

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0077S.05T  
 Bill No.: Truly Agreed To and Finally Passed SS for SCS for SB Nos. 189, 36 & 37  
 Subject: Crimes and Punishment; Criminal Procedure; Highway Patrol; Courts; Judges;  
 Attorneys; Attorney General; Prisons and Jails; Department of Corrections;  
 Animals; Law Enforcement Officers and Agencies  
 Type: Original  
 Date: June 21, 2023

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue*/**	More or less than (\$5,716,391)	More or less than (\$6,838,973)	More or less than (\$7,523,370)	More or less than (\$9,285,204)
<b>Total Estimated Net Effect on General Revenue</b>	<b>More or less than (\$5,716,391)</b>	<b>More or less than (\$6,838,973)</b>	<b>More or less than (\$7,523,370)</b>	<b>More or less than (\$9,285,204)</b>

\*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. 15).

\*\* Budget Requests for FY2023 reflects there are 1,398 FTE State Troopers in Missouri. If only 6.5% of those request PTSD treatment, and each deemed a valid case, the State of Missouri would have minimal expenses of \$105,560 (91\*\$1,160 – lower estimate for treatment) to \$429,884 (91\*\$4,724). Oversight assumes the negative impact could reach or exceed the \$250,000 threshold. The \$1.65M estimate is for §590.192 (adding firefighters to the Critical Incident Stress Management Program).

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2033)</b>
Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
988 Public Safety Fund*	\$0	\$0	\$0	\$0
Public Defender-Federal and Other Fund#	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>

\*Income less (distribution) net to zero.

#Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund. Oversight assumes this will not meet the \$250,000 threshold.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2033)</b>
Workers' Compensation Fund (0652)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on All Federal Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2033)</b>
General Revenue	Less than 17 FTE	Less than 19 FTE	Less than 21 FTE	Less than 26 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Less than 17 FTE</b>	<b>Less than 19 FTE</b>	<b>Less than 21 FTE</b>	<b>Less than 26 FTE</b>

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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>Fully Implemented (FY 2033)</b>
<b>Local Government</b>	<b>\$0 to (Unknown - potentially significant amount)</b>	<b>\$0 to (Unknown - potentially significant amount)</b>	<b>\$0 to (Unknown - potentially significant amount)</b>	<b>\$0 to (Unknown - potentially significant amount)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§84.344 and 285.040 – Residency requirements

**Oversight** notes this proposal removes the residency requirement for certain public safety employees in St. Louis City.

#### §§84.480 and 84.510 – Kansas City Police Department

In response to similar legislation from 2023 (Perfected HCS HB Nos. 640 & 729), 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 in the fiscal note for these sections.

**Oversight** assumes removing the salary ceiling for the police chief and several officers (see current annual compensation maximum by rank below) will allow KCPD more flexibility in hiring/retaining officers.

Police Chief (\$189,726)

Lieutenant Colonels (\$146,124)

Majors (\$133,320)

Captains (\$121,608)

Sergeants (\$106,560)

Master Patrol Officers (\$94,332)

Master Detectives (\$94,332)

Detectives, Investigators and Police Officers (\$87,636)

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

Officials from the **Department of Corrections (DOC)** assume section 211.071 modifies provisions relating to the certification of juveniles for trial as adults. 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; therefore, the department will have to assume an **unknown fiscal impact**.

**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						

**DOC** assumes section 217.345 modifies provisions relating to the certification of juveniles for trial as adults. This will have **no impact** on the department.

This part of the proposal has an emergency clause.

§217.690 – Eligibility for parole

**DOC** states this section 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.

§287.067 – Establishes post-traumatic stress disorder as an occupational disease

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume the proposal would not have a direct fiscal impact on their organization.

**Oversight** notes in response to similar legislation from 2021, HB 1249, **DOLIR** elaborated on and determined that a change in coverage will not cost **DOLIR/DWC** more money to administer. Additionally, since the vast majority of “first responders” are public employees (not small

business employees), this legislation should not have a significant impact on private businesses (regardless of whether the premiums for public employers may or may not rise).

Officials from the **Office of Administration (OA)** state this legislation creates a provision that posttraumatic stress disorder (PTSD) is recognized as an occupational disease for first responders, as defined in 67.145. This change may affect the proof requirements to establish a compensable injury for first responders with workers' compensation claims based on PTSD. The costs to the state are unknown. The amount of cost increase, if any, cannot be estimated, as it would depend on the facts and circumstances of each case and judicial interpretation of the changes.

**Oversight** does not have any information to the contrary to that provided by OA. Therefore, Oversight will range the impact from zero impact (no future claims of PTSD) to a negative Unknown (an unknown number of employees will be filing PTSD claims and meet the requirement of the proposal) in the fiscal note.

**DOC** assumes this section allows PTSD to be considered an occupational disease for first responders. First responders is defined as emergency first responders, law enforcement officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, and emergency medical technician-paramedics.

It is unclear whether DOC staff would be included in that definition. If the DOC is included in this interpretation, it is unknown how many staff will claim worker's compensation, and unknown how many affected staff would be on administrative leave for worker's compensation appointments, and overtime when staff are not on post because of appointments, leave, or modified duty.

Passage of this legislation has the potential to create a substantial financial impact on the DOC. By including mental impairment as a potential occupationally-related disease, the occurrence of worker's compensation claims will likely increase, as well as the number of days off and modified duty days requested by affected employees. While an increase in these areas is probable, if not certain, it is not quantifiable at this time. Therefore, DOC estimates the impact to be \$0 to (Unknown).

**Oversight** notes, for illustrative purposes of this note, but excluding any proposals with data including 2020 thru 2022 due to the COVID-19, South Carolina (SC) passed a similar bill, S429 (2016). The SC General Assembly noted the "this bill would have an expenditure impact on the general fund, but an estimate could not be determined as the costs will depend upon the number of workers' compensation claims filed in a given year." This bill is not expected to impact federal funds or other funds." (Source:

<https://www.masc.sc/Pages/programs/solutions/insurance/RiskLetter/Fall%202021/First-Responder-PTSD-Assistance.aspx>)

Additionally, “this bill would have a local expenditure impact on municipal and county governments of \$1,950,000 to \$5,475,000 in FY 2015-16 based on estimates from the Municipal Association and counties on increased premium costs and incurred claims expenses.” (Source: [https://www.scstatehouse.gov/sess121\\_2015-2016/prever/429\\_20150430.ht](https://www.scstatehouse.gov/sess121_2015-2016/prever/429_20150430.ht)).

