

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0077H.07C
 Bill No.: HCS for SS for SCS for SB Nos. 189, 36 & 37
 Subject: Crimes and Punishment; Criminal Procedure; Highway Patrol; Courts; Judges;
 Attorney General; Attorneys; Prisons and Jails; Department of Corrections; Law
 Enforcement Officers and Agencies
 Type: Original
 Date: May 8, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
General Revenue*	More or less than (\$3,319,826)	More or less than (\$4,379,344)	More or Less than (\$5,098,326)	More or less than (\$6,797,220)
Total Estimated Net Effect on General Revenue	More or less than (\$3,319,826)	More or less than (\$4,379,344)	More or Less than (\$5,098,326)	More or less than (\$6,797,220)

*Beyond the impact reflected above, DOC notes an increase in the prison population by 2,232 offenders and a reduction in the field population by 744 offenders by FY 2050 (p. 8).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
General Revenue	Less than 13 FTE	Less than 15 FTE	Less than 17 FTE	Less than 23 FTE
Total Estimated Net Effect on FTE	Less than 13 FTE	Less than 15 FTE	Less than 17 FTE	Less than 23 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 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding similar bills. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

§§211.071, 211.600, and 217.345 – Certification of juveniles for trial as adults

Officials from the **Department of Corrections (DOC)** assume this proposal modifies provisions relating to criminal procedures involving juveniles. The proposed legislation does not provide any new penalties or offenses but increases the likelihood that a juvenile could be transferred to a court of general jurisdiction and sentenced there under section 211.071.

It is unknown how many juveniles will be transferred to a court of general jurisdiction and it is unknown the number of those convicted of armed criminal action; therefore, the DOC will have to assume an unknown fiscal impact.

In response to similar legislation from 2023 (SB 406), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (SB 406), officials from the **Office of the State Public Defender** 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 notes the number of juveniles certified to adult court over the last 5 years:

<u>JUVENILE CASES DISPOSED BY DISPOSITION</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg.</u>
Certified to Adult Court	36	32	48	41	60	43
Source: Table 56 of OSCA's Annual Report Supplement						

§217.690 – Eligibility for parole

DOC states this proposal modifies provisions relating to eligibility for parole. It 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.

The intent of the bill is to require 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 190 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 190 offenders, 13 are excluded from consideration for having a prior release from prison. Of the remaining 177 offenders, 55 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 55 individuals remaining in prison. It is unknown what fiscal impact this will have, as there is no way to determine how many of these individuals would have been denied parole by the board in any case and, therefore, how many offenders this change would truly be affecting.

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

In response to similar legislation from 2023 (Perfected SS No. 3 SB 22), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (Perfected SS No. 3 SB 22), officials from the **Attorney General'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 the AGO.

§307.175 – Canine search and rescue vehicles

In response to similar legislation from 2023 (HB 1228), officials from the **Kansas City 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 on the fiscal note for this section.

Repeals §488.650 and implements §610.140

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state with the requirements of this proposed legislation in section 610.140, there would be a need for additional personnel to process expungements. The Patrol has averaged over 900 petitions related to expungements from section 610.140 over the last five years, which the Patrol expects could double with this legislation. With the addition of expungements from the recent passage of

Amendment 3, current staffing levels would be unable to process the expungements resulting from this legislation. Funding for these positions would be from General Revenue.

MHP states expungement clinics and legal aid organizations are not criminal justice agencies under state or federal law and the expungement process is not included in the administration of criminal justice. Granting expungement clinics and legal aid organizations access to closed CJJ will conflict with federal law and result in a significant departure from current Missouri law.

MHP assumes a range of five (5) FTE to nine (9) FTE at a cost of \$500,000 up to \$870,000 per year to the General Revenue Fund.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect MHP's estimated impact as for fiscal note purposes.

Oversight notes the provisions of this proposal repeal the \$250 surcharge the state is currently allowed to collect under §488.650 to file a petition for expungement. Oversight contacted the MHP and was provided with the following number of expungements processed through the Patrol for the previous three (3) calendar years:

2020 – 797
2021 – 957
2022 – 678

For purposes of this fiscal note, Oversight will take an average of these three years ($797 + 957 + 678 = 2,432 / 3 = 811$) and will reflect the loss to General Revenue as could exceed (\$168,958) for FY 2024 (10 months) and could exceed (\$202,750) for subsequent years. Oversight notes these proceeds are payable to the General Revenue Fund.

DOC states §610.140 may cause an increase in workload for Institutional Records Office Staff, as it requires staff to review documents within files to determine which documents need to be redacted and destroyed. Expunging these records for the specified offenses through destruction, redacting or removal (electronic) will result in an increase in workload for the Institutional Records Officers, as they are the custodian of records for the department's offender files. This could also affect records kept at Probation and Parole Offices.

