

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0524H.11C
 Bill No.: HCS for SS for SCS for SB 72
 Subject: Campaign Finance; Children and Minors; County Government; County Officials;
 Courts; Crimes and Punishment; Identity Theft and Protection; Internet and E-
 Mail; Judges; Public Records, Public Meetings
 Type: Original
 Date: April 25, 2023

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue**/**/**	(Unknown, could exceed \$3,735,970)	(Unknown, could exceed \$4,708,010)	(Unknown, could exceed \$5,057,831)	(Unknown, could exceed \$5,121,172)
Total Estimated Net Effect on General Revenue*	(Unknown, could exceed \$3,735,970)	(Unknown, could exceed \$4,708,010)	(Unknown, could exceed \$5,057,831)	(Unknown, could exceed \$5,121,172)

*The current appropriation (12.320) for the Statewide Court Automation program includes a \$2 million General Revenue supplement – which Oversight assumes will continue if the sunset date is removed with this proposal.

**Oversight also assumes, should the Statewide Court Automation Fund be extended, there will be no transfer of the unexpended balance to the General Revenue Fund after September 1, 2023 as currently required in §476.055.1 RSMo. Oversight notes the current balance for Fund 0270 as of March 31, 2023 was \$4,702,311.

***Oversight assumes the bill clarifies the pay raises Court Reporters received (or were supposed to receive) on January 1, 2022 from HB 271 (2021). In the fiscal note for HB 271, Oversight assumed the pay increases based on length of employment (5.25%, 8.25%, 8.50% & 8.75%) would be compounded (as they are specified in this bill). In that fiscal note, Oversight made the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 21+ years of service and therefore reflected an annual cost of approximately \$2 million to the General Revenue Fund for these raises. **Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which Oversight does not have) for the court reporters.**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Crime Victims' Compensation Fund	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000
State Highways and Transportation Department Fund (0644)	(\$350,250)	(\$420,300)	(\$420,300)	(\$420,300)
Criminal Record System Fund	Less than \$165,000	Less than \$198,000	Less than \$198,000	Less than \$198,000
Legal Expense Fund**	\$0	\$0	\$0	\$0
Public Defender-Federal and Other Fund*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Change of Venue for Capital Cases	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Statewide Court Automation Fund (0270)	\$1,175,595	\$1,410,714	\$1,410,714	\$1,410,714
Total Estimated Net Effect on Other State Funds**	Could Exceed \$1,240,345	Could exceed \$1,438,414	Could exceed \$1,438,414	Could exceed \$1,438,414

*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.

**Indicates numbers that 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)
Federal Fund	\$0	\$0	\$0	\$0
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)
State Court Automation Fund (0270)*	34 FTE	34 FTE	34 FTE	34 FTE
General Revenue	3 FTE	3 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	37 FTE	37 FTE	38 FTE	38 FTE

*Oversight notes these are current (existing) positions and this bill simply extends the sunset of the Statewide Court Automation fund

- 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, could exceed \$182,936)	(Unknown, could exceed \$206,286)	(Unknown, could exceed \$206,286)	(Unknown, could exceed \$206,286)

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.

§37.725 – Disclosures by the Office of Child Advocate

In response to similar legislation from 2023, Perfected HS for HCS for HB Nos. 1108 & 1181, officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section.

§§43.539 and 43.540 – Missouri Rap Back Program

In response to similar legislation from 2023, Perfected HS for HCS for HB Nos. 1108 & 1181, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2023, Perfected HS for HCS for HB Nos. 1108 & 1181, officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation from 2023, Perfected HS for HCS for HB Nos. 1108 & 1181, the **Missouri Highway Patrol** stated, upon further inquiry, the impact to the Criminal Record System fund is unknown.

§§67.145, 70.631, 170.310, 190.091, 650.320, and 650.340 – Telecommunicator first responders

Officials from **Kansas City** assume a negative fiscal impact of an indeterminate amount for this section of the proposal.

In response to similar legislation from 2023, Perfected HS for HCS for HB Nos. 1108 & 1181, officials from the **St. Joseph Police Department** and the **Local Government Employees Retirement System (LAGERS)** 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 sections for these agencies.

§§115.133 & 561.026 – Voting Rights for Probation and Parolees

In response to similar legislation from this year, HCS for HB 248, officials from the **Department of Corrections (DOC)** assume the proposal will have no fiscal impact on their organization.

In response to similar legislation from this year, HCS for HB 248, officials from the **Jackson County Board of Elections** and **St. Louis City Board of Elections** both assumed the proposal will have no fiscal impact on their respective organizations.

Oversight notes that as of December 2022, there were 53,667 offenders under Probation and Parole supervision according to information provided by DOC. Therefore, there could be an increase in voter registrations. Oversight notes that the Office of the Secretary of State and Department of Corrections have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary and assumes SOS and local election authorities will absorb additional duties, if any related to increase voter registrations. Therefore, Oversight will reflect a zero impact on the fiscal note for these sections.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other local election authorities and county clerks 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.

§193.265 – Vital records

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation would create Section 193.265.6, which would waive the fee for a certified copy of a birth, death, or marriage certificate if requested by a prosecuting attorney, circuit attorney or the Attorney General. According to a Missouri survey conducted by the National Prosecutors' Consortium (<https://www.prosecutors.mo.gov/files/Missouri%20Survey%20Report.pdf>), in 2018, 41% of Missouri prosecuting offices responded, and on average, each office reviewed 1,219 felony cases and 1,845 misdemeanor cases. For an estimated average total cases of 3,064 per office, per annum. Missouri has 115 elected prosecutors from each of the 114 counties and the City of St. Louis. Combined, this is an average of 352,360 cases reviewed each year across the state. Not all prosecuting offices responded to the Consortium survey, so exact metrics were not available for all local offices. It is also not known how many of these cases would result in a request for a copy of a vital record. Therefore, a range from 0 to 352,360 requests are estimated to be possible.

Moreover, the proposed language does not limit the number of certificate requests that could be

made nor does it limit the purpose for which the certificates may be requested for free nor specify or require that the requestor be an official from Missouri. As a result, the number of certificates requested could exceed 352,360. Considering these unknown and/or estimated variables, the number of FTE needed will be an estimated with a range.

While this proposed legislation references birth, death, and marriage certificates, the cheapest and typically most requested certification (death--\$14) will be used to make estimated calculations.

As requests from the Missouri Attorney General (AGO) are also included in this proposed legislation, the estimated 700 criminal appeals (<https://ago.mo.gov/criminal-division/criminal-appeals>) that are handled by the AGO each year are factored into these calculations. This estimate does not include any other appeals or cases that may be handled by the AGO. This would bring the estimated total of potential requests to 353,060.

