

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0436H.02C
 Bill No.: HCS for SB 186
 Subject: Crimes and Punishment; Banks and Financial Institutions; Property, Real and Personal
 Type: Original
 Date: April 24, 2023

Bill Summary: This proposal modifies and establishes provisions relating to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue*	More or less than (\$4,114,871)	More or less than (\$5,941,489)	More or less than (\$7,888,670)	More or less than (\$20,729,581)
Total Estimated Net Effect on General Revenue	More or less than (\$4,114,871)	More or less than (\$5,941,489)	More or less than (\$7,888,670)	More or less than (\$20,729,581)

*DOC notes a fiscal impact from changes to Sections 558.019 and 579.022 that are beyond the 10-year time frame.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Peace Officer Basic Training Tuition Reimbursement*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

*Transfers In and disbursements net to zero. Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue	Up to 32 FTE	Up to 33 FTE	Up to 34 FTE	Up to 25 FTE
Total Estimated Net Effect on FTE	Up to 32 FTE	Up to 33 FTE	Up to 34 FTE	Up to 25 FTE

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Local Government	Unknown to (Unknown)	More or Less than \$1,263,600	More or Less than \$2,527,200	More or Less than \$5,054,400

FISCAL ANALYSIS

ASSUMPTION

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

§56.601 – Special prosecutor

In response to similar legislation from 2023 (Perfected HCS HB 301), officials from the **Attorney General’s Office (AGO)** stated they believe the cost of implementing section 56.601 may be higher than that originally estimated by B&P. The AGO estimates the salary for an attorney to handle the types of cases listed in section 56.601(2) should be closer to \$85,000. Additionally, they estimate E&E expenses for each employee to be \$14,485. Therefore, for 31 employees, the AGO estimates E&E expenses at \$448,942.

Oversight assumes because the potential for a special prosecutor is dependent upon several factors, Oversight will reflect an impact of \$0 (no special prosecutor required) or the impact estimated by the AGO to the General Revenue Fund.

This section has an emergency clause.

§301.3175 – Special license plate

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

Administrative Impact

To implement the proposed legislation, the Department will be required to:

- Update procedures and the Department website;
- Update the Application for Missouri Personalized and Special License Plates (DOR-1716);
- Communicate with the Missouri Law Enforcement Memorial Foundation for any additional developments of the license plate; and
- Complete programming and user acceptance testing for identified systems.

FY 2024 – Motor Vehicle Bureau

Associate Research Data Analyst 161 hrs. @ \$19.91 per hr. = \$3,206
Research Data Analyst 40 hrs. @ \$24.84 per hr. = \$994

Administrative Manager 20 hrs. @ \$26.97 per hr. = \$539

FY 2024 – Strategy and Communications Office

Associate Research Data Analyst 40 hrs. @ \$19.91 per hr. = \$796

Total Costs = \$5,535

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note.

Plate manufacturing cost:

DOR states they pay \$3.90 per plate for manufacturing flat plates through Missouri Vocational Enterprises (MVE).

It is unknown how many applicants would continue to apply for these license plates. The Department made 1,409 this year at a cost to the Department of \$10,990, on average DOR keys about 117 of these applications a month, currently.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

DOR notes OA-ITSD services will be required at a cost of **\$40,528** in FY 2024 (426.61 hours x \$95 per hour).

Oversight does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs on the fiscal note.

Revenue Impact

DOR notes this legislation will result in an increase in the \$15 specialty plate reservation fees collected. It is unknown how significant of an increase this legislation will have on the issuance of Back the Blue plates, but the increase should be minimal. \$15 specialty plate reservation fees are split 75-15-10 to Highways, Cities, and Counties.

Oversight notes if DOR processes approximately 117 applications for the "Back the Blue" license plate per month, this would equate to approximately \$21,060 per year (117 x \$15 x 12 months). Oversight is not able to determine how many drivers that were not able to obtain the plates due to vehicle weight restrictions will now apply for these specialty plates. Oversight assumes the number of drivers with vehicles in this weight class that will now apply for the

“Back the Blue” plates will not be material; therefore, Oversight assumes the increase in revenue from these specialty plates will be minimal.

§544.453 – Release of a defendant

Oversight assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be implemented and if this will result in a savings or cost to local jails from an increase or decrease in jail days. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this proposal.