While the department assumes a \$0 - Unknown impact, there is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the department.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect a \$0 (can absorb) to DOC's (unknown) impact to the General Revenue Fund.

In response to similar legislation from 2022 (SB 687), officials from the **Office of the State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§544.453 – Release of a defendant

In response to similar legislation from 2023 (HB 52), officials from the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Kansas City 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 these agencies.

In response to similar legislation from 2022, HCS/HB 2246, officials from the **Attorney General's Office** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Oversight assumes this proposal 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 or additional costs to local jails from an increase or decrease in jail days. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this section.

§547.500 – Conviction Integrity Unit Act

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require hiring three additional staff; two (2) attorneys and an (1) investigator, resulting in a total cost of \$256,000. At present MOPS believes it can use the paralegal received in FY 2023 to help the unit as needed. MOPS' assumption is based on consideration of the following: (1) Since only two counties (Jackson and St. Louis) and the circuit attorney currently have conviction review units, MOPS would be responsible for reviewing actual innocence claims from 112 counties and any handled by the Attorney General as conflict prosecutor; (2) looking at what other states' statewide units have, and using Jackson County in particular, MOPS will need two experienced attorneys (with backgrounds in prosecution and defense) and an investigator. This bill, recognizing the need for adequate and meaningful staffing, also specifically provides for those three positions. The PS includes maximum salary of \$80,000 for each attorney and \$60,000 for the investigator. Total PS of \$220,000 and E&E of \$36,000. (The E&E is based on E&E of current resource prosecutors). The total cost adding PS and E&E is \$256,000.

Oversight notes that in their FY 2024 budget request, MOPS has asked for these new FTE in a New Decision Item (DI#1282002) for the same amounts described above. Oversight has added the cost of fringe benefits to MOPS' estimate.

In response to similar legislation from 2023 (SB 37), officials from the **Office of the State Courts Administrator** assumed the proposal would not fiscally impact the courts.

Oversight notes in HB 3012 (2022), the Missouri Office of Prosecution Services (not to exceed 12 FTE) budget included four funds:

General Revenue (0101)	\$ 346,750
MOPS – Federal (0107)	\$1,165,341
MOPS Legal (0680)	\$2,197,380
MOPS Revolving (0844).	<u>\$ 161,673</u>
TOTAL	\$3,871,144

For simplicity, Oversight will assume the new conviction review unit will be paid for with General Revenue funds (as requested in their NDI). Oversight notes the proposal requires MOPS to develop an application process, including fees (which shall be waived for indigence).

§552.020 – Behavioral health services for certain persons

Officials from the **Department of Mental Health (DMH)** state the proposed legislation modifies provisions in section 552.020 relating to behavioral health services for certain individuals. This bill provides jail-based and outpatient competency restoration.

To address the increasing waitlist for admission to the inpatient facilities for competency restoration, DMH proposes jail-based competency restoration services to occur at four county jails. Services would include room/board and general medical care for ten beds at each site as well as community-based contracted staff from a local Certified Community Behavioral Health Organizations (CCBHO) to provide psychosocial treatment services and case management. Psychiatric medication services will be provided by the Forensic Mobile Team practitioners, who are employed by the DMH inpatient facilities. The four locations would be in St. Louis City, St. Louis County, Jackson County, and Greene County. DMH estimates the cost for each county jail to be \$500,000 per site, totaling \$2 million in General Revenue funds annually.

DMH additionally proposes outpatient competency restoration services to occur statewide. No additional cost is anticipated, as clients would be on bond and eligible for treatment services at a local Certified Community Behavioral Health Organization (CCBHO).

Total annual cost for FY24 and beyond is \$2.0 million.

Oversight does not have any information contrary to that provided by DMH. Therefore, Oversight will reflect DMH's estimated impact to the General Revenue Fund and a program cost reimbursement to local political subdivisions. For fiscal note purposes, Oversight assumes local

expenses and services provided under this proposal will equal appropriations and net to zero. Oversight notes this proposal does not contain an emergency clause. Therefore, Oversight will reflect expenditures as \$1,666,667 in FY 2024 and \$2,000,000 in FY 2025 and beyond.

In response to similar legislation from 2023 (SB 387), officials from 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 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.

§558.019 – Minimum prison terms

DOC states section 558.019 removes section 571.015 from the list of exclusions for minimum prison terms and requires 85% of the sentence be served.

There were 372 offenders admitted to prison on a new ACA charge in FY 2022. Given the relatively long length of sentences and prison terms for offenders with ACA sentences, they do not expect to see the impact of the proposed changes in section 558.019 on offender populations until FY 2042. At that time, the requirement to serve at least 85% of ACA sentences, in addition to the existing requirement that those sentences be served consecutively, they expect the prison population to start to increase. The cumulative impact is expected to be an increase in the prison population by 2,232 offenders and a reduction in the field population by 744 offenders by FY 2050. The impacts of these changes are outside of the 10-year reporting scope; therefore, this section will have no impact for the current reporting period.