**Oversight** notes that the South Carolina General Assembly appropriated \$500,000 annually to the Workers Compensation Fund, since the passage of similar PTSD legislation S326 in 2016, to pay for PTSD claims for first responders. (Source: [https://www.scstatehouse.gov/sess123\\_2019-2020/appropriations2019/tap1b.htm](https://www.scstatehouse.gov/sess123_2019-2020/appropriations2019/tap1b.htm))

**Oversight** notes that the Ohio General Assembly, while passing HB 308 concerning First Responder PTSD legislation, estimated that it is possible the bill might in future years affect the state and political subdivisions’ costs and liabilities related to PTSD compensation and benefits. The General Assembly also noted that it will need to transfer \$500,000 into a special fund maintained by OMB Office to take care of such a claims.

(Source: <https://www.legislature.ohio.gov/download?key=15338&format=pdf>;

**Oversight** also notes that Florida Department on Financial Services stated, in regards to fiscal analysis of a similar proposal (2018 House Bill 227 First Responders PTSD), that the proposal would likely have a significant negative impact to the state and local political subdivisions. However, the amount is indeterminate depending on variation of number of claims meeting the requirements of the proposal.

(Source: [http://gencourt.state.nh.us/SofS\\_Archives/2018/house/SB553H.pdf](http://gencourt.state.nh.us/SofS_Archives/2018/house/SB553H.pdf)).

### **\$250,000 threshold of negative impact to the General Revenue**

**Oversight** notes the Budget Request 2023 shows there are 1,393 State Troopers in Missouri. If only 6.5% (please see the explanation for the percentage below) of those request PTSD treatment, and each deemed as a valid case, the State of Missouri would have a minimal expense of \$105,560 (91 \* \$1,160 – lower estimate for treatment) to \$429,884 (91 \* \$4,724).

Oversight notes the above estimates are based on the lowest possible percentage of such cases filed within the first responders sub-group; therefore, the expense could reach a greater amount of expense in the future years.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** defer to the **Missouri Department of Transportation** for the potential fiscal impact of this proposal.

In response to similar legislation from 2023 (TAFP SS SCS SB Nos. 189, 36, and 37), officials from the **City of Kansas City** assumed this legislation has a negative fiscal impact.

In response to similar legislation from 2023 (TAFP SS SCS SB Nos. 189, 36, and 37), officials from the **City of Springfield** anticipated a negative fiscal impact of approximately \$500,000 annually due to increased claims related to PTSD being defined as an occupational disease.

**Oversight** notes “first responders” are defined in RSMo 67.145.2 as “emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses, or physicians.”

**Oversight** also notes that according to the U.S National Library of Medicine – National Institute of Health, the rates of PTSD among firefighters appear elevated, with point prevalence estimates ranging from 6.5% to 30%. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5825264/>)

**Oversight** estimates there to be around 25,000 fire fighters, police officers, EMTs and paramedics in the State of Missouri according the Bureau of Labor Statistics 2020.

**Oversight** notes that if only 6.5% of the above group are diagnosed with PTSD, it would represent 1,625 first responders with PTSD.

A study by Rand Company found that the annual cost ranges from about \$1,160 to \$4,724 per person (though this data is from 2008, Tanielian says there is little reason to think that these numbers would have changed significantly). <https://www.marketwatch.com/story/what-ptsd-costs-families-2014-04-04>

Additionally, the total annual cost for health care for a veteran who had PTSD was estimated to be \$11,342, which was more than double the annual VA health care cost of a veteran without PTSD; 73.1% of health care costs for veterans who had PTSD was for non-mental health services ([Watkins et al., 2011](http://Watkins et al., 2011)). <https://www.ncbi.nlm.nih.gov/books/NBK224872/>

**Oversight** notes the above estimated amount indicates the total price is a partially mental health and partially non-mental health services. The actual cost for only mental health service is as follows:

	Total PTSD expense per person	\$	11,342
-	Non-mental health services (73.1%)	\$	8,291
=	<b>Mental health services cost only</b>	\$	<b>3,051</b>

For purposes of this fiscal note, **Oversight** will estimate the cost using the RAND study.

**Oversight** notes using the lower spectrum of those affected with PTSD (6.5%), within the first responder sub group (firefighters) could potentially require additional cost ranging from \$1,885,000 (1,625\*\$1,160) to \$7,676,500 (1,625\*\$4,724) to the local political subdivisions.

**Oversight** notes the City of Kansas City and the City of Springfield each assume the proposal will have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a range the impact from \$0 (no cases of PTSD are



diagnosed) to a potentially significant negative unknown (the employees are diagnosed with PTSD) to local governments in the fiscal note.

§§307.018 and 556.021 – Warrants for failure to appear

Officials from the **Missouri Office of Prosecution Services (MOPS)** state the delay in collecting traffic infraction fines may cause a negative fiscal impact to MOPS, prosecutors and the circuit attorney. The surcharge is used to fund both the office and training of prosecutors and the circuit attorney. The amount of the negative impact is unknown.

**Oversight** does not have any information contrary to that provided by MOPS. Therefore, Oversight will reflect MOPS's \$0 to (Unknown) impact for fiscal note purposes.

§§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 - Judicial Privacy Act

**DOC** states section 476.1302 allows a judicial officer to notify a government agency to refrain from disclosing the judicial officer's personal information. Agencies who fail to comply can be subject to injunctive or declaratory relief. For open records, DOC enters into the offender management system the official phone number and address (not personal) of judicial officers from the sentencing paperwork. DOC may also have personal information of judicial officers with visiting applications, phone records, offender emessage records, and offender deposits. These are all typically considered closed records; therefore, there is no anticipated impact.

Additionally, section 565.240 is modified to include posting personal information about judicial officers and their family members on the internet as a class D felony offense. These actions are considered a nonviolent class D felony offense; therefore, the intent of the bill is to create a new class D felony offense.

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

The cumulative impact on the DOC is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2026.

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>27</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

Officials from the **Department of Revenue (DOR)** assume the following:

**Administrative Impact**

To implement the proposed change, the DOR would be required to:

- Project development and oversight tasks;
- Coordinate with the Missouri Supreme Court to develop requirements for the data file specifications for electronic transfer of data;
- OA-ITSD to develop a secure process that is a format compatible with the Missouri Supreme Court system for the court to send the request with personal information attached;
- Complete programming and user acceptance testing of MODL to verify file transfer from Missouri Supreme Court and update confidential record indicators as required to restrict release of information;
- OA-ITSD Test the file generation and secure transfer process to ensure all required data elements are received as required;
- Obtain format and procedure approvals from Missouri Supreme Court as applicable;
- Test file transfer process, record updates, record sales and law enforcement inquiries to ensure accurate handling of these newly restricted record types;
- Update policies and procedures;
- Update forms, manuals, and the DOR website;
- Complete training as required.