§558.019 – Minimum prison terms

Officials from the **Department of Corrections (DOC)** state the proposed legislation would modify section 558.019 so that people committed to prison without a sentence for a dangerous felony who have a prior prison commitment are required to serve a minimum term of their sentence prior to first release.

Table 1 includes the numbers used to estimate the potential impact of this proposal. In FY 2022, there were 1,311 new prison commitments of offenders with no dangerous felony sentence and one previous prison commitment. There were 136 prison commitments of offenders with no dangerous felony sentence and two prior prison commitments. There were 84 prison commitments of offenders with no dangerous felony sentence and three or more prior prison commitments.

Table 1. FY 2022 New Commitments and Releases of New Commitments with Prior Prison Commitments and No Dangerous Felony Sentences

	<u>FY 2022 Releases of New Commitments</u>				<u>FY 2022 New Commitments</u>		
		Ave. Sentence Length (Years)	Ave. Stay to First Release (Years)	% of Sentence	Number	Ave. Sentence Length (Years)	New Ave. Stay to First Release (Years)
Prior Prison Commitments	1	6.3	2.2	33%	1,311	6.1	2.4
	2	5.9	2	33%	136	6.1	3.5
	3	5.6	2.2	39%	84	7.1	5.68

In all instances, it appears that the proposal would increase the proportion of total sentence that these offenders would likely serve prior to first release. New commitments with one prior prison commitment would serve 40% of their sentence instead of 33% of their sentence prior to first release. New commitments with two prior prison commitments would serve 50% of their sentence instead of 33% of their sentence prior to first release. New commitments with three or

more prior prison commitments would serve 80% of their sentence instead of 39% of their sentence prior to first release.

The two following tables show the immediate and long-term impact they estimate from the change to prison terms in this proposal for offenders with one prior commitment starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 1,311 new commitments who also have a prior commitment to serve 40% of their sentence prior to first release will result in 131 more offenders with no dangerous felony sentence and one prior prison commitment in prison by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	1311	1311	1311	1311	1311	1311	1311	1311	1311	1311
After Legislation	1311	1311	1311	1311	1311	1311	1311	1311	1311	1311
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				131	131	131	131	131	131	131
Parole				-131	-131	-131	-131	-131	-131	-131
Probation										
Impact										
Prison Population				131	131	131	131	131	131	131
Field Population				-131	-131	-131	-131	-131	-131	-131
Population Change	0	0	0	0	0	0	0	0	0	0

Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 1,311 offenders admitted with one prior commitment in FY 2024, 433 will return with a new commitment in FY 2029. Those offenders will then be required to serve 50% of their sentence prior to first release. Therefore, they expect an additional 303 offenders in prison by FY 2033.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	433	433	433	433	433
After Legislation	0	0	0	0	0	433	433	433	433	433
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison									260	303
Parole									-260	-303
Probation										
Impact										
Prison Population									260	303
Field Population									-260	-303
Population Change	0	0	0	0	0	0	0	0	0	0

The two following tables show the immediate and long-term impact DOC estimates from the change to prison terms in this proposal for offenders with two prior commitments starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 136 new commitments who also have two prior commitments to serve 50% of their sentence prior to first release will result in 109 more offenders with no dangerous felony sentence and two prior prison commitments in prison by FY 2028.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	136	136	136	136	136	136	136	136	136	136
After Legislation	136	136	136	136	136	136	136	136	136	136
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				95	109	109	109	109	109	109
Parole				-95	-109	-95	-82	-82	-82	-82
Probation										
Impact										
Prison Population				95	109	109	109	109	109	109
Field Population				-95	-109	-95	-82	-82	-82	-82
Population Change	0	0	0	0	0	14	27	27	27	27

Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 136 offenders admitted with two prior commitments in FY 2024, 45 will return with a new commitment in FY 2029. Those offenders will then be required to serve 80% of their sentence

prior to first release. Therefore, they expect an additional 76 offenders in prison by FY 2033. The full impact from this group continues beyond the 10-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	45	45	45	45	45
After Legislation	0	0	0	0	0	45	45	45	45	45
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison									31	76
Parole									-31	-76
Probation										
Impact										
Prison Population									31	76
Field Population									-31	-76
Population Change	0	0	0	0	0	0	0	0	0	0

The two following tables show the immediate and long-term impact they estimate from the change to prison terms in this proposal for offenders with three or more prior commitments starting prison terms in FY 2024.

