teller machine including cash regardless of the value or amount.

The offense of stealing is a class E felony if the property appropriated is an animal; the property is a catalytic converter; a person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or the property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.

For each new nonviolent class E felony, the department estimates one person will 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 department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 class C felony, the department estimates four people will be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class C Felony

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| New Admissions | | | | | | | | | | |
| Current Law | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| After Legislation | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| 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 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 |
| Probations | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 |
| Cumulative Populations | | | | | | | | | | |
| Prison | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Parole | | | | 1 | 5 | 9 | 13 | 13 | 13 | 13 |
| Probation | 6 | 12 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 |
| Impact | | | | | | | | | | |
| Prison Population | 4 | 8 | 12 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Field Population | 6 | 12 | 18 | 19 | 23 | 27 | 31 | 31 | 31 | 31 |
| Population Change | 10 | 20 | 30 | 34 | 38 | 42 | 46 | 46 | 46 | 46 |

In response to similar legislation from 2022 (SCS SB 919), officials from the **Office of Administration** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SB 919), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Greenwood 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.

§571.031 – Blair's Law

In response to similar legislation from 2022 (HB 1568), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates a new criminal offense under Section 571.031, which could increase the number of persons who are eligible for representation by State Public Defender (SPD). The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that the impact would be under \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2022 (HB 1568), officials from the **Department of Corrections (DOC)** stated the areas already covered in statute for unlawfully discharging a

firearm include dwelling house, railroad, train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

In response to similar legislation from 2022 (HB 1568), officials from the **Attorney General's Office**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **City of Springfield**, the **City of St. Louis**, and the **Phelps 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.

§575.205 – Electronic monitoring equipment

In response to similar legislation from 2022 (SB 878), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to the offense of tampering with electronic monitoring equipment. Section 575.205 is modified to include failing to charge or otherwise attempting to disable an electronic monitoring device in the list of actions considered as an offense of tampering with electronic monitoring equipment and specifies that offense as a class E felony. However, if the offense for which the person was placed on electronic monitoring was a misdemeanor, it is a class A misdemeanor. As misdemeanors do not fall under the department's purview, it will not be addressed here.

Regarding the E felony, since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will 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 department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2025.

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

| | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031 | FY2032 |
|---|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| 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 |

In response to similar legislation from 2022 (SB 878), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation expands the criminal offense of Tampering with Electronic Monitoring Equipment, Section 575.205, which could increase the number of persons who are eligible for representation by State Public Defender (SPD). The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated to be under \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2022 (SB 878), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Phelps County Sheriff's Department** 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 these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

§§575.353, 578.007, and 578.022 – Offenses against police dogs

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated Section 575.353 creates penalties for assault of a law enforcement animal, proposing a new class E felony for the serious injury of a law enforcement animal and a new class D felony for an assault of a law enforcement animal that results in death.

New Class E Felony

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

The cumulative impact on the department is estimated to be 6 additional offenders in prison and 6 additional offenders on field supervision by FY 2026.

New Class D Felony

For each new violent class D felony, the department estimates four people will be sentenced to prison and four to probation. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 23 additional offenders on field supervision by FY 2028.

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 2022 (SB 765), officials from the **Greenwood Police Department** and the **St. Joseph 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 those agencies.

In response to similar legislation from 2022 (SCS SB 831), 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 these agencies.

§595.201 – Sexual assault survivors

In response to similar legislation from 2022 (SS SCS SB Nos. 775, 751, & 640), officials from the **Department of Public Safety - Office of the Director (DPS)** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (Perfectured SS SCS SB Nos. 775, 751 & 640), **Oversight** inquired the **Department of Public Safety’s Office of the Director (DPS)** regarding the forensic exams in §595.201.2(2) of this proposal and DPS responded as follows:

In SFY21, the DPS SAFE program paid providers 2,961 claims in the amount of \$1,733,429.07. Regardless of any omissions to [RSMo 595.201.2\(2\)](#), DPS SAFE is required to comply with [RSMo 595.220](#) and pay appropriate medical providers.