Estimating from current vital records issuance metrics, an average of 200 certificates issued to the Missouri Attorney General and an average of 150 certificates issued to local circuit/prosecuting attorneys per annum, would result in a total loss of certificate issuance revenue of \$4,900 per fiscal year.

Death certificates have a current fee split of \$5.00 per certificate to the Children's Trust Fund; \$3.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; \$1.00 to Endowed Care Cemetery; and \$1.00 to the Coroner's Training fund. This is assuming all certificate requests come to the state office. Any requests completed at the local level by local public health agencies (LPHAs), would impact local public health funding.

FTE count comes from the calculation of a ten (10) minute application review, processing, and issuance time average with 2,080 working hours per annum which equals 12,480 applications processed per FTE. Most applications take fifteen (15) minutes, but a shorter time of ten (10) minutes per application was used in this calculation, as requests from "agencies", such as prosecutors and the Attorney General's Office, can usually be done slightly faster due to typically less documentation to review per request.

As a result, the range of FTE would be zero (0) FTE if there were zero (0) certificates requested to twenty-eight (28) FTE if 353,060 certificates were requested. However, due to current staffing levels, the Bureau of Vital Records (BVR) estimates that it could absorb up to 1-2% (3,530-7,061 certificates) of the full amount of certificate requests. The bureau currently issues approximately 68,000 certificates of all types each year.

The Division of Administration would have an Unknown General Revenue cost. Depending on the number of certificates requested, and the number of new staff that is required by the Bureau of Vital Records, the Division could require additional staff to assist in the administrative processes for the program. It is assumed that the Division can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was

enacted, additional resources would be requested through the appropriation process. For each actual cost, loss, revenue and/or savings, indicate if your agency has existing budget authority that can absorb the cost or be reduced by the savings. The cost/savings must be indicated by the appropriation number, fund number, FTE and amount for the current FY and Governor's recommended budgets.

Oversight assumes based on the current vital records issuance metrics, an average of 200 certificates issued to the Attorney General and an average of 150 certificates issued to local circuit/prosecuting attorneys per annum, would result in a loss of \$4,900 per fiscal year. Oversight assumes these amounts are not material and, therefore, will not reflect a fiscal impact from this change.

In response to similar legislation from this year, Perfected HS for HCS for HB Nos. 1108 & 1181, officials from the **Missouri Office of Prosecution Services (MOPS)** stated this provision would provide for a positive fiscal impact to prosecuting attorneys and the circuit attorney since they will not have to pay for birth, death, or marriage certificates. The amount of that positive fiscal impact is unknown.

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

§195.817 – Background checks related to marijuana facilities

Officials from the **Missouri Highway Patrol** note the estimated number of individuals required to have a criminal record check is not known to the Patrol. This would be dependent on the increase in number of criminal records checks with the requirements of Section 195.817. Name based criminal record checks are \$14.00 and fingerprint based criminal record checks are \$20.00. Deposits from these records checks are placed in the Criminal Records System Fund (0671).

Oversight obtained additional information from the MHP regarding background check fees. Current background check fees cost \$41.75 each, broken out at follows:

\$20.00	State fee
\$13.25	Federal Fee
<u>\$ 8.50</u>	Vendor fee
\$41.75	Total

In addition to the State fee of \$20, the state receives \$2 as a pass-through fee from federal government. Therefore, for each background check conducted, \$22 will be deposited into the Criminal Record System Fund (0671).

Oversight also obtained additional information from the DHSS projecting the number of ID applications they anticipate receiving as a result of the passage of Amendment 3. DHSS said they anticipate receiving 9,000 agent ID applications for each FY2024 and FY2025 and don't expect

agent applications to increase significantly past the numbers projected for FY 2025. Currently, DHSS started issuing agent licenses in April 2020 and the licenses are valid for three years, therefore, DHSS estimates renewals occurring starting in 2023. DHSS projects the same average beyond the period of the fiscal note and doesn't anticipate tapering off of applications.

Since the actual number of applications is unknown, Oversight assumes the impact to the Criminal Records System Fund could be up to \$198,000 annually ($\$22 * 9,000$ applications).

§208.247 Changes to SNAP eligibility for controlled substance felonies

In response to similar legislation from this year, HCS for HB 719, officials from the **Department of Social Services, FSD** stated [21 U.S.C. Section 862a\(d\)](#) provides states the option to exempt any or all individuals from prohibition of SNAP eligibility required under [21 U.S.C. Section 862a](#). Currently, Missouri exercises the option to exempt some individuals allowed under [21 U.S.C. Section 862a\(d\)](#) in [208.247 RSMo](#), which provides exemptions for individuals who have been convicted of a felony for drug possession or drug use if they meet certain exemption requirements. Missouri could exercise the option to exempt individuals from prohibition of SNAP eligibility based on the provisions of this legislation for those individuals convicted of any drug related felony.

The number of individuals who would be eligible for SNAP under the provisions of this legislation is unknown. Therefore, for the purposes of this fiscal note, FSD estimates an increase in SNAP benefits in the following manner:

In SFY 22, there were 163 individuals who applied for and were found ineligible for SNAP due to a drug-related felony. As of November 30, 2022, there was a total of 1,685 permanently disqualified due to a drug related felony, who are a member of a household actively receiving SNAP benefits.

In SFY 22, the average monthly SNAP benefit was \$176 per person. Therefore, the FSD estimates an annual increase in SNAP benefits of \$0 to \$3,902,976 [$1,848 (1,685 + 163) * \$176 * 12 = \$3,902,976$].

There will be increased EBT costs to process the additional SNAP payments to recipients. The cost of EBT services to process each new SNAP case is \$0.43 per month. Since the 1,685 individuals permanently disqualified are members of a household actively receiving SNAP benefits, there would not be additional costs for EBT services for these individuals. The cost would only apply to the 163 individuals who applied and were found ineligible. Therefore, the additional cost for EBT services would be \$0 to \$841 ($163 * \$0.43 \text{ monthly} * 12 \text{ months} = \841.08 , rounded down). At this time, the additional cost for EBT services to process each new SNAP case can be absorbed in the FSD EBT Core Appropriation.

FSD assumes existing staff will be able to complete the necessary work to implement the provisions of the section.

FSD defers to OA- ITSD for the system changes necessary to implement the provisions of this section.

Because SNAP benefits are 100% federally appropriated and funded and the cost for EBT services can be absorbed into the current appropriation, FSD will not experience a fiscal impact due to any additional SNAP benefits that may result from this legislation.

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

In response to a previous version, officials from **OA, ITSD/DSS** state updates to the FAMIS application would be required for this section.

FAMIS has controlled substance functionality in place for the TANF program and the same infrastructure could be developed for the SNAP Program. This again is likely a major change in FAMIS. Though TANF has some of the functionality, what is being proposed now for SNAP has considerably more programs to track, more court actions to consider, more treatment options, and more recipient tracking.