FY2024-Driver License Bureau

Research/Data Analyst 80 hrs. @ \$25.63 =\$2,050

Administrative Manager 60 hrs. @ \$27.82 =\$1,669

Total \$3,719

FY 2024-Public Service Bureau

Associate Research/Data Analyst 20 hrs. @ \$17.20 = \$344

**Total \$4,063**

MVB:

Chapters in 476

• This bill creates the “Judicial Privacy Act,” which functions as a way for judges to request that their personal information not be posted or released. Judicial officers have to make a written request either directly to each agency, person, business, or association; or file through a clerk of the Supreme Court, asking them to refrain from disclosing the judicial officer’s personal information. The bill also requires that no one uses a judicial officer’s personal information in any way for the purposes of tampering with a judicial officer; being guilty of which would result in a class D felony.

#### **Administrative Impact**

To implement the proposed legislation the DOR will be required to:

- Update procedures, correspondence letters and the DOR website;
- Update the Missouri Titling Manual and Forms;
- Send Communications to License offices and other Contracted stakeholders; and
- Train Staff

FY 2023 – Motor Vehicle Bureau

Associate Research/Data Analyst 40 hrs. @ \$19.90/hr. = \$796.00

Lead Administrative Support Asst. 20 Hrs @ \$17.05 = \$341.00

Administrative Manager 5 Hrs @ \$26.96 = \$134.80

FY 2024 – Strategy and Communications Office

Associate Research/Data Analyst 20 hrs. @ \$19.90/hr. = \$ 398

**Total Cost = \$1,669.80**

DOR anticipates absorbing these costs and that there will be minimal impact. If multiple bills are passed that require DOR resources, FTE may be requested through the appropriations process.

Based on the assumption that the eligible record holders will be updated through a secure file process and not by processing of individual applications, the DOR does not expect to require additional FTE. The volume of potential individual requests for removal is unknown. If the volume of request increases beyond current staffing abilities, the DOR will be required to request appropriations for FTE.

The fiscal impact estimate in this response is based on changes in the current MO Driver License System environment. The DOR is pursuing an upgraded Motor Vehicle and Driver Licensing

system and to reduce duplicative development and reduce cost the sponsor may want to consider an delayed effective date that would allow the proposed changes be developed within the new proposed environment.

**Oversight** notes DOR anticipates having a one-time IT cost of **\$33,653** for 354.24 hours of work at \$95 per hour in FY 2024.

**Oversight** is unclear on the timeframe for updating DOR’s Motor Vehicle and Driver Licensing software system and will, therefore, reflect costs estimates as provided by DOR as if the changes were implemented starting in FY24.

**OA** states this proposal provides restrictions on the use of a judicial officer’s personal information and establishes civil remedies for violation, including costs and attorney fees. These provisions have the potential to increase costs to the Legal Expense Fund (LEF) if a claim were successfully brought against a state employee for violation of this legislation.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect a \$0 to unknown cost to General Revenue (as reimbursement to the Legal Expense Fund) and the LEF as provided by the OA.

#### §509.520 – Court Pleadings, Attachments, and Exhibits

**DOLIR** states the Labor and Industrial Relations Commission (LIRC) is not a party to appeals from its decisions to the Court of Appeals. By statute, the LIRC is required to return the record on appeal, including the transcript, to the Court of Appeals in workers’ compensation (287.495 RSMo) and unemployment (288.210 RSMo) cases. To the extent the proposed legislation applies to the return of records by the LIRC, compliance with the bill’s redaction requirements for such returns will have a fiscal impact on the LIRC.

In FY22, 366 unemployment cases and 31 workers’ compensation cases were appealed from the LIRC to the Court of Appeals. Those 397 cases required the LIRC to return approximately 67,000 pages to the Court of Appeals. The length of the hearing and the number of exhibits filed by the parties significantly contributes to the size of the record on appeal.

To the extent the proposed legislation applies to the return of records by the LIRC, the LIRC would be required to:

1. Review each page to determine if it contains any “confidential and personal identifying information” as set forth in the bill;
2. Redact any such confidential and personal identifying information from the page;
3. Place text over each redaction to identify the category/type of information being redacted so that the redacted information can be logged in a confidential information filing sheet;
4. Log the redacted information in a confidential information filing sheet; and
5. Confirm the accuracy of the redactions and confidential information filing sheet before returning the record to the Court of Appeals.

When a party files a Notice of Appeal, the Court of Appeals sets a strict time limit for the LIRC to return the record on appeal. Based on the approximately 67,000 pages returned to the Court of Appeals in FY22, the LIRC estimates that to timely accomplish the review, redaction, and completion of the confidential information filing sheet, four additional FTE will be required at an estimated cost of \$393,637 (for FY26) while an increased number of appeals would require additional staff.

Clerical

\$53,287	annual salary (current LIRC clerical salary)
\$36,153	annual fringe (est. from HR Director)
\$ 475	space/annual rent (est. from General Services)
<u>\$ 2,000</u>	equipment (est. from recently purchased equipment for LIRC staff)
$\$91,915 \times 3 = 275,745$	

Attorney

\$ 70,183	annual salary (est. using current LIRC attorney salary)
\$ 42,736	annual fringe (est. from HR Director)
\$ 900	space/annual rent (est. from General Services)
<u>\$ 2,000</u>	equipment (est. from recently purchased equipment for LIRC staff)
$\$115,819 \times 1 = 115,819$	

**Oversight** inquired DOLIR regarding their response as this proposal would add approximately 7 additional categories of information that DOLIR may have to redact pursuant to the provisions within §509.520.

**DOLIR** states LIRC attorneys on staff currently perform any redaction required. The current redaction requirements only apply to SSNs and credit card information. The increased volume of information subject to redaction will require an additional attorney and three clerical staff to share the load **if** the LIRC were found to be a “party” as the statute outlines when returning documents to the Court of Appeals.

As no confidential filing sheet is required of unemployment insurance and workers’ compensation cases at this time, DOLIR currently has no dedicated staff to redact information. However, that changes with this bill, depending on whether or not the LIRC is considered a party to a case when returning documents to the Court of Appeals.

**Oversight** does not have information to the contrary. Therefore, Oversight will reflect an estimate of \$0 (not a party to a case) or 4 additional FTE as estimated by DOLIR.

**DOC** assumes this section prohibits the court from including some personal identifying information in judgments or orders; however, as a confidential information filing sheet will be filed, this change will have **no impact** on the department.

§547.500 – Conviction Integrity Unit Act

**MOPS** states creating the conviction review unit will require hiring 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.

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, the Department of Mental Health (DMH) proposes jail-based competency restoration services to occur at five 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 Organization (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 five locations would be in St. Louis City, St. Louis County, Clay County, Jackson County, and Greene County. DMH estimates the cost for each county jail to be \$500,000 per site, totaling \$2.5 Million in GR 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 \$2.5 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 \$2,083,333 in FY 2024 and \$2,500,000 in FY 2025 and beyond.