Assuming new commitments are the same as those in FY 2022, requiring 84 new commitments who also have three or more prior commitments to serve 80% of their sentence prior to first release will result in 235 more offenders with no dangerous felony sentence and two prior prison commitments in prison by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	84	84	84	84	84	84	84	84	84	84
After Legislation	84	84	84	84	84	84	84	84	84	84
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				59	143	227	235	235	235	235
Parole				-59	-143	-193	-118	-109	-109	-109
Probation										
Impact										
Prison Population				59	143	227	235	235	235	235
Field Population				-59	-143	-193	-118	-109	-109	-109
Population Change	0	0	0	0	0	34	118	126	126	126

Given a 5-year new commitment recidivism rate of 33%, DOC expects that, of those 84 offenders admitted with three or more prior commitments in FY 2024, 28 will return with a new commitment in FY 2029. Those offenders will then be required to serve 80% of their sentence prior to first release. Therefore, DOC expects an additional 19 offenders in prison by FY 2033. The full impact from this group continues beyond the 10-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	28	28	28	28	28
After Legislation	0	0	0	0	0	28	28	28	28	28
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison										19
Parole										-19
Probation										
Impact										
Prison Population										19
Field Population										-19
Population Change	0	0	0	0	0	0	0	0	0	0

Combined Estimated Cumulative Impact from Changes to Section 558.019

DOC estimates this proposal will result in an additional 894 offenders with no dangerous felony sentence and at least one prior prison commitment in prison by FY 2033, and that there is an additional impact on the prison population beyond the ten-year time frame of this response.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	1,531	1,531	1,531	1,531	1,531	2,036	2,036	2,036	2,036	2,036
After Legislation	1,538	1,538	1,538	1,538	1,538	2,043	2,043	2,043	2,043	2,043
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	7	7	7	7	7	7	7	7	7	7
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	7	14	19	305	404	488	496	496	787	894
Parole	0	0	2	-277	-369	-404	-315	-305	-595	-702
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	7	14	19	305	404	488	496	496	787	894
Field Population	10	20	32	-247	-339	-374	-285	-275	-565	-672
Population Change	17	34	51	58	65	114	211	221	222	222

§558.043 – Sentencing of a defendant

DOC states section 558.043 allows the courts to depart from the minimum prison terms for certain cases. The DOC assumes a \$0 to Unknown cost savings from this legislation change as it is unknown how many cases the court will decide to depart from minimum prison terms.

Oversight assumes there will not be enough cases where the court departs from the applicable statutory minimum sentence or minimum prison term required by section 558.019 to create a material impact.

§§569.100 and 570.030 – Teller machines

DOC states this bill modifies section 569.100 to include the offense of tampering with a teller machine and associated penalties and modifies section 570.030 to include the offense of stealing a property that is a teller machine or the content of a teller machine including cash regardless of the value or amount.

The offense of tampering with a teller machine is a class D felony unless the offense is committed for the purpose to defraud or obtain any property worth seven hundred fifty dollars or more or the damage of a machine of seven hundred and fifty dollars is a class C felony. Any second or subsequent offense is a class B felony. The offense of stealing a teller machine is a second class C felony.

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

Operational Impact

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

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

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

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

The cumulative impact on the department is estimated to be 30 additional offenders in prison and 54 additional offenders on field supervision by FY 2029.

Change in prison admissions and probation openings with legislation

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

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

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

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

Change in prison admissions and probation openings with legislation

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

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

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

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

In response to similar legislation from 2022 (SB 831), officials from the **Attorney General's Office** assumed the proposal will have no fiscal impact on their organization.

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

§§569.170 and 569.175 – Offenses involving motor vehicles

DOC states section 569.170 creates a new class C felony of burglary in the 2nd degree when a burglary involving a motor vehicle is committed with the possession of a firearm, a new class D felony of burglary in the 2nd degree when a person enters a motor vehicle with the intent to commit a felony or theft, and section 569.175 creates a class E felony when a person unlawfully gains entry into a motor vehicle.

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

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2026.