Considering the level of changes involved, OA, ITSD/DSS recommends considering this change in the new system when FAMIS SNAP transitions over to MEDES, but this estimate will reflect updating FAMIS.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for FAMIS are estimated at \$95/hour. It is assumed the necessary modifications for this section will require 734.40 hours for a cost of \$69,768 (734.40 * \$95), split 50% GR; 50 % Federal.

Therefore, the FAMIS upgrades for this section will cost \$69,768 (\$34,884 GR; \$34,884 Federal) in FY 24 and ongoing costs are estimated at \$14,302 (\$7,151 GR; \$7,151) in FY 25; \$14,660 (\$7,330 GR; \$7,330 Federal) in FY 26 and \$15,026 (\$7,513 GR; \$7,513 Federal) in FY 28.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

In response to similar legislation from this year, HCS for HB 719, officials from the **Office of Administration - Budget & Planning (B&P)** stated the provisions of this section has no direct impact on B&P or on general and total state revenues. The B&P states it will not impact the calculation pursuant to Article X, Section 18(e).

§211.453 – Service of Summons in a Termination of Parental Rights Case

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

§§307.018 and 556.021 – Warrants for failure to appear

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

Administrative Impact

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

- Complete programming and user acceptance testing to create a new action type in the Missouri Driver License (MODL) system;
- Create new procedures, training manuals, notices, and forms;
- Update the Department website and driver guide; and
- Train Staff.

FY 2024 – Driver License Bureau

Research/Data Assistant 504 hrs. @ \$17.20 per hr. = \$8,669

Research/Data Analyst 504 hrs. @ \$25.63 per hr. = \$12,918

Administrative Manager 504 hrs. @ \$27.82 per hr. = \$14,021

Total \$35,608

FY 2024 – Personnel Services Bureau

2 Associate Research/Data Analyst 336 hrs. @ \$20.54 per hr. \$6,901x 2 = \$13,802

Total Costs **\$49,410**

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.

In response to a previous version, **DOR** noted OA-ITSD services will be required at a cost of **\$33,653** in FY 2024 (354.24 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

Officials from **DOR** note a \$20 reinstatement fee is imposed for reinstatement for any license suspension. This is a possible revenue loss if courts choose to use this new legislation instead of the suspension of license based on §302.341 - Instate Failure to Appear statute.

In FY 2021, 28,112 compliances were processed with a potential of \$562,240 reinstatement fees collected. In FY 2022, 28,020 compliances were processed with a potential of \$560,400. (Reinstatement fees are only required for two years from effective date of the action. If compliances are received after two years, the fee is no longer required for the action to be reinstated)

For the purposes of this fiscal note, the Department will estimate a loss of reinstatement fees of unknown to **\$560,400**. Reinstatement fees collected are distributed 75% Highway Fund, 15% cities, and 10% counties.

The fiscal impact estimated above is based on changes in the current Department's Motor Vehicle and Driver Licensing system environment. The implementation of this legislation will be coordinated with the integration of the Department's Motor Vehicle and Driver Licensing software system approved and passed by the general assembly in 2020 (Senate Bill 176). To avoid duplicative technology development and associated costs to the state, it is recommended a delayed effective date be added to this bill to correlate with the installation of the new system.

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

Officials from the **City of Kansas City** assume a negative fiscal impact of an indeterminate amount.

MOPS states 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.

In response to similar legislation from 2023 (HB 305), 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.

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

§347.143 – Court Ordered Dissolutions of LLC's

In response to similar legislation from this year, HB 278, officials from the **Department of Labor and Industrial Relations, Office of the State Courts Administrator and Department**

of Revenue each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

§431.204 – Covenants between Business Entities and its Owners

In response to similar legislation from this year, HB 902, officials from the **Department of Labor and Industrial Relations**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Missouri Department of Conservation**, and the **Office of Administration** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

In response to similar legislation from this year, HB 902, officials from **Missouri University System** and the **University of Central Missouri** both 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 this section.

In response to similar legislation from this year, HB 902, officials from the **City of Kansas City** and the **City of Springfield** both 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 this section.

§§435.300, 435.303, 435.306, 435.309 & 435.312 – Alternative Dispute Resolution

In response to similar legislation from this year, HB 82, officials from the **Office of the State Courts Administrator**, the **Office of Administration**, the **Department of Commerce and Insurance** and the **Missouri Department of Conservation** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for these sections.

§§455.010, 455.035 & 455.513 – Orders of Protection

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, 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 sections.

§§474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600 – Electronic Estate Planning Documents

In response to similar legislation from this year, HCS for HB 881, 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 sections.

In response to similar legislation from this year, HCS for HB 881, officials from the **Department of Commerce and Insurance** 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 notes that according to <https://trustandwill.com/learn/e-will>, electronic wills are only accepted in a few states currently. Some states have updated their statutes to allow e-wills. Electronic wills are now legal in Nevada, Florida, Indiana, and Arizona. Utah and Colorado have also recently adopted the Uniform Electronic Wills Act, which is a model law created by the Uniform Laws Commission. In other instances, some state courts have accepted e-wills on a case-by-case basis. COVID-19 also caused some courts to temporarily allow remote witnessing as an emergency measure.

§§475.010, 475.045, 475.063 & 488.2300 – Guardianships/Conservatorships & the Family Services and Justice Fund

In response to similar legislation from this year, HCS for HB 881, 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 this year, HCS for HB 881, officials from the **Department of Commerce and Insurance** 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 notes §475.063 specifies what assistance a court clerk must provide or make available for a petitioner filing for emergency or full orders regarding a minor entering adult guardianship or conservatorship. The duties of the court clerk will be performed without cost to the petitioner. No filing fees, court costs, or bond will be assessed to the petitioner as well. The clerk may be reimbursed from the Family Services and Justice Fund for expenses incurred under this section.

Oversight notes §488.2300 allows fees incurred for guardianship or conservatorship proceedings by court-appointed attorneys, physicians, or other professionals, as well as fees incurred by court clerks providing assistance, to be given priority for payment from the "Family Services and Justice Fund". This section also doesn't prohibit the appropriation of funds by the general assembly to the various county family services and justice funds of the family courts of the counties.

Oversight assumes the various county circuits are provided with core funding to handle a certain amount of activity each year. Oversight assumes the county circuits could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at

substantial costs, then the county circuits could request funding through the appropriation process. Therefore, Oversight will reflect a \$0 fiscal impact for these sections of this proposal.

§475.050 – Appointment of a Guardian or Conservator

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§476.055 – Statewide Court Automation

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator (OSCA)** assumed this proposal extends the expiration dates for provisions relating to the Statewide Court Automation Fund. §476.055 would extend the Statewide Court Automation Fund until September 1, 2029. The Statewide Court Automation Fund's annual appropriation is approximately \$6.6 million and 34 FTE.