Change in prison admissions and probation openings with legislation

	FY2042	FY2043	FY2044	FY2045	FY2046	FY2047	FY2048	FY2049	FY2050	FY2051
New Admissions										
Current Law	372	372	372	372	372	372	372	372	372	372
After Legislation	372	372	372	372	372	372	372	372	372	372
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	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	260	632	1,004	1,376	1,748	2,120	2,232	2,232	2,232	2,232
Parole	-260	-632	-1,004	-1,376	-1,748	-1,748	-1,488	-1,116	-744	-744
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	260	632	1,004	1,376	1,748	2,120	2,232	2,232	2,232	2,232
Field Population	-260	-632	-1,004	-1,376	-1,748	-1,748	-1,488	-1,116	-744	-744
Population Change	0	0	0	0	0	372	744	1,116	1,488	1,488

§558.031 – Credit for jail time

DOC states this proposal modifies provisions relating to jail-time credit. The department is unable to project a fiscal impact due to not knowing the amount of “additional” credit that may be awarded.

Oversight notes the provisions of this proposal allow the court to award additional credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred. Therefore, Oversight will reflect a range of \$0 (no additional credit awarded) to DOC’s estimated unknown impact for fiscal note purposes.

In response to a previous version (HCS HB 1133), officials from the **Office of the State Courts Administrator**, the **Kansas City 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 these agencies.

§559.125 – Privileged information

DOC states this modifies provisions relating to certain privileged information. DOC’s original response to this section was an unknown cost; however, after further review, it is determined that section 559.125 will have no impact on the DOC.

In response to a previous version (HB 776), 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.

§565.003 – Homicide offense

In response to similar legislation from 2023 (Perfected SS SB 227), officials from the **Attorney General’s Office** and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (SB 227), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

§565.258 – Cyber Crimes Task Force

Officials from the **Department of Public Safety - Office of the Director (DPS)** state one (1) part-time FTE will be needed to support the task force.

Oversight notes the legislation does not state the number of meetings the Stop Cyberstalking and Harassment Task Force is required to hold during the year. Oversight also notes this task force will expire on December 31, 2025, unless extended until December 31, 2027, as determined necessary by the Department of Public Safety. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight assumes the 17 members may incur cost of approximately \$11,500 annually if meetings are held quarterly either in-person or by phone and/or video conference. Oversight further assumes DPS is provided with core funding to handle a certain amount of activity each year and, therefore, the expenses related to this proposal could be absorbed by DPS.

Oversight notes multiple bills may be passed by the General Assembly in a given year and, collectively, those costs maybe in excess of what can be sustained within the core budget. If so, the DPS may request funding for the costs of supporting these bills should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Stop Cyberstalking and Harassment Task Force meetings.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 256 miles and the current mileage rate, as set by the Office of Administration is \$0.655 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of approximately \$335.

Oversight does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire task force (17 people) would be approximately \$2,850 per meeting. Oversight assumes four meetings per year for a total of \$11,402. Oversight notes this is not a material amount and will not reflect this in the fiscal note; however, if additional task forces are added in other proposals, additional appropriation authority may be needed.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor's current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

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

§568.045 – Endangering the welfare of a child

DOC states the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct in subdivision 568.045.1 (3) is expanded to include offenses covered in chapter 571.

The offense of endangering the welfare of a child in the first degree is a class D felony. The proposed legislation extends section 568.045.1 (3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579. DOC estimates the number of offenses outlined in chapter 571 that will be covered by 568.045.1 (3) will be approximately the same proportion as offenses outlined in chapter 579 that are currently covered by 568.045.1 (3).

The FY 2022 information for relevant offenses is summarized in the following table. DOC estimates there will be 15 additional people sentenced to prison and 94 people sentenced to probation for a class D felony.