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates or expands offenses under Sections 566.149, 566.150, 566.155, 569.100, 570.030, 571.070, 575.200, 575.353, 578.007, and therefore, could increase the number of persons who are eligible for representation by the State Public Defender (SPD). The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Public Safety – Office of the Director**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, and the **Phelps County Sheriff’s Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SCS SB Nos. 775, 751, & 640), officials from the **St. Joseph Police Department** 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other hospitals, schools, and local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police Missouri and Missouri National Guard)**, the **Department of Revenue**, the **Missouri Office of Prosecution Services**, the **City of Kansas City**, the **St. Louis County Justice Services**, the **Kansas City Police Department**, the **St. Louis County Police Department**, and the **Hermann Area Hospital District** assume the proposal will have no fiscal impact on their organization.

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

Oversight notes there may be some overlap with the Department of Corrections and their related incarceration costs. However, due to time constraints of having to produce a fiscal note, Oversight was required to proceed without a response from the Department of Corrections on this proposal as a whole. Therefore, Oversight had to piece together the various provisions from several other bills.

| <u>FISCAL IMPACT – State Government</u> | FY 2023 (10 Mo.) | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
|--|---------------------|----------------------|----------------------|--------------------------------|
| GENERAL REVENUE | | | | |
| <u>Cost – MHP (§§43.650 and 589.437) To build and maintain public website p. 3</u> | (\$600,000) | \$0 | \$0 | \$0 |
| <u>Cost – DOC (§§191.905 and 565.184) p. 4-6</u> | | | | |
| Personal service | \$0 | \$0 | \$0 | (\$41,137) |
| Fringe benefits | \$0 | \$0 | \$0 | (\$28,299) |
| Equipment and expense | \$0 | \$0 | \$0 | (\$4,024) |
| Incarceration and parole | (\$61,913) | (\$151,562) | (\$214,713) | (\$232,412) |
| <u>Total Cost – DOC</u> | (\$61,913) | (\$151,562) | (\$214,713) | (\$305,872) |
| FTE Change – DOC | 0 FTE | 0 FTE | 0 FTE | 1 FTE |
| <u>Cost – DOC - (§§217.690, 566.150, 566.155, 569.100, 570.030, 571.015, 571.070, 575.353)</u> | | | | |
| Personal service | \$0 | (\$42,167) | (\$85,178) | (\$177,272) |
| Fringe benefits | \$0 | (\$28,025) | (\$56,611) | (\$117,819) |
| Equipment and expense | \$0 | (\$11,738) | (\$15,718) | (\$25,581) |
| Increased incarceration costs | (\$185,738) | (\$454,685) | (\$772,965) | (\$1,413,064) |
| <u>Total Cost – DOC</u> | (\$185,738) | (\$536,615) | (\$930,472) | (\$1,733,736) |
| FTE Change – DOC | 0 FTE | 1 FTE | 2 FTE | 4 FTE |
| <u>Cost – DOC (§§407.1700 and 570.036) Increased incarceration costs p. 7-10</u> | (\$37,148) | (\$101,041) | (\$146,005) | (\$204,522) |
| <u>Cost - DOC (§§566.010 and 566.086) Increased incarceration costs p. 15-16</u> | (\$20,638) | (\$50,521) | (\$77,297) | (\$83,668) |
| <u>Cost – DOC (§567.030) p. 20-21 Increased incarceration costs</u> | \$0 to (\$6,879) | \$0 to (\$16,840) | \$0 to (\$25,766) | \$0 to (\$46,482) |
| <u>Cost – DOC (§575.205) p. 26-27 Increased incarceration costs</u> | (\$6,879) | (\$16,840) | (\$17,177) | (\$18,593) |

| | | | | |
|---|--|--|--|--|
| | | | | |
| ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND | <u>(\$912,316 to \$919,195)</u> | <u>(\$856,579 to \$873,419)</u> | <u>(\$1,385,664 to \$1,411,430)</u> | <u>(\$2,346,391 to \$2,392,873)</u> |
| Estimated Net FTE Change for the General Revenue Fund | 0 FTE | 1 FTE | 2 FTE | 5 FTE |