#### §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 armed criminal action (ACA) charge in FY 2022. Given the relatively long length of sentences and prison terms for offenders with ACA sentences, DOC does 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
<b>New Admissions</b>										
Current Law	372	372	372	372	372	372	372	372	372	372
After Legislation	372	372	372	372	372	372	372	372	372	372
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
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
<b>Population Change</b>	0	0	0	0	0	372	744	1,116	1,488	1,488

§558.031 – Credit for jail time

**DOC** states section 558.031 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.

§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.

#### §568.045 – Endangering the welfare of a child

**DOC** states section 568.045 modifies provisions relating to the offense of Endangering the Welfare of a Child in the First Degree, with an emergency clause enactment. Section 568.045, RSMo, is repealed and one new section 568.045 is added. 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
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
<b>Change (After Legislation - Current Law)</b>										
Admissions	15	15	15	15	15	15	15	15	15	15
Probations	94	94	94	94	94	94	94	94	94	94
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	15	30	45	59	59	59	59	59	59	59
Field Population	94	188	282	378	393	403	403	403	403	403
<b>Population Change</b>	<b>109</b>	<b>218</b>	<b>327</b>	<b>436</b>	<b>451</b>	<b>462</b>	<b>462</b>	<b>462</b>	<b>462</b>	<b>462</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	15	(\$9,499)	(\$142,485)	1	(\$94,900)	94	(\$237,385)
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)

This part of the proposal has an emergency clause.

#### §§571.015 and 571.070 – Criminal laws

**DOC** states section 571.015 intends to clarify Armed Criminal Action (ACA) as an unclassified felony. DOC estimates that the proposed changes to the sentencing for ACA offenses presents no 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, three 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
<b>New Admissions</b>										
Current Law	93	93	93	93	93	93	93	93	93	93
After Legislation	93	93	93	93	93	93	93	93	93	93
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison			19	84	84	84	84	84	84	84
Parole			-19	-84	-84	9	93	93	93	93
Probation										
<b>Impact</b>										
Prison Population			19	84	84	84	84	84	84	84
Field Population			-19	-84	-84	9	93	93	93	93
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>93</b>	<b>177</b>	<b>177</b>	<b>177</b>	<b>177</b>

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 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
<b>New Admissions</b>										
Current Law	3	3	3	3	3	3	3	3	3	3
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions										
Probations										
<b>Cumulative Populations</b>										
Prison				1	4	5	5	5	5	5
Parole				-1	-4	-5	-4	-1	2	2
Probation										
<b>Impact</b>										
Prison Population				1	4	5	5	5	5	5
Field Population				-1	-4	-5	-4	-1	2	2
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>7</b>	<b>7</b>

§571.031 – Unlawful discharge of a firearm

DOC states 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.

Officials from the **Office of the State Public Defender (SPD)** state the creation of a 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.

#### §575.353 – Offenses against police dogs

**DOC** states section 575.353 creates 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
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	4	8	12	16	16	16	16	16	16	16
Field Population	4	8	12	16	20	23	23	23	23	23
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>32</b>	<b>36</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>

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
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Change (After Legislation - Current Law)</b>										
Admissions	2	2	2	2	2	2	2	2	2	2
Probations	1	1	1	1	1	1	1	1	1	1
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	2	4	6	6	6	6	6	6	6	6
Field Population	1	2	3	6	6	6	6	6	6	6
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>	<b>12</b>

SPD states the creation of new offenses under section 575.353 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.

§§579.021 and 579.022 – Delivery of controlled substance

**DOC** states section 579.021 creates penalty provisions for the offense of delivering a controlled substance causing great bodily harm.

For each new class C felony, the department estimates four people could 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 could be served in prison with 2.1 years to first release. The remaining 3.2 years could be on parole. Probation sentences could 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 2027.

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
Prison	4	8	12	15	15	15	15	15	15	15
Parole	0	0	0	1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
<b>Impact</b>										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
<b>Population Change</b>	<b>10</b>	<b>20</b>	<b>30</b>	<b>34</b>	<b>38</b>	<b>42</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>

Section 579.022 creates penalty provisions for the offense of delivering a controlled substance causing death.

Given the seriousness of class A felony offenses and that the introduction of a completely new class A 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 A felony have an average sentence length of 17.1 years and serve, on average, 12.3 years in prison prior to first release. The department assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

The sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2033 is 10 additional offenders in prison.

**Change in prison admissions and probation openings with legislation**

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

**Combined Estimated Cumulative Impact of 0077S.05T for DOC**

The combined cumulative impact of the changes proposed in this bill are estimated to be approximately 203 more people in prison and 580 more people under field supervision by FY 2033, with additional impact from changes to section 558.019 that are beyond the 10-year time frame covered in this response.



**Change in prison admissions and probation openings with legislation-0077S.05P**

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
<b>New Admissions</b>										
Current Law	96	96	96	96	96	96	96	96	96	96
After Legislation	125	125	125	125	125	125	125	125	125	125
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	110	110	110	110	110	110	110	110	110	110
<b>Change (After Legislation - Current Law)</b>										
Admissions	29	29	29	29	29	29	29	29	29	29
Probations	110	110	110	110	110	110	110	110	110	110
<b>Cumulative Populations</b>										
Prison	29	58	105	193	197	199	200	201	202	203
Parole	0	0	-18	-76	-53	56	145	148	151	151
Probation	110	220	330	429	429	429	429	429	429	429
<b>Impact</b>										
Prison Population	29	58	105	193	197	199	200	201	202	203
Field Population	110	220	312	353	376	485	574	577	580	580
<b>Population Change</b>	<b>139</b>	<b>278</b>	<b>417</b>	<b>546</b>	<b>573</b>	<b>684</b>	<b>774</b>	<b>778</b>	<b>782</b>	<b>783</b>

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department’s institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department’s institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC’s cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

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

**SPD** states the proposed legislation creates new offenses under section 579.021 and 579.022 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result, the fiscal impact 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.

§§579.065 and 579.068 – Trafficking drugs

**DOC** states sections 579.065 and 579.068 repeals 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 1<sup>st</sup> 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 2<sup>nd</sup> 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.

§590.192 - Critical Incident Stress Management Program

Officials from the **Department of Public Safety - Fire Safety (DFS)** assume the proposal will have no fiscal impact on their organization.

**Oversight** notes TAFP SS for SCS for SB 57 (FY21) created the “Critical Incident Stress Management Program”. This program currently provides services to peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. All peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer’s commanding officer’s commanding officer when the check-in is complete. It also created the 988 Public Safety Fund to be used solely by DPS for the purpose of providing services for peace officers affected by a critical incident. This bill modifies the language to include firefighters.

Oversight contacted Fire Safety to determine the number of firefighters in Missouri. Fire Safety states the total number of firefighters in the state as of November 2022 is 21,941. This is a close estimate and is based on fire department registration information provided to Fire Safety. Fire Safety has seen this number get as high as 24,000 but not lower than 20,000. Therefore, for fiscal note purposes, Oversight will use 22,000 to determine a fiscal impact.