Section	Prison Sentences	Probation Sentences
579 - Actual FY 2022	3,013	7,515
568.045.1(3) - Actual FY 2022	134	455
571 - Actual FY 2022	330	1,560
568.045.1(3) - Estimate	15	94

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 DOC is estimated to be 59 additional offenders in prison and an additional 378 on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
Change (After Legislation - Current Law)										
Admissions	15	15	15	15	15	15	15	15	15	15
Probations	94	94	94	94	94	94	94	94	94	94
Cumulative Populations										
Prison	15	30	45	59	59	59	59	59	59	59
Parole				2	17	27	27	27	27	27
Probation	94	188	282	376	376	376	376	376	376	376
Impact										
Prison Population	15	30	45	59	59	59	59	59	59	59
Field Population	94	188	282	378	393	403	403	403	403	403
Population Change	109	218	327	436	451	462	462	462	462	462

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	15	(\$9,499)	(\$142,485)	1	(\$91,724)	94	(\$234,209)
Year 2	30	(\$9,499)	(\$290,669)	3	(\$279,745)	188	(\$570,414)
Year 3	45	(\$9,499)	(\$444,724)	5	(\$460,479)	282	(\$905,203)
Year 4	59	(\$9,499)	(\$594,744)	7	(\$645,033)	378	(\$1,239,777)
Year 5	59	(\$9,499)	(\$606,639)	7	(\$634,340)	393	(\$1,240,980)
Year 6	59	(\$9,499)	(\$618,772)	7	(\$641,090)	403	(\$1,259,862)
Year 7	59	(\$9,499)	(\$631,148)	7	(\$647,906)	403	(\$1,279,054)
Year 8	59	(\$9,499)	(\$643,771)	7	(\$654,809)	403	(\$1,298,580)
Year 9	59	(\$9,499)	(\$656,646)	7	(\$661,789)	403	(\$1,318,435)
Year 10	59	(\$9,499)	(\$669,779)	7	(\$668,856)	403	(\$1,338,635)

In response to similar legislation from 2023 (SB 405), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation under section 568.045 creates an additional component to endangering the welfare of a child that could result in additional cases eligible for SPD representation. The fiscal impact of this change is unknown.

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 2023 (SB 405), 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.

§§569.100 and 570.030 – Teller machines

DOC states this bill 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 worth seven hundred fifty dollars or more or the damage of a machine of seven hundred and fifty dollars is a class C felony. Any

second or subsequent offense is a class B felony. The offense of stealing a teller machine is a second class C felony.

The intent of the bill is to create a class D felony, two class C felonies, and a class B 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 2026.

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
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

For two new class C felonies, the department estimates eight people will be sentenced to prison and twelve 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 30 additional offenders in prison and 54 additional offenders on field supervision by FY 2029.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
Change (After Legislation - Current Law)										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	12	12	12	12	12	12	12	12	12	12
Cumulative Populations										
Prison	8	16	24	30	30	30	30	30	30	30
Parole	0	0	0	2	10	18	26	26	26	26
Probation	12	24	36	36	36	36	36	36	36	36
Impact										
Prison Population	8	16	24	30	30	30	30	30	30	30
Field Population	12	24	36	38	46	54	62	62	62	62
Population Change	20	40	60	68	76	84	92	92	92	92

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, 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

Combined Estimated Cumulative Impact

The combined estimated cumulative impact of a new class D felony, two new class C felonies, and a new class B felony on the department is estimated to be 43 additional offenders in prison and 68 additional offenders on field supervision by FY 2028.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	17	17	17	17	17	17	17	17	17	17
Change (After Legislation - Current Law)										
Admissions	12	12	12	12	12	12	12	12	12	12
Probations	17	17	17	17	17	17	17	17	17	17
Cumulative Populations										
Prison	12	24	35	42	43	43	43	43	43	43
Parole	0	0	1	6	17	26	35	36	37	37
Probation	17	34	51	51	51	51	51	51	51	51
Impact										
Prison Population	12	24	35	42	43	43	43	43	43	43
Field Population	17	34	52	57	68	77	86	87	88	88
Population Change	29	58	87	99	111	120	129	130	131	131

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	12	(\$9,499)	(\$94,990)	0	\$0	17	(\$94,990)
Year 2	24	(\$9,499)	(\$232,536)	0	\$0	34	(\$232,536)
Year 3	35	(\$9,499)	(\$345,897)	1	(\$86,494)	52	(\$432,391)
Year 4	42	(\$9,499)	(\$423,377)	1	(\$78,871)	57	(\$502,248)
Year 5	43	(\$9,499)	(\$442,127)	1	(\$79,714)	68	(\$521,841)
Year 6	43	(\$9,499)	(\$450,970)	1	(\$80,569)	77	(\$531,539)
Year 7	43	(\$9,499)	(\$459,989)	1	(\$81,432)	86	(\$541,421)
Year 8	43	(\$9,499)	(\$469,189)	1	(\$82,308)	87	(\$551,497)
Year 9	43	(\$9,499)	(\$478,572)	1	(\$83,191)	88	(\$561,763)
Year 10	43	(\$9,499)	(\$488,144)	1	(\$84,086)	88	(\$572,230)

Oversight does not have any information contrary to that provided by DOC. However, Oversight assumes the number of new prisoners detained for these charges will not reach the estimate provided by DOC, but Oversight don't have an estimate of the number of new convictions. Therefore, Oversight will reflect the fiscal impact as "less than" DOC's estimated impact for fiscal note purposes.