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for the SPD for this section.

Oversight notes the Statewide Court Automation Fund is a statutorily created fund and was created to build and sustain "an integrated court system that renders geography largely irrelevant...with greater efficiency, wider access, and enhanced accountability" for the litigant and taxpayer. This plan includes installation and ongoing development of Show-Me Courts, Show-Me Jury, Case.net, eFiling, Track This Case, Pay-By-Web, eBench, and other software packages. The fund is set to expire September 1, 2023.

The fund has a court fee of \$7 per case and has received the following receipts during FY19 – FY22:

STATEWIDE COURT AUTOMATION FUND (0270)	
	<u>Receipts</u>
FY 19	\$ 4,205,465
FY 20	\$ 3,889,127
FY 21	\$ 3,632,708
FY 22	\$ 4,500,815
Total	\$ 16,228,115
4 year average	\$ 4,057,029
Source: State Treasurer Fund Activity Reports	

Oversight notes the appropriation for the Statewide Court Automation program is made up of General Revenue Funds and funds from the Statewide Court Automation Fund. Below is a history of the expended funds for the last three fiscal years:

STATEWIDE COURT AUTOMATION				
	<u>Appropriation</u>	<u>General Revenue</u>	<u>Statewide Court Automation Fund</u>	<u>Unexpended Fund</u>
FY 20	\$ 7,276,217	\$ 2,000,000	\$ 3,269,800	\$ 2,006,417
FY 21	\$ 7,302,126	\$ 2,000,000	\$ 2,330,611	\$ 2,971,515
FY 22	\$ 7,336,965	\$ 2,000,000	\$ 2,338,534	\$ 2,998,431
Average	\$ 7,305,103	\$ 2,000,000	\$ 2,646,315	\$ 2,658,788
Source: FY 24 OSCA Budget Requests Book				

Oversight notes this proposal removes the sunset clause. If this proposal is extended, Oversight assumes revenue and expenditures will continue for and the Fund and will therefore use the average amount, from the tables above, to reflect the fiscal impact.

The appropriations for the Statewide Court Automation Fund includes 34 FTEs. **Oversight** assumes should this proposal be extended, the 34 FTEs will also continue to be funded through the Statewide Court Automation program and will be reflected in the table on page 15.

§476.1025 – Removal of Certain Court Records from Automated Case Management Systems

In response to similar legislation from this year, HB 371, officials from **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight assumes OSCA will be able to administer these requests with existing resources.

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

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed this proposal establishes the Judicial Privacy Act, which provides restrictions on the use of a judicial officer’s personal information. It 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. 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 22 additional offenders on field supervision by FY 2028.

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

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	Change to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	3	(\$9,499)	(\$23,748)	0	\$0	5	(\$23,748)
Year 2	6	(\$9,499)	(\$58,134)	0	\$0	10	(\$58,134)
Year 3	8	(\$9,499)	(\$79,062)	0	\$0	16	(\$79,062)
Year 4	8	(\$9,499)	(\$80,643)	0	\$0	19	(\$80,643)
Year 5	8	(\$9,499)	(\$82,256)	0	\$0	22	(\$82,256)
Year 6	8	(\$9,499)	(\$83,901)	0	\$0	22	(\$83,901)
Year 7	8	(\$9,499)	(\$85,579)	0	\$0	22	(\$85,579)
Year 8	8	(\$9,499)	(\$87,291)	0	\$0	22	(\$87,291)
Year 9	8	(\$9,499)	(\$89,037)	0	\$0	22	(\$89,037)
Year 10	8	(\$9,499)	(\$90,817)	0	\$0	22	(\$90,817)

* 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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

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

Officials from the **Department of Revenue (DOR)** assumed 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 2024 – 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.

In response to a previous version, officials from the **Office of Administration (OA)** stated 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.

In response to a previous version, officials from the **Office of the State Courts Administrator** assumed 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 a previous version, officials from the **Department of Commerce and Insurance**, the **Office of the State Public Defender**, the **Department of Elementary and Secondary Education**, the **Jackson County Board of Elections**, the **Kansas City Police Department**, the **Kansas City Employees' Retirement System**, the **Kansas City Firefighter's Pension System**, the **Kansas City Supplemental Retirement Plan**, the **Metro St. Louis Sewer District Employees Pension Plan**, **Andrew County PWS #2**, the **Morgan County PWS #2**, the **Missouri Office of Prosecution Services**, the **Missouri State Employees Retirement System**, the **Hancock Street Light District**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety (Capitol Police)**, the **Joint Committee on Public Employee Retirement**, the **Missouri Department of Conservation**, the **Petroleum Storage Tank Insurance Fund**, the **Christian County Auditor's Office**, the **St. Joseph Police Department**, the **Kansas City Public School Retirement System**, the **Rock Community FPD Retirement Plan**, the **University of Central Missouri**, the **St. Charles Community College**, the **Office of the Governor**, the **Office of the Lieutenant Governor**, the **Kansas City Board of Elections**, the **Local Government Employees Retirement System**, the **Metropolitan St. Louis Sewer District**, the **Blackwater Reorganized Common Sewer District**, the **Little Blue Valley Sewer District**, the **Missouri Higher Education Loan Authority**, the **Metropolitan St. Louis Sewer District Employees Pension Plan**, **St. Louis City** and the **Cole Camp Ambulance District** each assumed the proposal will have no fiscal impact on their respective organizations.

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

§485.060 – Compensation for Court Reporters

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator (OSCA)** assumed the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, the fiscal impact would be a cost of at least \$3,272,085 and up to \$8,604,946.

Oversight has requested additional information from the OSCA regarding their response to court reporter salaries. Upon the receipt of this information, Oversight will review to determine if an

updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note if needed.

Oversight notes that the \$22,259.15 is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$64,643 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service:

Current salary		\$64,643
06-10 years of service (initial 5.25% raise)	-	\$68,037
11-15 years of service (...plus a 8.25% raise)	-	\$73,650
16-20 years of service (...plus a 8.50% raise)	-	\$79,910
21+ years of service (...plus a 8.75% raise)	-	\$86,902

Oversight notes officials from OSCA provided a previous listing of the current court reporters from 2021, but did not provide a start date (to calculate years of service) for each. Therefore, Oversight will make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service.

Oversight reflected the following cost of the raises in 2021 fiscal note for TAFP HB 271:

	FY 2022 (6 months)	FY 2023	FY 2024
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$ 483,532)	(\$ 517,443)
Total Cost to General Revenue	(\$930,975)	(\$1,916,219)	(\$2,050,608)

Oversight assumed a fringe benefit rate of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers' compensation.

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

Oversight assumes it has already reflected the fiscal impact of these pay increases in the fiscal note for TAFP HB 271 in 2021, that were supposed to occur beginning January 1, 2022. Therefore, Oversight will make the assumption that this language is clarifying and therefore will not reflect an additional fiscal impact from this section beyond what Oversight reflected for TAFP HB 271 (2021).