| <u>FISCAL IMPACT – Local Government</u> | FY 2023 (10 Mo.) | FY 2024 | FY 2025 | Fully Implemented (FY 2029) |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| POLICE AND SHERIFF’S DEPARTMENTS | | | | |
| <u>Savings/Cost</u> – (§544.453) implementing new provisions relating to setting bail or conditions of release in courts p. 12-13 | Unknown to (Unknown) | Unknown to (Unknown) | Unknown to (Unknown) | Unknown to (Unknown) |
| <u>Cost</u> - Police and Sheriff’s Departments (§544.170) Increased costs to house individuals kept in custody longer p. 3-4 | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| ESTIMATED NET EFFECT ON THE POLICE AND SHERIFF’S DEPARTMENTS | <u>Unknown to (Unknown)</u> | <u>Unknown to (Unknown)</u> | <u>Unknown to (Unknown)</u> | <u>Unknown to (Unknown)</u> |

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION**OFFENDER REGISTRIES (Section 43.650)**

This bill specifies that the State Highway Patrol must maintain on its website a registry for violent offenders who are on probation or parole for the offense of first or second degree murder in Missouri or for an equivalent offense in any other state. The Division of Probation and Parole within the Department of Corrections must notify the State Highway Patrol if a violent offender is placed on probation or parole, is removed from probation or parole, or relocates to the state under the Interstate Compact for adult offender supervision so the State Highway Patrol can update the offender registry accordingly.

VULNERABLE PERSONS (Sections 191.905 and 565.184)

Currently, a person who commits the offense of patient, resident or client abuse or neglect against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program can be charged with a class A misdemeanor.

In this bill, if the person knowingly neglects an individual receiving health care, treats them in a brutal or inhuman manner, or fails to provide services which are reasonable and necessary to maintain the physical and mental health of the individual when such failure presents either an imminent danger to the health, safety or welfare of the individual, he or she can be charged with a class D felony.

This bill also amends the offense of abuse of an elderly person, a person with a disability, or a vulnerable person from being a class A misdemeanor to being a class D felony.

ELIGIBILITY FOR PAROLE (Section 217.690)

Under current law, a person sentenced to a term or terms of imprisonment amounting to 15 years or more when such person was under the age of 18, is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This act adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree.

ORGANIZED RETAIL THEFT (Sections 407.1700 and 570.036)

Beginning February 28, 2023, this bill requires any high-volume third-party seller on an online marketplace to provide to the marketplace certain information, such as bank account information and contact information, within 10 days of becoming a high-volume seller. The online marketplace must verify, within 10 days, the information provided by the seller.

The online marketplace must, at least annually, notify each high-volume third-party seller that the seller must inform the marketplace, within three days, of any changes to the information provided. If a seller does not provide the required information the marketplace shall suspend future sales activity until the seller provides and the marketplace verifies the required documentation. The bill also specifies certain information the seller must disclose to consumers conspicuously, either on the product listing or through a link in the product's listing. If a third-party seller requests, an online marketplace may provide for a partial disclosure of such information.

This bill provides that a person commits the offense of organized retail theft if they commit a series of thefts of retail merchandise on the premise of a merchant or through the use of the internet with the intent to return the merchandise to the merchant for value or resell, trade, or barter the merchandise for value in any manner.

The offense of organized retail theft is a class C felony if the aggregate value of the property or services, as determined under the bill, involved in all thefts committed during a 120 day period is between \$5,000 and \$10,000 and a class B felony if such aggregate value is over \$10,000. In addition to any other penalty, the person who violates the provisions of this bill shall pay restitution.

PERIOD OF DETENTION (Section 544.170)

Under current law, all persons arrested and confined in any jail, without warrant or other process, for any alleged breach of the peace or other criminal offense, shall be discharged from custody within 24 hours from the time of arrest, unless they are charged with a criminal offense.

This act changes the period of detention on arrest without a warrant to 48 hours if a person is arrested for a criminal offense involving a dangerous felony or deadly weapon.

RELEASE FROM PRISON (Section 544.453)

When a judge or judicial officer sets bail or conditions of release in all courts in Missouri for any offense charged, he or she shall consider whether:

- A defendant poses a danger to a victim of crime, the community, any witness to the crime, or to any other person;
- A defendant is a flight risk;
- A defendant has committed a violent misdemeanor offense, sexual offense, or felony offense in this state or any other state in the last 5 years; and
- A defendant has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony within the last 3 years.