In response to similar legislation from 2023 (Perfected SB 186), officials from the **Office of the State Public Defender (SPD)** stated the creation of a new offense under section 569.100 will have an unknown fiscal impact on SPD. It is unknown how many additional cases will be eligible for SPD representation under this bill.

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 2023 (Perfected SB 186), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SB 831), officials from the **Attorney General'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.

§§571.015 and 571.070 – Criminal laws

DOC states this proposal modifies provisions relating to criminal laws. Section 571.015 defines Armed Criminal Action (ACA) as an unclassified felony and removes maximum sentence lengths and eligibility for parole from ACA offenses. Section 571.070 proposes to modify 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.

Section 571.015 intends to extend the amount of time an offender spends in prison prior to first release when admitted on an ACA sentence and makes it an unclassified felony. 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 impact** to department operations.

Section 571.070 enhances the penalty for unlawful possession of a firearm. There were 96 offenders admitted to prison in FY 2022 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, 3 had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, **DOC** estimates the impact based on 93

new court commitments per year as class C felonies instead of class D felonies and 3 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 an average sentence length 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 93 new court commitments annually, this equates to maximum cumulative impact of approximately 84 additional offenders in prison and 93 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	93	93	93	93	93	93	93	93	93	93
After Legislation	93	93	93	93	93	93	93	93	93	93
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			19	84	84	84	84	84	84	84
Parole			-19	-84	-84	9	93	93	93	93
Probation										
Impact										
Prison Population			19	84	84	84	84	84	84	84
Field Population			-19	-84	-84	9	93	93	93	93
Population Change	0	0	0	0	0	93	177	177	177	177

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class B felony is 2.1 years. The difference in average time to first release from prison for a class C felony and a class B felony is 1.3 years. When these differences are applied to 3 new court commitments annually, this equates to maximum cumulative impact of approximately 5 additional offenders in prison and (5) additional offenders on field supervision after six years.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
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	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				1	4	5	5	5	5	5
Parole				-1	-4	-5	-4	-1	2	2
Probation										
Impact										
Prison Population				1	4	5	5	5	5	5
Field Population				-1	-4	-5	-4	-1	2	2
Population Change	0	0	0	0	0	0	1	4	7	7

Combined Estimated Cumulative Impact

The combined estimated cumulative impact of the proposed legislative changes is 89 additional offenders in prison and 89 additional offenders on field supervision by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	96	96	96	96	96	96	96	96	96	96
After Legislation	96	96	96	96	96	96	96	96	96	96
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	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	0	0	19	85	88	89	89	89	89	89
Parole	0	0	-19	-85	-88	4	89	92	95	95
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	0	0	19	85	88	89	89	89	89	89
Field Population	0	0	-19	-85	-88	4	89	92	95	95
Population Change	0	0	0	0	0	93	178	181	184	184

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total savings or cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 3	19	(\$9,499)	(\$187,772)	0	\$0	(19)	(\$187,772)
Year 4	85	(\$9,499)	(\$856,835)	(1)	\$78,903	(85)	(\$777,932)
Year 5	88	(\$9,499)	(\$904,818)	(1)	\$79,747	(88)	(\$825,071)
Year 6	89	(\$9,499)	(\$933,402)	0	\$0	4	(\$933,402)
Year 7	89	(\$9,499)	(\$952,070)	1	(\$90,951)	89	(\$1,043,021)
Year 8	89	(\$9,499)	(\$971,111)	1	(\$82,344)	92	(\$1,053,456)
Year 9	89	(\$9,499)	(\$990,534)	1	(\$83,228)	95	(\$1,073,762)
Year 10	89	(\$9,499)	(\$1,010,344)	1	(\$84,124)	95	(\$1,094,468)

In response to similar legislation from 2023 (SB 502), officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SB 850), officials from the **Attorney General's Office** and the **Office of the State Courts Administrator** 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 – Unlawful discharge of a firearm

In response to similar legislation from 2023 (SB 343), 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 2023 (SB 343), officials from the **Office of the State Public Defender (SPD)** stated the creation of new offense under section 571.031 would have an unknown fiscal impact on SPD. The creation of this new offense would result in an unknown number of additional cases eligible for SPD representation.

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 2023 (SB 343), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **St. Joseph Police Department** 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.