§487.110 – Uniform Child Custody Jurisdiction and Enforcement Act

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Department of Elementary and Secondary Education**, the **Kansas City Police Department** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

§488.426 – St. Louis City Circuit Court civil case filing fee

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator** stated the proposed legislation allows the circuit court in St. Louis City to collect a fee not to exceed twenty dollars, rather than fifteen, to go toward the law library.

During the past five years there was an average of 13,431 circuit civil case filings, 5,887 domestic relations civil case filings and 15,894 associate civil and small claims civil case filings, a total of 35,212. Based upon the increase in the collection fee not to exceed \$20.00, rather than \$15.00, to go toward the library, they estimate the increase to be \$0 to \$176,060 (\$5 x 35,212.).

Oversight notes using information on the City of St. Louis from OSCA’s Judicial Report Supplement for FY12 thru FY21, Oversight projects the follow:

Circuit Civil	10,508
Domestic Relations	6,616
Associate Civil and Small Claims	<u>17,104</u>
Civil Circuit Total	34,228

Oversight estimates the increase to be \$171,140 (\$5 * 34,228).

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from **St. Louis City** assumed no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this City.

§494.430 – Jury duty

In response to similar legislation from 2023 (HB 104), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§494.455 – Compensation of Jurors

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation modifies provisions relating to the compensation of jurors.

In any county, upon adoption by the county commission, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It

is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county.

Oversight notes according to information from the 2017 - 2021 Annual Supplemental Reports for Jury Trial Information (Table 57) from OSCA, there were an average of 2,521 days where jurors were in session for both civil and criminal cases. Subtracting out Greene County's jury days (184) since they currently receive \$50 per day after serving 2 days of jury service, the rest of the counties, including St. Louis City, used 2,337 (2,521-184) jury days. Since the rest of the counties are paid at a minimum of \$6 per day, the total juror payout (not including Greene County) would be approximately \$168,264 ((2,337 jury day * \$6/person) * 12 jurors per case (rounded)).

This proposal would pay \$50 per day after 2 days of service for all counties in the state, not including St. Louis City. Using OSCA's 2017 - 2021 Annual Supplemental information as an example, there would be 21 circuits who would be affected by this proposal since they average more than 2 days for each case. This would result in a cost of up to \$395,160 (5,988 affected jurors * \$50/day = \$299,400 plus St. Louis City's cost of \$95,760) or an increase in payout costs to jurors of \$213,662 (\$395,160 - \$181,498). This would be the minimum payout and does not include mileage reimbursement to jurors, since Oversight does not have that information available. Therefore, Oversight will reflect an unknown cost to pay jurors that could exceed \$213,662 annually.

Oversight also assumes from subdivision 2 of subsection 3 a county commission **may** authorize compensation to a grand or petit juror for the first two days of service not to exceed ten dollars per day. Oversight is unclear how many county commissions would authorize compensation for jurors who serve for 2 days or less. Assuming all of the counties who had an average of 2 days or less authorize payment to jurors up to \$10 per day (currently payment is \$6/day) and using the total number of jury days as a guide, there would be 24 circuits and 493 jury days that could be affected which would result in an additional \$23,664 (493 * \$4 * 12) that could be paid out to jurors at the additional \$4/day rate. Therefore, Oversight will include an additional payout to jurors who serve 2 days or less that could be up to \$23,664 in costs per year.

Oversight notes from the calculation above that only the counties that averaged 2 days or less were used to calculate the additional increase in costs if the rate was authorized by a county commission up to \$10 per day. The other counties that averaged more than 2 days were not included in this calculation since Oversight does not have any information to determine how many of those counties would fall into the 2 days or less scenario.

§509.520 – Court Pleadings, Attachments, and Exhibits

In response to a previous version, officials from **Department of Corrections (DOC)** assumed this section prohibits the court from including some personal identifying information in judgments or orders, therefore, making it difficult for staff to verify identity before individual can be accepted for incarceration. This could have an unknown impact.

Oversight assumes because the potential for impact is speculative, the DOC will not incur significant cost related to this section of the proposal. If a fiscal impact were to result, the DOC may request additional funding through the appropriation process.

In response to a previous version, officials from the **Department of Commerce and Insurance**, the **Office of the State Public Defender**, the **Department of Elementary and Secondary Education**, the **Jackson County Board of Elections**, the **Kansas City Police Department**, the **Kansas City Employees' Retirement System**, the **Kansas City Firefighter's Pension System**, the **Kansas City Supplemental Retirement Plan**, the **Metro St. Louis Sewer District Employees Pension Plan** **Andrew County PWS #2**, the **Morgan County PWS #2**, the **Missouri Office of Prosecution Services**, the **Missouri State Employees Retirement System** and the **Hancock Street Light District** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

§§510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521 – Uniform Interstate Depositions and Discovery Act

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. Any additional costs would be absorbed with existing resources. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact to OSCA for these sections in the fiscal note.

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

§544.453 – Persons being released from prison

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Courts Administrator**, the **Department of Corrections** and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

Oversight assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be implemented and if this will result in a savings or additional costs to local jails from an increase

or decrease in jail days. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this section of the proposal.

§547.500 – Conviction Integrity Unit Act

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require hiring three additional staff; two (2) attorneys and an (1) investigator, resulting in a total cost of \$256,000. At present MOPS believes they 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 to MOPS' estimate the cost of fringe benefits.

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 by 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).

The Missouri Office of Prosecution Services shall have the power to create an application process for review of claims of actual innocence which shall not have any excessive fees and fees shall be waived in cases of indigence.

§550.125 – Change of Venue

In response to similar legislation from 2023 (HB 83), officials from **Cole County** stated the county has a case set for 2024 that is a triple homicide on a change of venue. The jury will need to be sequestered. The costs associated with sequestering jurors are at this time estimated to be just under \$90,000. There is no expectation that the originating county (Wayne County) will be able to reimburse Cole County for those costs, so that would be a fiscal impact to Cole County that could potentially be alleviated by the establishment of this proposed fund.

Oversight does not have information to the contrary. Since the case is set for 2024, Oversight is unclear if the full reimbursement to Cole County would occur in FY24 or FY25. Oversight is also unclear how many other cases in other counties could also be reimbursed from this fund. Therefore, Oversight will reflect the estimates as \$0 to unknown as stated in the fiscal impact chart below.

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

Oversight does not have information to the contrary and therefore, Oversight will assume that OSCA will have no direct cost due to this proposal.

In response to similar legislation from 2022 (HB 1548), officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note to STO for this section.