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

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

For each new nonviolent class D felony, the department estimates three people 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 department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2026.

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

For 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 will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2027.

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

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

In response to similar legislation from 2023 (HCS HB Nos. 187 & 570), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under sections 569.170 and 569.175 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.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (569.175) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2023 (HCS HB Nos. 187 & 570), officials from the **Attorney General's Office** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

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

§571.031 – Blair's Law

In response to similar legislation from 2023 (HB 109), officials from the **DOC** stated the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

In response to similar legislation from 2023 (HB 109), officials from the **Office of the State Public Defender (SPD)** state the creation of Blair's Law under Section 571.031 will have an unknown impact on SPD, as the additional number of cases which will require SPD representation 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.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (571.031) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2023 (HB 109), officials from the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, and the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2022 (HB 1568), officials from the **Attorney General's Office (AGO)** 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.

§571.070 – Unlawful possession of firearms

DOC states Section 571.070 enhances the penalty for unlawful possession of a firearm. There were 96 offenders admitted to prison in FY 2022 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, 3 had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, DOC estimates the impact based on 93 new court commitments per year as class C felonies instead of class D felonies and 3 new court commitments per year as class B felonies instead of class C felonies.

Change from class D felony to class C felony

The difference in an average sentence length between a nonviolent class D felony and a class C felony is 1.9 years. The difference in average time to first release from prison for a nonviolent class D felony and a class C felony is 0.4 years. When these differences are applied to 93 new court commitments annually, this equates to maximum cumulative impact of approximately 84 additional offenders in prison and 93 additional offenders on field supervision after seven years.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	93	93	93	93	93	93	93	93	93	93
After Legislation	93	93	93	93	93	93	93	93	93	93
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			19	84	84	84	84	84	84	84
Parole			-19	-84	-84	9	93	93	93	93
Probation										
Impact										
Prison Population			19	84	84	84	84	84	84	84
Field Population			-19	-84	-84	9	93	93	93	93
Population Change	0	0	0	0	0	93	177	177	177	177

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class 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
New Admissions										
Current Law	3	3	3	3	3	3	3	3	3	3
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison				1	4	5	5	5	5	5
Parole				-1	-4	-5	-4	-1	2	2
Probation										
Impact										
Prison Population				1	4	5	5	5	5	5
Field Population				-1	-4	-5	-4	-1	2	2
Population Change	0	0	0	0	0	0	1	4	7	7

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

In response to similar legislation from 2022 (SB 850), officials from the **Attorney General's Office** and the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their respective organizations.

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

§§575.095 and 578.710 – Disclosure of personal information

DOC states section 575.095 creates a new class D felony for the offense of publicly posting the personal information of a judicial officer (or immediate family) on the internet and a new class B felony if the violation results in death.

Section 578.710 creates a new class A misdemeanor for publicly posting the personal information of an elected official (or immediate family). A new class D felony is created if the violation of this section is done to influence the performance of the official's official duties.

As these are new crimes, there is little direct data on which to base an estimate. As such, the department estimates an impact comparable to the creation of a new class B and D felonies.

Operational Impact

The misdemeanor offense does not fall under the purview of DOC.

For each new nonviolent class D felony, the department 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 could be served in prison with 1.7 years to first release. The remaining 2.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 17 additional offenders in prison and 31 additional offenders on field supervision by FY 2026.

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

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60	60

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

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

The cumulative impact on the department is estimated to be 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2028.

Change in prison admissions and probation openings with legislation

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

Oversight assumes the crime has a relatively small victim pool and, therefore, will have a relatively small number of offenders. Therefore, Oversight will reflect a fiscal impact of “Less than” DOC’s estimated impact for fiscal note purposes.

In response to similar legislation from 2023 (HB 389), officials from the **Office of the State Public Defender (SPD)** stated the creation of new offenses under section 575.095 and 578.710 would have an unknown fiscal impact on SPD. The creation of these new offenses 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.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (578.710) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2023 (HB 389), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from 2023 (HB 389), officials from the **Attorney General’s Office**, the **Office of the Governor**, and the **Office of the Lieutenant Governor** assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§579.021 and 579.022 – Delivery of controlled substance

DOC states this proposal establishes the offenses of delivery of controlled substance causing great bodily harm and delivery of a controlled substance causing death.