In response to similar legislation from 2023 (SB 343), officials from the **Eldorado Springs Police Department** indicated this proposal would have a fiscal impact on their organization. However, **Oversight** notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

Repeals §575.200 and implements §§575.150 and 575.151

DOC states this proposal modifies sections 558.019 and 575.150 and 575.151 to include penalties for attempted escape from custody, which will allow for the repeal of section 575.200. The bill also introduces section 575.150, which creates the specific offenses of aggravated resisting arrest by fleeing in or on a motor vehicle. Aggravated resisting arrest by fleeing in a motor vehicle becomes a class B felony with no possibility of parole, probation, or conditional release until the person serves a term of imprisonment of no less than three years. As there is no way for the department to determine how many convictions for section 575.151 involved a motor vehicle, the department assumes an unknown cost.

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

§575.353 – Offenses against police dogs

DOC states this proposal modifies provisions relating to law enforcement animals. The bill intends to create a class A misdemeanor for any injury to a law enforcement animal that does not result in veterinary care; a class E felony for any injury to a law enforcement animal that results in veterinary care; and a class D felony for any injury resulting in death of a law enforcement animal.

The offense of assault on a law enforcement animal that does not result in veterinary care is a class A misdemeanor, since misdemeanors fall outside the purview of **DOC**, there is no impact to **DOC** on this part of the bill.

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 16 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
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	4	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
Cumulative Populations										
Prison	4	8	12	16	16	16	16	16	16	16
Parole					4	7	7	7	7	7
Probation	4	8	12	16	16	16	16	16	16	16
Impact										
Prison Population	4	8	12	16	16	16	16	16	16	16
Field Population	4	8	12	16	20	23	23	23	23	23
Population Change	8	16	24	32	36	39	39	39	39	39

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 3 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
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	1	1	1	1	1	1	1	1	1	1
Change (After Legislation - Current Law)										
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	1	1	1	1	1	1	1	1	1	1
Cumulative Populations										
Prison	2	4	6	6	6	6	6	6	6	6
Parole				2	2	2	2	2	2	2
Probation	1	2	3	4	4	4	4	4	4	4
Impact										
Prison Population	2	4	6	6	6	6	6	6	6	6
Field Population	1	2	3	6	6	6	6	6	6	6
Population Change	3	6	9	12	12	12	12	12	12	12

Combined Estimated Cumulative Impact for DOC

The combined cumulative impact of the changes proposed in this bill are estimated to be approximately 213 more people in prison and 615 more people under field supervision by FY 2032, with additional impact from changes to section 558.019 that are beyond the 10-year time frame covered in this response. There are also additional impacts from sections 579.065 and 579.068 that are not included in the chart below. Impact from 575.150 and 575.151 are not included in the chart below.

Change in prison admissions and probation openings with legislation-0077H.07C

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	96	96	96	96	96	96	96	96	96	96
After Legislation	129	129	129	129	129	129	129	129	129	129
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	116	116	116	116	116	116	116	116	116	116
Change (After Legislation - Current Law)										
Admissions	33	33	33	33	33	33	33	33	33	33
Probations	116	116	116	116	116	116	116	116	116	116
Cumulative Populations										
Prison	33	66	117	208	212	213	213	213	213	213
Parole	0	0	-18	-75	-48	66	160	164	168	168
Probation	116	232	348	447	447	447	447	447	447	447
Impact										
Prison Population	33	66	117	208	212	213	213	213	213	213
Field Population	116	232	330	372	399	513	607	611	615	615
Population Change	149	298	447	580	611	726	820	824	828	828

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	18	(\$9,499)	(\$142,485)	0	\$0	22	(\$142,485)
Year 2	36	(\$9,499)	(\$348,803)	0	\$0	44	(\$348,803)
Year 3	72	(\$9,499)	(\$711,559)	0	\$0	48	(\$711,559)
Year 4	149	(\$9,499)	(\$1,01,982)	0	\$0	(6)	(\$1,01,982)
Year 5	153	(\$9,499)	(\$1,573,150)	0	\$0	6	(\$1,573,150)
Year 6	154	(\$9,499)	(\$1,615,100)	2	(\$201,583)	110	(\$1,816,683)
Year 7	154	(\$9,499)	(\$1,647,402)	4	(\$389,200)	204	(\$2,036,602)
Year 8	154	(\$9,499)	(\$1,680,350)	4	(\$374,176)	208	(\$2,054,526)
Year 9	154	(\$9,499)	(\$1,713,957)	4	(\$378,166)	212	(\$2,092,123)
Year 10	154	(\$9,499)	(\$1,748,235)	4	(\$382,203)	212	(\$2,130,440)

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

In response to a previous version, officials from the **Office of the State Courts Administrator** and the **Hannibal Rural Fire Protection District** 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.

Bill as a Whole

In response to a previous version, officials from the **Attorney General's Office**, the **Department of Public Safety – Capitol Police**, the **Office of the State Public Defender**, and the **St. Joseph Police Department** 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.