MINIMUM PRISON TERMS FOR ARMED CRIMINAL ACTION (Sections 558.019 & 571.015)

Under current law, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This act repeals the exclusion of the offense of armed criminal action.

This act also modifies the minimum prison terms for the offense of armed criminal action. For a person convicted of a first offense of armed criminal action, the term of imprisonment shall be no less than 3 years. For a person convicted of a second offense of armed criminal action, the term of imprisonment shall be no less than 5 years. Additionally, this act provides that a person convicted of armed criminal action shall not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence.

SEXUAL OFFENSES (Sections 566.010 and 566.086)

This bill changes the definition of "sexual contact" and it adds a coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association to the list of those who can be charged with committing the offense of sexual contact with a student.

SEXUAL OFFENDERS (Sections 566.149, 566.150, & 566.155)

Under current law, certain offenders shall not knowingly be present in certain areas, such as schools, public parks with playgrounds, public swimming pools, and athletic fields primarily used by children. Additionally, under current law, certain offenders cannot serve as an athletic coach or trainer for a sport team if a child less than 17 years of age is a member of the team.

This act adds that any person found guilty of the offense of possession of child pornography shall not knowingly be present in such areas and shall not serve as an athletic coach.

CRIMINAL OFFENSES INVOLVING A CHILD (Sections 566.151 and 567.030)

This bill modifies the offense of enticement of a child by increasing the age of the victim from less than 15 years old to less than 17 years old.

Additionally, the bill modifies the penalty provisions for the offense of patronizing prostitution. Currently, the penalty distinctions are for older than 14 years of age and 14 or younger. This bill increases the age from 14 to 15 years old and modifies the offense of patronizing prostitution if the individual is 15 years of age or younger from a class D felony to a class B felony.

OFFENSE OF PROPERTY DAMAGE IN THE FIRST DEGREE (Sections 569.010 & 569.100)

This act adds to the offense of property damage in the first degree if such person knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

This offense is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds \$750 or the damage to the teller machine exceeds \$750, in which case it is a class C felony. It shall be a class B felony if committed for the purpose of obtaining the personal financial credentials of another person or if the person has committed a second or subsequent offense of damaging a teller machine.

OFFENSE OF STEALING (Sections 570.010 & 570.030)

This act adds that the offense of stealing shall be a class C felony if the property stolen is a teller machine or the contents of a teller machine including cash regardless of the value or amount stolen.

This act provides that a person commits the offense of mail theft if the person intentionally appropriates mail from another person's mailbox or premises without consent of the addressee and with intent to deprive such addressee of the mail. This offense shall be a Class A misdemeanor for the first offense and a Class E felony for any second or subsequent offense.

This act shall not prohibit such person from being charged with another crime in relation to mail obtained in violation of this act.

OFFENSE OF UNLAWFUL POSSESSION OF FIREARMS (Section 571.070)

Under current law, unlawful possession of a firearm is a Class D felony, unless a person has been convicted of a dangerous felony then it is a Class C felony.

This act changes the penalty for the offense to a Class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, then it is a Class B felony.

ELECTRONIC MONITORING EQUIPMENT (Section 575.205)

This act modifies the offense of tampering with electronic monitoring equipment to provide that a person commits the offense if he or she intentionally removes, alters, tampers with, damages, destroys, fails to charge, or otherwise disables electronic monitoring equipment which a court or the Parole Board has required such person to wear.

The offense of tampering with electronic monitoring equipment if the person fails to charge or otherwise disables the electronic monitoring equipment is a Class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a Class A misdemeanor.

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 Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of Administration
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Crestwood Police Department
Ellisville Police Department
Greenwood Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
St. Louis County Justice Services
Boone County Sheriff's Department
Lewis County Sheriff's Department

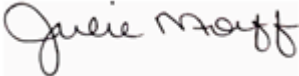
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Phelps County Sheriff's Department
Hermann Area Hospital District
City of Claycomo
City of Freistatt
City of Hughesville
City of Kansas City
City of Laclede
City of O'Fallon
City of Osceola
City of Springfield
City of St. Louis
Greene County Prosecutor's Office



Julie Morff
Director
April 28, 2022



Ross Strobe
Assistant Director
April 28, 2022