At a cost of \$300 per visit (as estimated by MHP in FY21), Oversight will reflect a cost of \$6,600,000 over a four-year rotation period  $[(22,000 * \$300)/4 = \$1,650,000]$ . Oversight notes TAFP HB 8 for 2023 included a \$500,000 appropriation for the 988 Public Safety Fund (0864) from General Revenue. Oversight will continue to utilize the above estimated fiscal impact.

Additionally, Oversight will reflect the possibility that the General Assembly could appropriate moneys to this fund from the General Revenue Fund. Oversight assumes all appropriated moneys, if any, will be expended in the same year on services such as consultation, risk assessment, education, intervention, and other crisis intervention services. For fiscal note purposes, Oversight assumes expenses and services provided under this proposal will equal income and net to zero.

**Oversight** assumes Fire Safety will utilize the services provided through the Critical Incident Stress Management Program to assist firefighters in coping with stress and potential psychological trauma relating to a critical incident or emotionally difficult event and, therefore, will reflect no impact to the Department of Public Safety for this section for fiscal note purposes.

#### §600.042 – Public Defender funding

**SPD** states the proposed legislation amending section 600.042 would allow SPD to receive gifts and grants in a specified public defender fund up to the currently authorized amount of \$1,250,000. It is unknown how much will be received within a fiscal year.

SPD knows of no donations that have been made to General Revenue (GR) under the current statute. SPD has solicited grants from Americorp Vista for in-kind donations and would like to solicit grants from the DOJ if the Quality Defense Act is passed. That legislation authorizes substantial grants for public defender organizations that have completed workload studies and

are working to establish appropriate workloads. SPD would also investigate other grant funding available.

**Oversight** assumes since no donations have been received by General Revenue through this statute, changing the designation to the new Public Defender – Federal and Other Fund would not create a material direct fiscal impact to the state.

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 600.042 creates the Public Defender Fund. To the extent any donations are made into the fund, TSR could increase.

§Implements 610.140 and repeals §488.650 - Expungements

**MHP** states with the requirements of this proposed legislation, there would be a need for nine (9) additional personnel to process expungements at an annual cost of up to \$870,000. The Patrol has averaged over 1,000 petitions related to expungements from §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.

**Oversight** does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's estimated impact 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.

**B&P** states sections 610.140 and 488.650 would repeal the existing surcharge and could reduce TSR collections.

#### §650.058 – Restitution for wrongful convictions

**DOC** states this section 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 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.

#### Rule Promulgation

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.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume 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 **Office of the State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Howell County Assessor's Office** indicate this proposal would have a fiscal impact on their organization. However, 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 would be absorbable within current funding levels.

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Natural Resources**, the **Department of Public Safety – (Division of Alcohol and Tobacco Control, Missouri Gaming Commission, Missouri Veterans Commission, and State Emergency Management Agency)**, the **Department of Social Services**, the **Missouri Consolidated Health Care Plan**, the **Missouri State Employee's Retirement System**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri Lottery Commission**, the **Missouri National Guard**, the **MoDOT & Patrol Employees' Retirement System**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, the **Oversight Division**, the **State Tax Commission**, the **Jackson County Board of Elections**, the **Platte County Board of Elections**, the **St. Louis County Board of Elections**, the **Newton County Health Department**, the

**Lincoln County Assessor's Office, the Clay County Auditor's Office, the Phelps County Sheriff's Department, the County Employees Retirement Fund, the Kansas City Public School Retirement Fund, the Public Schools and Education Employee Retirement Systems, the Rock Community Fpd Retirement Plan, the Sheriff's Retirement System, the Metropolitan St. Louis Sewer District – 7B Sewer, the Morgan County Pwsd #2, the South River Drainage District – 7D Levee, the Wayne County Pwsd #2, and Missouri State University** 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 agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local election authorities, county health departments, recorder of deeds, nursing homes, county assessors, county auditors, circuit clerks, county collectors, county prosecutors, county treasurers, county public administrators, local law enforcement, fire protection districts, ambulance districts, school districts, hospitals and colleges 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>GENERAL REVENUE</b>				
<u>Income –</u> (\$547.500) p. 14 Application fees for review of a claim of actual innocence	Unknown	Unknown	Unknown	Unknown
<u>Savings – DOC</u> (\$558.031) Jail-time credit p. 16	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings – DOC</u> (\$§579.065 and 579.068) Trafficking drugs p. 26	Unknown	Unknown	Unknown	Unknown
<u>Cost – DOC</u> (changes to Section 650.058) Actual innocents payouts expanded p. 29	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – DOC</u> (\$211.071) Potential increase in incarceration costs p. 4-5	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – DOC</u> (\$217.690) Change in parole eligibility p. 5	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – (\$287.067)</u> Payments to treat PTSD cases p. 5-9	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)



<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>GENERAL REVENUE</b> (continued)				
<u>Costs – DOC</u> (\$287.067) Potential increase in worker compensation claims p. 6	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – MOPS</u> (\$307.018) Delay in fine collection p. 9	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DOR</u> (§§476.1300 to 476.1313 and 565.240) OA/ ITSD costs p. 10-12	(\$33,653)	\$0	\$0	\$0
<u>Costs – OA</u> (§§476.1300 to 476.1313 and 565.240) Potential payout of claims to LEF against a state employee for violating this proposal p. 12	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DOLIR</u> (\$509.520) p. 12-13	\$0 or...	\$0 or	\$0 or	\$0 or could exceed...
Personal Service	(\$191,703)	(\$234,645)	(\$239,338)	(\$239,338)
Fringe Benefits	(\$123,670)	(\$150,125)	(\$151,880)	(\$151,880)
Equipment and expense	(\$9,938)	(\$2,372)	(\$2,419)	(\$2,419)
<b>Total cost - DOLIR</b>	<b>(\$325,311)</b>	<b>(\$387,141)</b>	<b>(\$393,637)</b>	<b>(\$393,637)</b>
FTE Change – DOLIR	0 or 4 FTE	0 or 4 FTE	0 or 4 FTE	0 or 4 FTE