§§579.065 and 579.068 – Trafficking drugs

DOC states this proposal modifies provisions relating to the offenses of trafficking of drugs in the first and second degree. This bill intends to modify sections 579.065 and 579.068 to reduce the number of people eligible for sentencing as drug traffickers due to possession of and distributing substances that contain cocaine base.

Trafficking drugs in the first degree is a class B felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is considered a class A felony. Trafficking drugs in the second degree is a class C felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is a class B felony. Therefore,

the intent of this bill is the removal of one class C felony, two class B felonies, and one class A felony.

Section 579.065 - In FY 2022, there were 17 new prison admissions for 1st degree drug trafficking and 22 new probation cases for sentences of trafficking drugs in the first degree.

Section 579.068 - In FY 2022, there were 89 new prison admissions for 2nd degree drug trafficking and 77 new probation cases for sentences of trafficking drugs in the second degree.

When an offender is sentenced to imprisonment, the department receives a sentence and judgement form which contains information on the conviction(s) of and sentence(s). Most sentence and judgement forms for drug-related offenses do not notate the type or amount of the drug associated with the conviction. Given that the drug associated with the offense, and any amount associated with the drug, is unknown in the majority of cases, the department is unable to estimate the number of new admissions related to the possession and or distribution of fentanyl. Therefore, the DOC will assume an unknown impact to this legislation.

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

In response to similar legislation from 2023 (HB 1176), 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 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.

§579.088 – Fentanyl testing

In response to similar legislation from 2023 (SB 480), officials from the **Attorney General's Office**, the **City of O'Fallon**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and the **Office of the State Courts Administrator** 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 for this section.

§§590.033, 590.040, and 590.080 – Peace officer standards

In response to similar legislation from 2023 (SCS SB 38), officials from the **Attorney General's Office** and the **Office of Administration** assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (SB 38), officials from the **Missouri Department of Conservation**, the **Kansas City 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.

In response to similar legislation from 2023 (SCS SB 38), officials from the **Oronogo Police Department** indicated this proposal would have a fiscal impact on their organization. However, **Oversight** notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

§595.209 – Electronic notification to victims of certain crimes

Officials from the **Department of Public Safety - Office of the Director** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

Bill as a Whole

In response to a previous version, officials from the **Missouri Department of Conservation**, the **Office of Administration**, and the **Kansas City 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.

§650.058 – Restitution for wrongful convictions

DOC states this part of the proposal establishes provisions relating to individuals found guilty of a felony in a Missouri court and later determined to be actually innocent of such offense as a result of any evidentiary method except DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred seventy-nine dollars per day for each day of post-conviction incarceration for the offense for which the individual is determined to be actually innocent.

The fiscal impact to the department is an **unknown cost**, as there is no way to determine how many offenders will be found innocent of their crime and will further petition for restitution.

Oversight does not have any information contrary to that provided by **DOC**. Oversight assumes the General Revenue Fund will reimburse the Legal Expense Fund for any litigation payouts. Therefore, Oversight will reflect **DOC's Unknown cost avoidance** for fiscal note purposes.

Oversight notes the Midwest Innocence Project 2021 Annual Report states they are reviewing 389 cases in 63 counties in Missouri [MIP April 2021 annual report](#). In November of 2021, the

Death Penalty Information Center reported Governor Parsons citing a backlog of more than 3,000 clemency requests.