Section 579.021 is created to include penalty provisions for the offense of delivering a controlled substance causing great bodily harm.

These actions are considered a class C felony offense; therefore, the intent of the bill is to create a new class C felony offense.

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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole	0	0	0	1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

Section 579.022 is created to include penalty provisions for the offense of delivering a controlled substance causing death.

These actions are considered a class A felony offense; therefore, the intent of the bill is to create a new class A felony offense.

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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
Impact										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
Population Change	1	2	3	4	5	6	7	8	9	10

Combined Estimated Cumulative Impact of 0436H.02C for DOC

The combined cumulative impact of the changes proposed in this bill are estimated to be approximately 1,097 more people in prison and 350 fewer people under field supervision by FY 2033, with additional impact from changes to sections 558.019 and 579.022 that are beyond the 10-year time frame covered in this response.

Change in prison admissions and probation openings with legislation-0436H.02C

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	1,627	1,627	1,627	1,627	1,627	2,132	2,132	2,132	2,132	2,132
After Legislation	1,666	1,666	1,666	1,666	1,666	2,171	2,171	2,171	2,171	2,171
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	56	56	56	56	56	56	56	56	56	56
Change (After Legislation - Current Law)										
Admissions	39	39	39	39	39	39	39	39	39	39
Probations	56	56	56	56	56	56	56	56	56	56
Cumulative Populations										
Prison	39	78	129	496	601	687	696	697	989	1,097
Parole	0	0	-12	-341	-408	-333	-141	-126	-411	-518
Probation	56	112	168	168	168	168	168	168	168	168
Impact										
Prison Population	39	78	129	496	601	687	696	697	989	1,097
Field Population	56	112	156	-173	-240	-165	27	42	-243	-350
Population Change	95	190	285	323	361	522	723	739	746	747

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	39	(\$9,499)	(\$308,718)	1	(\$80,422)	56	(\$389,140)
Year 2	78	(\$9,499)	(\$755,740)	2	(\$191,950)	112	(\$947,690)
Year 3	129	(\$9,499)	(\$1,274,876)	3	(\$291,454)	156	(\$1,566,330)
Year 4	496	(\$9,499)	(\$4,999,886)	(3)	\$269,004	(173)	(\$4,730,882)
Year 5	601	(\$9,499)	(\$6,179,496)	(4)	\$362,480	(240)	(\$5,817,016)
Year 6	687	(\$9,499)	(\$7,205,025)	(3)	\$274,753	(165)	(\$6,930,272)
Year 7	696	(\$9,499)	(\$7,445,402)	0	\$0	27	(\$7,445,402)
Year 8	697	(\$9,499)	(\$7,605,222)	0	\$0	42	(\$7,605,222)
Year 9	989	(\$9,499)	(\$11,007,167)	(4)	\$378,166	(243)	(\$10,629,001)
Year 10	1,097	(\$9,499)	(\$12,453,346)	(6)	\$573,305	(350)	(\$11,880,041)

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

In response to similar legislation from 2023 (HB 1181), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes (579.021.3 and 579.022.3) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from 2023 (HB 1181), officials from the **Office of the State Public Defender (SPD)** stated 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.

In response to similar legislation from 2023 (HB 1181), officials from the **Attorney General’s Office** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for the AGO.

In response to similar legislation from 2023 (HB 1181), officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for fiscal impact for this proposal.

§§590.1070 and 590.1075 – Peace officer tuition reimbursement program

In response to similar legislation from 2023 (Perfected HCS HB 301), officials from the **Office of Administration - Budget and Planning (B&P)** stated section 590.1070 and 590.1075 state that law enforcement officers who attend a certified basic training course or agencies who cover the costs for officers to such courses are eligible to receive a reimbursement for 25% of their tuition costs, up to \$6,000 per individual trainee. The Department of Public Safety has already received 305 applications for the Missouri Blue Scholarship in FY 2023. Assuming similar participation rates, costs could range from \$1 million - \$2 million. B&P has no data to estimate how many additional local law enforcement agencies may participate in such a program.

Section 590.1070 and 590.1075 creates the Peace Officer Basic Training Reimbursement Program and Peace Officer Basic Training Reimbursement Fund. To the extent that contributions or other revenues are deposited into the fund, total state revenues may increase.