<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>GENERAL REVENUE</b> (continued)				
<u>Costs – MOPS</u> (\$547.500) New Conviction_Review Unit p. 14	\$0 or....	\$0 or...	\$0 or....	\$0 or could exceed...
Personal Service	(\$183,333)	(\$222,200)	(\$224,422)	(\$224,422)
Fringe Benefits	(\$107,554)	(\$129,887)	(\$130,719)	(\$130,719)
Equipment and expense	(\$30,000)	(\$36,900)	(\$37,823)	(\$37,823)
<u>Total cost -MOPS</u>	(\$320,887)	(\$388,897)	(\$392,964)	(\$392,964)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE
<u>Costs – DOC</u> p. 9-10, 19-24 (\$565.240, 571.070, 575.353, 579.021, 579.022)				
Personal service	\$0	\$0	\$0	(\$161,931)
Fringe benefits	\$0	\$0	\$0	(\$111,720)
Equipment and expense	\$0	\$0	\$0	(\$13,002)
Increased incarceration costs	(\$110,822)	(\$271,291)	(\$592,966)	(\$1,634,715)
<u>Total cost - DOC</u>	(\$110,822)	(\$271,291)	(\$592,966)	(\$1,921,368)
FTE Change - DOC	0 FTE	0 FTE	0 FTE	3 FTE
<u>Costs – DOC</u> (\$568.045) p. 17-19				
Personal service	(\$49,353)	(\$149,541)	(\$251,725)	(\$377,839)
Fringe benefits	(\$34,050)	(\$103,172)	(\$173,672)	(\$260,680)
Equipment and expense	(\$11,497)	(\$27,032)	(\$35,082)	(\$30,337)
Increased incarceration costs	(\$142,485)	(\$290,669)	(\$444,724)	(\$669,779)
<u>Total cost - DOC</u>	(\$237,385)	(\$570,414)	(\$905,203)	(\$1,338,635)

<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>GENERAL REVENUE</b> (continued)				
FTE Change – DOC	1 FTE	3 FTE	5 FTE	7 FTE
<u>Costs – MHP</u> (§610.140) p. 28				Could exceed...
Personal Service	(\$375,320)	(\$459,392)	(\$468,580)	(\$468,580)
Fringe Benefits	(\$334,222)	(\$409,088)	(\$417,270)	(\$417,270)
Equipment and expense	(\$76,500)	\$0	\$0	\$0
<b>Total cost – MHP</b>	<b>(\$786,042)</b>	<b>(\$868,480)</b>	<b>(\$885,850)</b>	<b>(\$885,850)</b>
FTE Change – MHP	9 FTE	9 FTE	9 FTE	9 FTE
<u>Costs – DOC &amp;</u> <u>OSCA (§610.140)</u> To expunge records p. 28-30	\$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. 14-15	(\$2,083,333)	(\$2,500,000)	(\$2,500,000)	(\$2,500,000)
<u>Transfer Out – to</u> <u>the 988 Public</u> <u>Safety Fund</u> (§590.192) p. 26-27	(\$1,650,000)	(\$1,650,000)	(\$1,650,000)	(\$1,650,000)
<u>Loss – (\$488.650)</u> Repeal of \$250 expungement surcharge p. 28	<u>Could exceed</u> <u>(\$168,958)</u>	<u>Could exceed</u> <u>(\$202,750)</u>	<u>Could exceed</u> <u>(\$202,750)</u>	<u>Could exceed</u> <u>(\$202,750)</u>

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<u>More or less than</u> <b>(\$5,716,391)</b>	<u>More or less than</u> <b>(\$6,838,973)</b>	<u>More or less than</u> <b>(\$7,523,370)</b>	<u>More or less than</u> <b>(\$9,285,204)</b>
Estimated Net FTE Change on the General Revenue Fund	Less than 17 FTE	Less than 19 FTE	Less than 21 FTE	Less than 26 FTE
<b>WORKERS’ COMPENSATION FUND (0652)</b>				
<u>Cost – (\$287.067)</u> Claims being expanded to include PTSD p. 5-9	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE WORKERS’ COMPENSATION FUND</b>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>OTHER STATE FUNDS</b>				
<u>Cost - Colleges &amp; Universities (\$287.067) p. 5-9</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

<u>FISCAL IMPACT –</u> <u>State Government</u> (continued)	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>988 PUBLIC SAFETY FUND</b>				
<u>Transfer In – from General Revenue</u> p. 26-27	\$1,650,000	\$1,650,000	\$1,650,000	\$1,650,000
<u>Cost – (\$590.192) Firefighter evaluation/check-in</u> p. 26-27	(\$1,650,000)	(\$1,650,000)	(\$1,650,000)	(\$1,650,000)
<b>ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND (0864)</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>				
<u>Income – SPD</u> (\$600.042) p. 27-28 Government grants, private gifts, donations, and bequests made to the Office of the Public Defender	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

<u>FISCAL IMPACT</u> – <u>Local</u> <u>Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Transfer In</u> – (\$552.020) from General Revenue p. 14-15	\$2,083,333	\$2,500,000	\$2,500,000	\$2,500,000
<u>Costs</u> – payments to treat PTSD cases (\$287.067) p. 5-9	\$0 to (Unknown - potentially significant amount)	\$0 to (Unknown - potentially significant amount)	\$0 to (Unknown - potentially significant amount)	\$0 to (Unknown - potentially significant amount)
<u>Costs</u> – Jails (\$552.020) Room/board and general medical care p. 14-15	(\$2,083,333)	(\$2,500,000)	(\$2,500,000)	(\$2,500,000)
<u>Costs</u> – (\$610.140) Local political subdivisions – To expunge records p. 28-30	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 to</u> <b>(Unknown - potentially significant amount)</b></b>	<b><u>\$0 to</u> <b>(Unknown - potentially significant amount)</b></b>	<b><u>\$0 to</u> <b>(Unknown - potentially significant amount)</b></b>	<b><u>\$0 to</u> <b>(Unknown - potentially significant amount)</b></b>

FISCAL IMPACT – Small Business

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

## FISCAL DESCRIPTION

### CERTIFICATION OF JUVENILES FOR TRIAL AS ADULTS (Section 211.071, 211.600, & 217.345)

Under current law, a child between the ages of 12 and 18 may be certified for trial as an adult for a certain felony offenses. This act changes the ages to between 14 and 18 years old.

Additionally, under current law, a court shall order a hearing to determine whether a child should be certified for trial as an adult for certain offenses. This act adds that a child between 12 and 18 years old shall have a certification hearing for certain offenses. This act also adds dangerous felonies to such offenses.

This act provides that the Office of State Courts Administrator shall collect certain information as provided in the act relating to petitions to certify juveniles as adults.

Finally, this act modifies provisions relating to correctional treatment programs for offenders 18 years of age or younger. Such programs shall include physical separation from offenders younger than 18 years of age and shall include education programs that award high school diplomas or its equivalent.

These provisions contain an emergency clause.

### ELIGIBILITY FOR PAROLE FOR JUVENILES (Section 217.690)

Under current law, when a person under the age of 18 is sentenced to a term or terms of imprisonment amounting to 15 years or more, that person 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 when such person knowingly causes the death of another person.