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

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg</u>
Total Circuit Felony Cases Disposed*	35,937	36,008	45,782	46,148	45,132	41,801
Total Change of Venue Cases**	609	592	577	683	753	643
Percentage of Felony Cases with Change of Venue	1.7%	1.6%	1.3%	1.5%	1.7%	1.5%
*Table 1 of OSCA's Annual Report Supplement						
**Table 50 of OSCA's Annual Report Supplement						

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

Oversight notes that the new fund would be subject to appropriation by the General Assembly and that counties could receive reimbursement for cost associated with a change of venue on a

capital case with the sequestering of jurors. Oversight notes that OSCA will disburse the money to the county if they are eligible for reimbursement. Oversight notes not all funds may be reimbursed to the counties. Therefore, Oversight will reflect appropriations going to the new fund from general revenue as a \$0 to unknown and potential reimbursements to counties as a \$0 to unknown from the new fund for this proposal. Oversight notes if 609 cases applied for \$90,000 (example provided by Cole County), this would equate to over \$54 million.

§552.020 – Behavioral health services for certain persons

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

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

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

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

Oversight does not have any information contrary to that provided by DMH. Therefore, Oversight will reflect DMH's estimated impact to the General Revenue Fund and a program cost reimbursement to local political subdivisions. Oversight notes this proposal does not contain an emergency clause. Therefore, Oversight will reflect expenditures as \$1,666,667 in FY 2024 (10 months) and \$2,000,000 in FY 2025 and beyond.

In response to similar legislation from this year, Perfected HCS for HB Nos. 1082 & 1094, 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 for OSCA for this section in the fiscal note.

In response to similar legislation from this year, Perfected HCS for HB Nos. 1082 & 1094, officials from the **Kansas City Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from this year, Perfected HCS for HB Nos. 1082 & 1094, officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization.

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

§558.031 – Credit for jail time

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

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

In response to similar legislation from 2023 (HB 1133), officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

§559.125 – Privileged information

Officials from the **Department of Corrections (DOC)** state this modifies provisions relating to certain privileged information. **DOC**’s original response to this section was an unknown cost; however, after further review, it is determined that section 559.125 will have no impact on the **DOC**.

§§566.151 and 567.030 – Criminal offenses involving a child

DOC states this proposal modifies provisions relating to criminal offenses involving a child. Section 566.151 changes the age of the victim from any person who is less than fifteen to less than seventeen years of age. Section 567.030 changes the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill changes the existing class D felony to a class B felony.

Regarding section 566.151, the increase in the minimum age under which a person can be considered enticed as a child could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 16 and 17 year olds to whom this could have potentially applied. Therefore, the impact is an unknown cost.

Regarding section 567.030, there were two new court commitments to prison and one new probation case under this section during FY 2022. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department would be an additional 6 offenders in prison and an additional (2) offenders on field supervision by FY 2031.

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

	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						2	5	6	6	6
Parole						-2	-4	-2	2	2
Probation										
Impact										
Prison Population						2	5	6	6	6
Field Population						-2	-4	-2	2	2
Population Change							1	4	8	8

	# 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	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 3	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 4	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 5	0	(\$9,499)	\$0	0	\$0	0	\$0
Year 6	2	(\$9,499)	(\$20,975)	0	\$0	(2)	(\$20,975)
Year 7	5	(\$9,499)	(\$53,487)	0	\$0	(4)	(\$53,487)
Year 8	6	(\$9,499)	(\$65,468)	0	\$0	(2)	(\$65,468)
Year 9	6	(\$9,499)	(\$66,778)	0	\$0	2	(\$66,778)
Year 10	6	(\$9,499)	(\$68,113)	0	\$0	2	(\$68,113)

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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight notes, from information provided by the State Courts Administrator, the following number of felony convictions under §566.151 and §567.030:

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
§566.151 felonies	15	19	25	22
§567.030 felonies	1	0	2	3

Oversight notes the felony convictions under §566.151 are a class F felony. Oversight will reflect DOC's impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 27 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000

§§569.100 and 570.030 – Teller machines

DOC states this proposal modifies and establishes offenses involving teller machines.

Section 569.100 makes the offense of property damage in the first degree a class D felony; unless the purpose is to defraud or obtain any property with a value exceeding \$750, or the damage to the teller machine exceeds \$750, in which case is a class C felony. The offense of

obtaining personal financial credentials of another person, or second and subsequent violations, is a class B felony.

Section 570.030 makes the offense of stealing a teller machine (or the contents of including cash, regardless of the amount) is a class C felony.

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

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

Offenders committed to prison with a class B felony as their most serious sentence 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 2028.

Change in prison admissions and probation openings with legislation-Class B 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	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

For one 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-Two Class D Felonies (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	0	0	1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

For two new class C felonies, the department estimates 8 people could be sentenced to prison and 12 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-Three Class C Felonies

	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

The combined cumulative impact of one new class B felony, two new class C felonies, and one new class D felony on the department is estimated to be 43 additional offenders in prison and 68 additional offenders on field supervision by FY2028.

Change in prison admissions and probation openings with legislation

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

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	12	(\$9,499)	(\$94,990)	0	\$0	17	(\$94,990)
Year 2	24	(\$9,499)	(\$232,536)	0	\$0	34	(\$232,536)
Year 3	35	(\$9,499)	(\$345,897)	1	(\$97,151)	52	(\$443,048)
Year 4	42	(\$9,499)	(\$423,377)	1	(\$89,668)	57	(\$513,045)
Year 5	43	(\$9,499)	(\$442,127)	1	(\$90,620)	68	(\$532,747)
Year 6	43	(\$9,499)	(\$450,970)	1	(\$91,584)	77	(\$542,554)
Year 7	43	(\$9,499)	(\$459,989)	1	(\$92,558)	86	(\$552,547)
Year 8	43	(\$9,499)	(\$469,189)	1	(\$93,544)	87	(\$562,733)
Year 9	43	(\$9,499)	(\$478,572)	1	(\$94,541)	88	(\$573,113)
Year 10	43	(\$9,499)	(\$488,144)	1	(\$95,551)	88	(\$583,695)

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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

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

In response to similar legislation from 2022 (SCS SB 831), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates the offense of tampering with a teller machine, in violation of Section 569.100, and therefore, could increase the number of persons who are eligible for representation by the State Public Defender (SPD). The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

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

Officials from the **Department of Commerce and Insurance**, the **Department of Public Safety - Missouri Highway Patrol**, and the **Missouri Office of Prosecution Services** assume the proposal will have no fiscal impact on their organization.

In response to 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 for these sections.

§575.095 – Disclosure of personal information

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Department of Corrections (DOC)** stated this section is modified to include posting personal information about judicial officers and their family members on the internet as activities considered tampering with a judicial officer. These actions are considered a class D felony offense, unless it results in death or bodily injury to an election official or their family, in which case it is a class B felony.; therefore, the intent of the bill is to create a new class D felony offense and a new class B felony offense.