The portion reimbursing officers for basic training costs appears to duplicate the Missouri Blue Scholarship program administered by the Department of Public Safety, with the primary difference being that this bill would also reimburse law enforcement agencies who foot the bill for basic training costs. It is also worth noting that this program would reimburse trainees up to \$6,000 (or 25%, whichever is less) per person rather than \$5,000 per person with the Missouri Blue Scholarship.

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the POST program will need one (1) Program Specialist to annually confirm the employment of a specific peace officer to ensure they have stayed employed in Missouri. The Program Specialist will then need to reimburse the correct individual/entity the correct amount for that year's reimbursement.

DPS states on October 28, 2022, the Missouri Department of Public Safety launched the \$1 million "Missouri Blue Scholarship" fund to help attract more Missourians to law enforcement careers and address officer shortages in law enforcement agencies across Missouri. Governor Parson and the Missouri State Legislature approved funds for this scholarship. The Missouri Blue Scholarship pays up to \$5,000 toward the cost of a Missouri resident attending a law enforcement academy. As of December 6, 2022, \$381,853 in scholarship funds have been paid to eligible applicants. This existing scholarship addresses the intent of the proposed legislation without any additional administrative costs. DPS states this appropriation is on-going.

Oversight notes to attract qualified candidates into the law enforcement profession, funds shall provide scholarships for individuals attending state of Missouri licensed training centers and who are willing to commit to a Missouri law enforcement agency for three years following their POST certification. According to DPS's website, the \$5,000 is available for each selected non-

sponsored law enforcement academy recruit to help cover the cost of attending a Missouri basic training academy. A non-sponsored law enforcement academy recruit is defined as one whose tuition is not being paid by a law enforcement agency. Recruits who attend an academy affiliated with a law enforcement agency and do not pay tuition are not eligible for this scholarship.

Oversight notes to be eligible to receive tuition reimbursement for the Peace Officer Basic training Tuition Reimbursement Program, a person shall be initially employed as a peace officer on or after September 1, 2023, submit an initial application for tuition reimbursement needs, and meet the criteria outlined in provisions of this bill to include employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application. Government entities can also receive tuition reimbursement under the provisions of this bill even if the individual is no longer employed by the government entity as long as the individual for whom tuition was paid is still continuously employed as a full-time peace officer.

The total amount of tuition reimbursement provided to an eligible person or government entity with respect to an employee, **shall not exceed \$6,000** per person or employee. In order to receive the full amount of tuition paid, reimbursements will be made over a **four-year period** of continuous employment.

Oversight assumes reimbursement will be equal to the amount appropriated and the net effect will be zero to all funds except General Revenue.

Oversight notes the Missouri Blue Scholarship and the Peace Office Basic Training Tuition Reimbursement Program appear to be very similar. Therefore, because DPS did not require any administrative costs to administer the scholarship, Oversight assumes DPS has sufficient staff and resources to handle any increase in workload required under the provisions of this proposal.

Oversight assumes individuals and/or state and local agencies could utilize the tuition reimbursement program or may use the Missouri Blue Scholarship; therefore, Oversight will present DPS' impact to the General Revenue Fund as \$0 or up to the reimbursement cost over a four-year period.

According to DPS's budget submission, POST issued the following number of licenses per year:

CY 2018	1,146
CY 2019	1,149
CY 2020	991
CY 2021	987

This averages to roughly 1,068 licenses issued per year. However, also in the budget submission, DPS later noted that the POST Program issues approximately 1,053 new peace officer licenses every calendar year. For purposes of the fiscal note, Oversight will assume 1,053 new peace officers each year will qualify for this program. Oversight will also assume all 1,053 of the new officers (or their hiring local political subdivision) paid \$6,000 or more for their

training and 80% of the new licensees will remain full time peace officers after 1 year. Therefore, with these assumptions, Oversight calculates the annual payments out of the fund for each annual class would be 1,053 x 80% (still employed as full-time peace officers) x \$6,000 (max tuition reimbursement) x 25% (reimbursement spread over 4 years) = \$1,263,600.

Therefore, **Oversight** assumes a cumulative impact to General Revenue that will be fully implemented in FY 2028 with four classes impacting the program (25% per year).