### WORKERS COMPENSATION FOR FIRST RESPONDERS (Section 287.067)

This act establishes post-traumatic stress disorder (PTSD), as described in the Diagnostic and Statistical Manual of Mental Health Disorders, Fifth Edition, (DSM-5) as a compensable occupational disease under workers' compensation when diagnosed in first responders, as defined in by law. A first responder shall not require a physical injury in order to be eligible for benefits, but preexisting PTSD is not compensable. The time for notice of injury or death in cases of compensable PTSD is measured from exposure to one of the qualifying stressors listed in the DSM-5 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for an injury shall be properly noticed to the Division of Workers' Compensation within 52 weeks after the qualifying exposure, or the diagnosis of the disorder, whichever is later.

### ARRESTS FOR TRAFFIC VIOLATIONS (Sections 307.018 and 556.021)

This act provides that no court shall issue a warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in court with respect to a traffic violation issued for an infraction. In lieu of the warrant, the court shall issue a notice of failure to respond, pay the fine assessed, or appear, and the court shall schedule a second court date for the person to respond, pay the fine assessed, or appear. If the driver fails to respond to the second notice or the pay the fine, the court may issue a default judgment for the infraction. The driver may appear in court after a default judgment to show proof the fine was paid.

### JUDICIAL PRIVACY ACT (Sections 476.1300 to 476.1313)

This act establishes the "Judicial Privacy Act", which regulates the use of a judicial officer's personal information.

Upon receiving a written request, a government agency, as defined in the act, shall not publicly post or display a judicial officer's personal information in publicly available content, which includes documents or records that may be obtained by any person or entity, from the internet, upon request to the government agency, or in response to a request pursuant to the Missouri Sunshine Law or the federal Freedom of Information Act. A written request is a written or electronic notice signed by the judicial officer and submitted to the clerk of the Supreme Court of Missouri, or for a federal judicial officer to his or her clerk of the court, for transmittal to the government agency, person, business, or association.

After receiving a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency shall not publicly post or display the information and such information shall be exempted from the Missouri Sunshine Law. If a government agency fails to comply, the judicial officer may bring an action for injunctive or declaratory relief. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees. These provisions shall not apply to the Missouri State Highway Patrol.

No person, business, or association shall publicly post or display on the internet a judicial officer's personal information if the judicial officer has made a written request. Further, this act provides that no person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association shall have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, after receiving a request, the person, business, or association shall continue to ensure that the judicial officer's personal information is not made available on any website controlled by such person, business, or



association nor shall make the judicial officer's personal information available through any medium. If a judicial officer's personal information is made public in violation of this act, the judicial officer may bring an injunctive or declaratory action. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

No government agency, person, business, or association shall violate this act if the judicial officer fails to submit a written request. A written request shall be valid if the judicial officer sends the written request directly to a government agency, person, business, or association or files with the clerk of the Missouri Supreme Court or the clerk's designee in compliance with the Missouri Supreme Court rules. Additionally, this act provides that the clerk of the court where the judicial officer serves may submit a written request on behalf of the judicial officer if the judicial officer gives written consent and the clerk furnishes a copy of that consent with the request.

Each calendar quarter, the clerk of the Supreme Court of Missouri shall provide a list of all state judicial officers who have submitted a request to the appropriate officer for each government agency and the officer shall promptly provide a copy to all agencies under his or her supervision. Receipt of the clerk's written request list shall constitute a written request to the agency for purposes of this act.

A judicial officer's written request shall specify what personal information shall be maintained as private and shall make a reasonable effort to identify specific publicly available content in possession of the government agency. Furthermore, a judicial officer shall disclose the identity of his or her immediate family and indicate that their personal information shall be also be excluded to the extent that it could reasonably reveal the judicial officer's personal information.

A judicial officer's written request is valid until the judicial officer provides written consent to release the personal information or upon death of the judicial officer. Additionally, this act shall not apply to disclosures on lobbyist activities and campaign finance as required by law.

Written requests transmitted to a county recorder of deeds shall only include information specific to eligible documents maintained by that county. Not more than five business days after receiving a written request, the recorder shall shield the eligible documents listed in the written request and shall electronically reply with a list of documents not found in the county's records. In order to shield subsequent eligible documents, the judicial officer shall present a copy of his or her written request to the recorder at the time of recording and the recorder shall ensure that the eligible document is shielded within five business days. Eligible documents shall remain shielded until the recorder receives a court order or notarized affidavit signed by the judicial officer. No recorder shall be liable for any damages under this provision if the recorder made a good faith effort to comply and no recorder shall be liable for the release of eligible documents or data that was released or accessed prior to the document being shielded.

## EXCLUSION OF PERSONAL INFORMATION OF MINORS IN COURT DOCUMENTS (Section 509.520)

Currently, Social Security numbers of parties or children subject to an order of custody or support and credit and financial information of any parties are to be excluded from pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court. This act provides that beginning August 28, 2023, the following information shall be excluded from pleadings, attachments, exhibits, judgments, orders, or other records of the court, but shall be included in a confidential information sheet filed with the court, which shall not be subject to public inspection or availability:

- (1) Social security numbers of any party or children;
- (2) Credit card numbers, financial institution account numbers, personal identification numbers, or passwords used to secure an account of any party;
- (3) Motor vehicle operator license number;
- (4) Victim's information, including name, address, and other contact information;
- (5) Witness's information, including name, address, and other contact information;
- (6) Any other state identification numbers;
- (7) The name, address, and date of birth of a minor and, if applicable, any next friend; or
- (8) The full date of birth of any party, however, the year of birth shall be made available, except for a minor.

## CONVICTION REVIEW UNIT (Section 547.500)

Under this act, the Missouri Office of Prosecution Services may establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

The Missouri Office of Prosecution Services shall create an application process for defendants as provided in the act. The conviction review unit shall consist of two attorneys hired by the executive director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director shall be an ex officio member of the unit.

Once the review is complete, the conviction review unit shall present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office who requested the review. Such prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit.

Any document produced by the conviction review unit shall be a closed record until after the finality of all proceedings.

#### MENTAL HEALTH SERVICES FOR DETAINEES (Section 552.020)

Currently, a judge may order a pretrial examination of an accused person whom the judge has reasonable cause to believe lacks mental fitness to proceed. The psychiatrist, psychologist, or physician performing the examination shall submit a report with findings, opinions, and recommendations on treatment in suitable hospitals. This act requires the examination report to contain opinions as to the accused's mental fitness to proceed in the reasonably foreseeable future and recommendations as to whether the accused, if found to lack mental fitness to proceed, should be committed to a suitable hospital for treatment or if the treatment can be provided in a county jail or other detention facility approved by the Director of the Department of Mental Health. Additionally, the report shall contain a recommendation as to whether the accused, if found to lack mental fitness to proceed and if not charged with a dangerous felony, murder in the first degree, or rape in the second degree, should be committed to a suitable hospital facility or may be appropriately treated in the community, and whether the accused can comply with bond conditions and treatment conditions. If the court finds that the accused can comply with bond and treatment conditions, the court shall order the accused to remain on bond while receiving treatment until the case is disposed of as set out in current law. If the accused does not comply with bond and treatment conditions, the court may order that the accused be taken into law enforcement custody until such time as a Department inpatient bed is available.