Operational Impact

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 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 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2028.

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

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 DOC 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 4 additional offenders on field supervision by FY 2032.

Change in prison admissions and probation openings with legislation-Class B 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	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

Combined Cumulative Estimated Impact

The combined cumulative estimated impact of a new Class D felony (nonviolent) and a new Class B felony on the DOC is 13 additional offenders in prison and 22 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	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	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	4	8	11	12	13	13	13	13	13	13
Parole	0	0	1	4	7	8	9	10	11	11
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	4	8	11	12	13	13	13	13	13	13
Field Population	5	10	16	19	22	23	24	25	26	26
Population Change	9	18	27	31	35	36	37	38	39	39

In summary, DOC assumes the following cost for years 1, 2, 3 & 5 to provide for the implementation of the changes in this proposal.

	# to prison	Cost per year	Total Costs for prison	Change in for probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	4	(\$9,499)	(\$31,663)	0	\$0	5	(\$31,663)
Year 2	8	(\$9,499)	(\$77,512)	0	\$0	10	(\$77,512)
Year 3	11	(\$9,499)	(\$108,710)	0	\$0	16	(\$108,710)
Year 4	12	(\$9,499)	(\$120,965)	0	\$0	19	(\$120,965)
Year 5	13	(\$9,499)	(\$133,666)	0	\$0	22	(\$133,666)
Year 6	13	(\$9,499)	(\$136,340)	0	\$0	23	(\$136,340)
Year 7	13	(\$9,499)	(\$139,066)	0	\$0	24	(\$139,066)
Year 8	13	(\$9,499)	(\$141,848)	0	\$0	25	(\$141,848)
Year 9	13	(\$9,499)	(\$144,685)	0	\$0	26	(\$144,685)
Year 10	13	(\$9,499)	(\$147,578)	0	\$0	26	(\$147,578)

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.

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Public Defender (SPD)** stated the creation of new offense

under section 575.095 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.

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, 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 this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the Lieutenant Governor** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this office.

§575.205 – Electronic monitoring equipment

DOC states section 575.205 is modified to include failing to charge or otherwise attempting to disable an electronic monitoring device in the list of actions considered as an offense of tampering with electronic monitoring equipment and specifies that offense as a class E felony.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person 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

	# 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	1	(\$9,499)	(\$7,916)	0	\$0	2	(\$7,916)
Year 2	2	(\$9,499)	(\$19,378)	0	\$0	4	(\$19,378)
Year 3	2	(\$9,499)	(\$19,766)	0	\$0	7	(\$19,766)
Year 4	2	(\$9,499)	(\$20,161)	0	\$0	7	(\$20,161)
Year 5	2	(\$9,499)	(\$20,564)	0	\$0	7	(\$20,564)
Year 6	2	(\$9,499)	(\$20,975)	0	\$0	7	(\$20,975)
Year 7	2	(\$9,499)	(\$21,395)	0	\$0	7	(\$21,395)
Year 8	2	(\$9,499)	(\$21,823)	0	\$0	7	(\$21,823)
Year 9	2	(\$9,499)	(\$22,259)	0	\$0	7	(\$22,259)
Year 10	2	(\$9,499)	(\$22,704)	0	\$0	7	(\$22,704)

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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

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

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the expansion of offenses under section 575.205 will have an unknown impact on SPD. The additional number of cases that would 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.

In response to similar legislation from 2023 (HB 86), officials from the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2023 (HB 86), officials from the **St. Louis County Police Department** estimated if the department received 100 cases annually, it would require two hours of booking, two hours of report writing and warrant application, and one hour of warrant application review for each case. Therefore, at five hours per case, with an average hourly pay of \$46, each case would total \$230 (5 x \$46). This equates to approximately \$23,000 annually.

Oversight notes the estimated cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments for an additional crime; therefore, the impact to local governments will be presented as \$0 (can be absorbed) to an Unknown amount.

§578.712 – Tampering with an elected county official

In response to similar legislation from this year, HB 405, officials from the **Department of Corrections (DOC)** stated this proposal establishes the offense of tampering with an elected county official.

These actions are considered a class D felony offense, unless it results in death or bodily injury to an elected county official or their family, in which case it is a class B felony. Therefore, the intent of the bill is to create a new class D felony offense and a new class B felony offense.

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

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.

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

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.

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

Cumulative Impact

The cumulative impact on the department is estimated to be 13 additional offenders in prison and 22 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	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	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	4	8	11	12	13	13	13	13	13	13
Parole	0	0	1	4	7	8	9	10	11	11
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	4	8	11	12	13	13	13	13	13	13
Field Population	5	10	16	19	22	23	24	25	26	26
Population Change	9	18	27	31	35	36	37	38	39	39

	# 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	4	(\$9,499)	(\$31,663)	0	\$0	5	(\$31,663)
Year 2	8	(\$9,499)	(\$77,512)	0	\$0	10	(\$77,512)
Year 3	11	(\$9,499)	(\$108,710)	0	\$0	16	(\$108,710)
Year 4	12	(\$9,499)	(\$120,965)	0	\$0	19	(\$120,965)
Year 5	13	(\$9,499)	(\$133,666)	0	\$0	22	(\$133,666)
Year 6	13	(\$9,499)	(\$136,340)	0	\$0	23	(\$136,340)
Year 7	13	(\$9,499)	(\$139,066)	0	\$0	24	(\$139,066)
Year 8	13	(\$9,499)	(\$141,848)	0	\$0	25	(\$141,848)
Year 9	13	(\$9,499)	(\$144,685)	0	\$0	26	(\$144,685)
Year 10	13	(\$9,499)	(\$147,578)	0	\$0	26	(\$147,578)

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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

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 this year, HB 405, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime 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 this year, HB 405, officials from the **Office of the State Public Defender (SPD)** stated the creation of new offense under section 578.712 would have an unknown fiscal impact on SPD. The creation of this new offense would result in an unknown number of additional cases eligible for SPD representation.

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

In response to similar legislation from this year, HB 405, officials from the **Department of Commerce and Insurance** and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

In response to similar legislation from this year, HB 405, officials from **Jackson County** indicated this proposal would have a fiscal impact on their organization. However, **Oversight** notes Jackson County provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this county would be absorbable within current funding levels.

§§579.021 and 579.022 – Delivery of controlled substance

DOC states Section 579.021 creates a class C felony offense of delivery of a controlled substance causing serious physical injury, when a person delivers or distributes a controlled substance under section 579.020 and serious physical injury results from the use of such controlled substance.