	FY '24	FY '25	FY '26	FY '27	FY '28
1 st year licensees	\$0	\$1,263,600	\$1,263,600	\$1,263,600	\$1,263,600
2 nd year licensees	\$0	\$0	\$1,263,600	\$1,263,600	\$1,263,600
3 rd year licensees	\$0	\$0	\$0	\$1,263,600	\$1,263,600
4 th year licensees	\$0	\$0	\$0	\$0	\$1,263,600
TOTAL	\$0	\$1,263,600	\$2,527,200	\$3,790,800	\$5,054,400

Officials from the **Department of Natural Resources (DNR)** state Missouri State Parks (MSP) sends, on average, five (5) rangers per year for POST certification training. Cost of POST training certification is approximately \$4,500 per person per fiscal year. The reimbursement based on a maximum of five (5) rangers at 25% reimbursement would be \$5,625 per year at maximum dependent on amount of cost of Post Certification remaining the same. Therefore, there will be a cost avoidance of \$5,625 to the Parks Sales Tax Fund for law enforcement training. **Oversight** notes that the balance in the Parks Sales Tax Fund as of January 31, 2023 was \$33,571,909.38 and will consider the savings de minimus and not show them in the fiscal note.

In response to similar legislation from 2023 (Perfectd HCS HB 301), officials from the **St. Joseph Police Department** assumed there will be a positive fiscal impact as some trainees' expenses through the academy are paid for by the department.

In response to similar legislation from 2023 (Perfectd HCS HB 301), officials from the **Office of the Governor (GOV)** stated 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.

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

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

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain

amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

In response to similar legislation from 2023 (Perfected HCS HB 301), officials from the **Attorney General's Office**, the **Department of Public Safety – Capitol Police**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, and 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 agencies. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Responses regarding the proposed legislation as a whole

Officials from the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri National Guard**, the **Office of the State Auditor**, the **Missouri Department of Transportation**, the **Missouri House of Representatives**, the **Missouri Senate**, the **City of Kansas City**, the **City of Springfield**, the **Branson Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, county prosecutors, local law enforcement, and schools 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)
GENERAL REVENUE				
<u>Costs – Special Prosecutor (§56.601) p. 3</u>	\$0 or...	\$0 or...	\$0 or...	Could exceed...
Personal service	(\$2,099,000)	(\$2,140,980)	(\$2,183,800)	(\$2,183,800)
Fringe benefits	(\$1,187,016)	(\$1,284,149)	(\$1,300,169)	(\$1,300,169)
Equipment and expense	(\$399,187)	(\$305,070)	(\$311,171)	(\$311,171)
<u>Total Costs – SP</u>	<u>(\$3,685,203)</u>	<u>(\$3,730,199)</u>	<u>(\$3,795,140)</u>	<u>(\$3,795,140)</u>
FTE Change – SP	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE
<u>Costs – DOR (§301.3175) OA-ITSD services p. 3-5</u>	(\$40,528)	\$0	\$0	\$0
<u>Costs – DOC (§§558.019, 569.100, 569.170, 569.175, 570.030, 571.070, 575.095, 578.710, 579.021, and 579.022) p. 5-23</u>				
Personal service	(\$41,128)	(\$99,694)	(\$151,035)	\$323,862
Fringe benefits	(\$28,375)	(\$68,781)	(\$104,203)	\$223,440
Equipment and expense	(\$10,919)	(\$23,475)	(\$36,216)	\$26,003
Increased incarceration costs	(\$308,718)	(\$755,740)	(\$1,274,876)	(\$12,453,346)
<u>Total cost - DOC</u>	<u>(\$389,140)</u>	<u>(\$947,690)</u>	<u>(\$1,566,330)</u>	<u>(\$11,880,041)</u>
FTE Change - DOC	1 FTE	2 FTE	3 FTE	(6) FTE
<u>Transfer Out – (§§590.1070 and 590.1075) To POST Reimbursement Fund p. 24-26</u>	\$0	Up to (\$1,263,600)	Up to (\$2,527,200)	Up to (\$5,054,400)

ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>More or less than</u> (\$4,114,871)	<u>More or less than</u> (\$5,941,489)	<u>More or less than</u> (\$7,888,670)	<u>More or less than</u> (\$20,729,581)
Estimated Net FTE Change for the General Revenue Fund	Up to 32 FTE	Up to 33 FTE	Up to 34 FTE	Up to 25 FTE
PEACE OFFICER BASIC TRAINING REIMBURSEMENT FUND				
<u>Transfer In</u> – p. 24-26 (§590.1070 and 590.1075) From General Revenue	\$0	Up to \$1,263,600	Up to \$2,527,200	Up to \$5,054,400
<u>Costs</u> - (§590.1070 and 590.1075) Reimbursement to individuals or departments for basic law enforcement training p. 24-26	\$0	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out</u> – (§590.1070 and 590.1075) Local Political Subdivisions (Police and Sheriff’s Departments) p. 24-26	\$0	(Less than \$1,263,600)	(Less than \$2,527,200)	(Less than \$5,054,400)
ESTIMATED NET EFFECT ON THE PEACE OFFICER BASIC TRAINING TUITION REIMBURSEMENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT</u> – <u>Local</u> <u>Government</u>	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
POLICE AND SHERIFF’S DEPARTMENTS				
<u>Transfer In –</u> (§590.1070 and 590.1075) From Peace Officer Basic Training Reimbursement Fund p. 24-26	\$0	Less than \$1,263,600	Less than \$2,527,200	Less than \$5,054,400
<u>Savings/Costs –</u> (§544.453) p. 5 Implementing new provisions relating to setting bail or conditions of release	<u>Unknown to</u> (Unknown)	<u>Unknown to</u> (Unknown)	<u>Unknown to</u> (Unknown)	<u>Unknown to</u> (Unknown)
ESTIMATED NET EFFECT ON POLICE AND SHERIFF’S DEPARTMENTS	<u>Unknown to</u> (Unknown)	<u>More or</u> <u>Less than</u> \$1,263,600	<u>More or</u> <u>Less than</u> \$2,527,200	<u>More or</u> <u>Less than</u> \$5,054,400

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

OFFENSE OF PROPERTY DAMAGE IN THE FIRST DEGREE (Sections 569.010 & 569.100)
 This act adds to the offense of property damage in the first degree if such person knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

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

committed for the purpose of obtaining the personal financial credentials of another person or if the person has committed a second or subsequent offense of damaging a teller machine.

OFFENSES INVOLVING MOTOR VEHICLES (Sections 569.170 and 569.175)

This bill adds to the offense of burglary in the second degree when a person unlawfully enters a motor vehicle or any part of a motor vehicle with the intent to commit a felony or theft. The bill defines "enters" as a person intruding with any part of the body or any physical object connected with the body. If a person who commits a violation under this provision was in possession of a firearm at the time or stole a firearm from the motor vehicle during the violation, he or she is guilty of a class C felony.

The bill also creates the offense of unlawfully gaining entry into a motor vehicle, which a person commits if he or she lifts the door handles or otherwise tries the doors and locks of successive vehicles in an attempt to gain entry. A violation of this section is a class E felony. A person does not commit the offense of unlawfully gaining entry into a motor vehicle if the person is the owner of the vehicles or has the owner's permission to enter the vehicles.

OFFENSE OF STEALING (Section 570.010 & 570.030)

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

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.

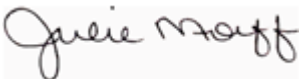
DELIVERY OF A CONTROLLED SUBSTANCE (Sections 579.021 and 579.022)

This bill creates the offense of delivery of a controlled substance causing great bodily harm, which a person commits if he or she delivers or distributes a controlled substance and great bodily harm results from the use of the controlled substance. Such offense is a class C felony. The bill also creates the offense of delivery of a controlled substance causing a death, which a person commits if he or she delivers or distributes a controlled substance and a death results from the use of the controlled substance. Such offense is a class A felony.


This legislation is not federally mandated, it would partly duplicate an existing program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Department of Transportation
Missouri House of Representatives
Missouri National Guard
Missouri Office of Prosecution Services
Missouri Senate
Office of the Governor
Office of the Lieutenant Governor
Office of the Secretary of State
Office of the State Auditor
Office of the State Courts Administrator
Office of the State Public Defender
City of Kansas City
City of Springfield
Branson Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



Julie Morff
Director
April 24, 2023



Ross Strope
Assistant Director
April 24, 2023