#### 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 provides that the offense of armed criminal action shall be an unclassified felony. Additionally, this act provides that a person convicted of armed criminal action shall not be eligible for probation, conditional release, or suspended imposition or execution of sentence; however, the person shall be eligible for parole.

#### CREDIT FOR TIME SERVED (Section 558.031)

Under current law, a person can receive credit toward a sentence of imprisonment for all jail time served after conviction and before the commencement of the sentence, provided that the court may award credit for time spent in jail after the offense occurred with certain exceptions.

This act provides that a person shall receive credit toward a sentence of imprisonment for all jail time served after the offense occurred. The credit shall be based on the certificate of all

applicable jail-time credit from the sheriff who delivered the person into confinement in a correctional center. This provision shall only apply to offenses for which the offender was sentenced after August 28, 2023. Further, the total amount of credit given shall not exceed the number of days spent in prison, jail, or custody after the offense occurred and before the commencement of the sentence.

#### UNLAWFUL POSTING OF CERTAIN INFORMATION (Section 565.240)

Currently, the unlawful posting of certain information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, that intends to or threatens to cause great bodily harm or death shall be a Class E felony. This act provides that if such unlawful posting of certain information that intends to or threatens to cause great bodily harm or death actually results in bodily harm or death to such person or immediate family member, the offense shall be a Class D felony.

#### OFFENSE OF ENDANGERING THE WELFARE OF A CHILD (Section 568.045)

This act adds to the offense of endangering the welfare of a child in the first degree that any person who knowingly encourages or aids a child less than 17 to engage in any conduct violating law relating to firearms shall be guilty of a class D felony.

This act contains an emergency clause.

#### 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.

#### MAX'S LAW (Sections 575.010, 575.353, 578.007, & 578.022)

This act creates "Max's Law."

Under current law, the offense of assault on a law enforcement animal is a Class C misdemeanor.

This act provides that the offense of assault on a law enforcement animal is a Class A misdemeanor, if the law enforcement animal is not injured to the point of requiring veterinary care or treatment; a Class E felony if the law enforcement animal is seriously injured to the point of requiring veterinary care or treatment; and a Class D felony if the assault results in the death of such animal.

Additionally, exemptions to the offenses of agroterrorism, animal neglect, and animal abuse shall not apply to the killing or injuring of a law enforcement animal while working.

Finally, this act adds that any dog that is owned by or in the service of a law enforcement agency and that bites or injures another animal or human is exempt from the penalties of the offense of animal abuse.

#### OFFENSE OF DELIVERY OF A CONTROLLED SUBSTANCE (Sections 579.021 & 579.022)

This act creates the offenses of delivery of a controlled substance causing serious physical injury which shall be a class C felony. This act also creates the offense of delivery of a controlled substance causing death which shall be a class A felony.

#### DRUG TRAFFICKING (Sections 579.065 & 579.068)

Additionally, under current law, a person commits the offense of drug trafficking in the first or second degree if he or she is distributing or purchasing more than 8 grams or more than 24 grams of a mixture containing a cocaine base.

#### CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act adds firefighters as eligible first responder personnel to receive services from the Critical Incident Stress Management Program of the Department of Public Safety.

#### PUBLIC DEFENDER FUND (Section 600.042)

Under current law, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited in the general revenue fund of the state.

This act creates the "Public Defender - Federal and Other Fund" in the state treasury and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

#### EXPUNGEMENT OF CRIMINAL RECORDS (SECTIONS 610.140 & 488.650)

This act modifies provisions relating to the number of crimes a person may apply to have expunged from his or her record. A person may seek to expunge all crimes as part of the same course of criminal conduct or as part of an extended course of criminal conduct, subject to limitations as provided in the act.

Under current law, certain offenses, violations, and infractions are not eligible for expungement. This act adds that any offense that at the time of conviction requires registration as a sex offender

is not eligible for expungement. Additionally, this act adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning shall not be eligible for expungement.

This act changes provisions regarding any offense of unlawful use of weapons as not eligible for expungement to any "felony" offense of unlawful use of weapons is not eligible.

This act provides that a person may petition for expungement of crimes committed as part of an extended course of criminal conduct at least 10 years from the date of any sentence imposed under law.

This act repeals the provision that a court can make a determination at the hearing based solely on a victim's testimony and adds that a court may find that the continuing impact of the offense upon the victim rebuts the presumption that expungement is warranted.

This act also changes the time a person can petition to expunge arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest.

This act provides that a person shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. Additionally, this act modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime.

Finally, this act repeals provisions relating to the \$250 surcharge to file a petition for expungement.

#### COMPENSATION FOR WRONGFUL CONVICTIONS (Section 650.058)

Under current law, only individuals who are exonerated based on DNA evidence may receive restitution for a wrongful conviction.

This act provides that any individual who was later determined to be innocent as a result of another evidentiary method may be paid restitution. Such individual may receive an amount of \$179 per day for each day of postconviction incarceration for the offense the individual is found to be innocent, up to \$65,000 per fiscal year.

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 Economic Development  
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  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Missouri Consolidated Health Care Plan  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Ethics Commission  
Missouri House of Representatives  
Missouri Lottery Commission  
Missouri National Guard  
MoDOT & Patrol Employees' Retirement System  
Missouri Office of Prosecution Services  
Missouri Senate  
Missouri State Employee's Retirement System  
Office of Administration  
Office of Administration –  
    Administrative Hearing Commission  
    Budget and Planning  
Office of the Governor  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender  
Oversight Division  
State Tax Commission  
Jackson County Board of Elections

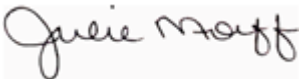
L.R. No. 0077S.05T

Bill No. Truly Agreed To and Finally Passed SS for SCS for SB Nos. 189, 36 & 37

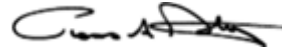
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June 21, 2023

Platte County Board of Elections  
St. Louis County Board of Elections  
Newton County Health Department  
Howell County Assessor's Office  
Lincoln County Assessor's Office  
Clay County Auditor's Office  
Phelps County Sheriff's Department  
County Employees Retirement Fund  
Kansas City Public School Retirement Fund  
Public Schools and Education Employee Retirement Systems  
Rock Community Fpd Retirement Plan  
Sheriff's Retirement System  
Metropolitan St. Louis Sewer District – 7B Sewer  
Morgan County Pwsd #2  
South River Drainage District – 7D Levee  
Wayne County Pwsd #2  
Missouri State University



Julie Morff  
Director  
June 21, 2023



Ross Strobe  
Assistant Director  
June 21, 2023