In response to similar legislation from 2023 (SB 146), officials from the **Office of the State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (SB 146), officials from the **Office of the State Public Defender**, the **Kansas City Police Department**, the **St. Joseph Police Department** and **St. Charles Community College** 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 organizations.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety - Fire Safety**, the **Missouri National Guard**, the **Department of Revenue**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Office of the Secretary of State**, the **City of Kansas City**, the **City of Springfield**, the **Branson Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** each assume 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 organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, county prosecutors, circuit clerks, local law enforcement, and fire protection districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT</u> – State Government	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
GENERAL REVENUE				
<u>Income</u> – (\$547.500) Application fees for review of a claim of actual innocence p. 6-7	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (\$558.031) Jail- time credit p. 9	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 23-24	Unknown	Unknown	Unknown	Unknown
<u>Cost Avoidance</u> – DOC (Repeal of §650.058) Actual innocents payouts p. 25-26	Unknown	Unknown	Unknown	Unknown
<u>Cost</u> – DOC (\$211.071) Potential increase in incarceration costs p. 3	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> – DOC (\$217.690) Change in parole eligibility p. 3-4	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
<u>Cost – MOPS</u> (\$547.500) New Conviction Review Unit p. 6-7	\$0 or....	\$0 or...	\$0 or....	\$0 or....
Personal Service	(\$183,333)	(\$222,200)	(\$224,422)	(\$224,422)
Fringe Benefits	(\$107,554)	(\$129,887)	(\$130,719)	(\$130,719)
Expense & Equipment	(\$30,000)	(\$36,900)	(\$37,823)	(\$37,823)
<u>Total cost -MOPS</u>	<u>(\$320,887)</u>	<u>(\$388,897)</u>	<u>(\$392,964)</u>	<u>(\$392,964)</u>
FTE Change - MOPS	3 FTE	3 FTE	3 FTE	3 FTE
<u>Cost – DOC</u> (\$568.045)p.10-12				Could exceed...
Personal service	(\$49,353)	(\$149,541)	(\$251,725)	(\$366,723)
Fringe benefits	(\$31,452)	(\$103,172)	(\$173,672)	(\$253,012)
Equipment and expense	(\$11,497)	(\$27,032)	(\$35,082)	(\$28,171)
Increased incarceration costs	(\$142,485)	(\$290,669)	(\$444,724)	(\$631,148)
<u>Total cost - DOC</u>	<u>(\$234,787)</u>	<u>(\$570,414)</u>	<u>(\$905,203)</u>	<u>(\$1,279,054)</u>
FTE Change – DOC	1 FTE	3 FTE	5 FTE	7 FTE
<u>Cost – DOC</u> (\$569.100, 570.030, 571.070, 575.353) p. 12-23	Less than...	Less than...	Less than...	Less than...
Personal service	\$0	\$0	\$0	(\$209,556)
Fringe benefits	\$0	\$0	\$0	(\$144,579)
Equipment and expense	\$0	\$0	\$0	(\$35,065)
Increased incarceration costs	(\$142,485)	(\$348,803)	(\$711,559)	(\$1,647,402)
<u>Total cost - DOC</u>	<u>(\$142,485)</u>	<u>(\$348,803)</u>	<u>(\$711,559)</u>	<u>(\$2,036,602)</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	4 FTE

<u>FISCAL IMPACT</u> – <u>State</u> <u>Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
<u>Cost</u> – DOC p. 20 (§§575.150 and 575.151) Potential increase in incarceration costs	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost</u> – MHP (§610.140) p. 4-5	Less than...	Less than...	Less than...	Could exceed...
Personal Service	(\$375,320)	(\$459,392)	(\$468,580)	(\$468,580)
Fringe Benefits	(\$334,222)	(\$409,088)	(\$417,270)	(\$417,270)
Expense & Equipment	(\$76,500)	\$0	\$0	\$0
<u>Total cost</u> – MHP	(\$786,042)	(\$868,480)	(\$885,850)	(\$885,850)
FTE Change – MHP	Less than 9 FTE	Less than 9 FTE	Less than 9 FTE	Less than 9 FTE
<u>Cost</u> – DOC & OSCA (§610.140) To expunge records p. 5-6	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out</u> – (§552.020) Jail- based competency restoration services and forensic mobile teams p. 7-8	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)
<u>Loss</u> – (§488.650) Repeal of \$250 expungement surcharge p. 4-5	<u>Could exceed</u> (\$168,958)	<u>Could exceed</u> (\$202,750)	<u>Could exceed</u> (\$202,750)	<u>Could exceed</u> (\$202,750)

ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>More or less than</u> (\$3,319,826)	<u>More or less than</u> (\$4,379,344)	<u>More or Less than</u> (\$5,098,326)	<u>More or less than</u> (\$6,797,220)
Estimated Net FTE Change on the General Revenue Fund	Less than 13 FTE	Less than 15 FTE	Less than 17 FTE	Less than 23 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
LOCAL POLITICAL SUBDIVISIONS				
<u>Transfer In – (\$552.020) from General Revenue p. 7-8</u>	\$1,666,667	\$2,000,000	\$2,000,000	\$2,000,000
<u>Savings/Cost –Jails (\$544.453) Implementing new provisions relating to setting bail or conditions of release p. 6</u>	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
<u>Cost – Jails (\$552.020) Room/board and general medical care p. 7-8</u>	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2030)
<u>Cost</u> – (\$610.140) Local political subdivisions – To expunge records p. 5-6	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<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

This act modifies provisions regarding criminal laws.

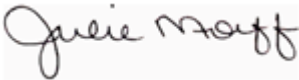
The proposal contains an emergency clause for sections 211.071, 217.345, 568.045 & 211.600

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

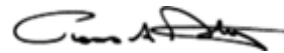
SOURCES OF INFORMATION

- 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 Higher Education and Workforce Development
- 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

Missouri Department of Conservation
Missouri Department of Transportation
Missouri House of Representatives
Missouri National Guard
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Governor
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
City of Kansas City
City of Springfield
Branson Police Department
Eldorado Springs Police Department
Kansas City Police Department
Oronogo Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department
Hannibal Rural Fire Protection District



Julie Morff
Director
May 8, 2023



Ross Strope
Assistant Director
May 8, 2023