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 Cumulative Impact

DOC estimates this proposal could result in an additional 25 offenders in prison and an additional 31 on field supervision by FY 2033. The combined cumulative impact beyond 2033, due to the length of class A felony sentences, cannot be calculated in the timeframe 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	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
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	5	5	5	5	5	5	5	5	5	5
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	5	10	15	19	20	21	22	23	24	25
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	5	10	15	19	20	21	22	23	24	25
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	11	22	33	38	43	48	53	54	55	56

	# 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	5	(\$9,499)	(\$39,579)	0	\$0	6	(\$39,579)
Year 2	10	(\$9,499)	(\$96,890)	0	\$0	12	(\$96,890)
Year 3	15	(\$9,499)	(\$148,241)	0	\$0	18	(\$148,241)
Year 4	19	(\$9,499)	(\$191,528)	0	\$0	19	(\$191,528)
Year 5	20	(\$9,499)	(\$205,640)	0	\$0	23	(\$205,640)
Year 6	21	(\$9,499)	(\$220,241)	0	\$0	27	(\$220,241)
Year 7	22	(\$9,499)	(\$235,343)	0	\$0	31	(\$235,343)
Year 8	23	(\$9,499)	(\$250,961)	0	\$0	31	(\$250,961)
Year 9	24	(\$9,499)	(\$267,110)	0	\$0	31	(\$267,110)
Year 10	25	(\$9,499)	(\$283,805)	0	\$0	31	(\$283,805)

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.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight assumes other provisions in statutes are relatively similar and could already be charged; therefore, Oversight will reflect the fiscal impact as “less than” DOC’s estimated impact for fiscal note purposes.

In response to similar legislation from 2023 (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 a previous version, 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.

§§579.065 and 579.068 – Trafficking drugs

In response to similar legislation from this year, HS for HCS for HBs 1108 & 1181, **DOC** states the proposed changes to these sections will make less people who are in possession of and distributing substances that contain a cocaine base eligible for sentencing as drug traffickers. Trafficking drugs in the first degree is a class B felony if the substance amount is eight grams of 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 of more, while a substance amount of twenty-four grams or more is a class B felony. Thus, as it relates to the removal of substance with cocaine base, the intent of this bill is the removal of one class C felony, two class B felonies, and one class A felony.

However, the adjustments to the amount of fentanyl for a violation will result in more people in possession of and distributing fentanyl or carfentanil becoming eligible for sentencing as drug traffickers.

Regarding section 579.065, in FY 2022, the department totaled 17 new prison admissions and 22 new probation cases for sentences of trafficking drugs in the first degree.

Regarding section 579.068, in FY 2022, the department totaled 89 new prison admissions 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 that contains information on the conviction(s) 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 cocaine. Therefore, the DOC will assume an unknown impact to this legislation.

Statistics from the Drug Enforcement Administration show there were 196,721 cocaine reports submitted to NFLIS-Drug in 2019, and 128,267 reports of heroin to NFLIS-Drug. This indicates cocaine is more predominate of the two. Therefore, the DOC will assume the **unknown impact** as a **cost savings**.

§§589.401 and 589.414 – Sexual offender registry

In response to similar legislation from 2023 (HB 1108), officials from the **Missouri Department of Conservation**, the **St. Joseph Police Department**, and **Gordon Parks Elementary** 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 sections.

§589.403 – Sexual offender

DOC states Section 589.403 mandates the department to notify the chief law enforcement official of the county or city not within a county where the offender is registered of the offender's release. In addition, when an offender is incarcerated in DOC, it mandates the department to complete a check to see if the person is currently a Missouri registered sex offender and notify the chief law enforcement official. This will have an operational impact on the department, but one that can be absorbed and, therefore, will have **no fiscal impact**.

§595.045 – Crime Victims' Compensation Fund

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in CY 2022, there were 10,822 class E felony convictions. This data was pulled using charge level felony E with a charge disposition of Guilty Plea, Guilty Plea Written, Tried by Court- Guilty, Jury Verdict - Guilty, and Alford Plea. It does not include juvenile cases.

DPS assumes this will bring in an estimated \$500,000 ($\$46 \times 10,822 = \$497,812$) into the Crime Victims' Compensation Fund.

Oversight notes the provisions of this section state the court shall enter a judgment payable to the Crime Victims' Compensation Fund of \$46 for a class E felony. Oversight also notes, from

information provided by the Office of the State Courts Administrator, the following number of E felony convictions from FY 2019 through FY 2022:

<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
8,677	7,545	8,407	10,575

The average number of E felonies over this four-year period is 8,801 (8,677 + 7,545 + 8,407 + 10,575). However, as the exact number of E felony convictions could vary widely from year to year, **Oversight will reflect an Unknown, greater than \$250,000 to the Crime Victims' Compensation Fund.** Oversight notes the ending balance in the Crime Victims' Compensation Fund as of February 28, 2023, is \$2,097,307.

§600.042 – State Public Defender funding

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Public Defender (SPD)** stated 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 noted that a minimal amount of donations have been made to General Revenue (GR) using this 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. The fiscal impact on General Revenue would be minimal as no funds have been deposited in GR as a result of the current statute.

Oversight assumes since no material amount of 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.

In response to similar legislation from this year, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization.

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

§610.021 – Closure of certain public safety records

In response to similar legislation from 2023 (SB 630), officials from the **Office of the Lieutenant Governor** assumed the proposal will have no fiscal impact on their organization.

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

§650.058 – Restitution for wrongful convictions

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

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

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

Oversight notes the Midwest Innocence Project 2021 Annual Report states they are reviewing 389 cases in 63 counties in Missouri [MIP April 2021 annual report](#). In November of 2021, the Death Penalty Information Center reported Governor Parsons citing a backlog of more than 3,000 clemency requests.

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

In response to similar legislation from this year, SB 146, officials from the **Department of Revenue, the Department of Public Safety - Missouri Highway Patrol, the Missouri Office of Prosecution Services, the Office of the Governor, the Office of the State Public Defender, the City of Kansas City, the City of Springfield, the Kansas City Police Department, the St. Joseph Police Department and St. Charles Community College** assumed the proposal will have no fiscal impact on their respective organizations.

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

Responses regarding the proposed legislation as a whole

Officials from the **Attorney General's Office, the Office of Administration - Administrative Hearing Commission, the Department of Economic Development, the Department of Higher Education and Workforce Development, the Department of Natural Resources, the Department of Public Safety (Division of Alcohol and Tobacco Control, Fire Safety,**

Missouri Veterans Commission, Missouri Gaming Commission, State Emergency Management Agency), the Missouri Department of Agriculture, the Missouri Ethics Commission, the Missouri Department of Transportation, the Department of Social Services, the Missouri National Guard, the MoDOT & Patrol Employees' Retirement System, 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 Office, the St. Louis County Health Department, the St. Louis County Police Department, the Public Education Employees' Retirement System, the Sheriff's Retirement System, the South River Drainage District, the St. Charles County PWS #2, the Wayne County PWS #2, Missouri State University, the Office of the State Auditor, the Joint Committee on Administrative Rules, the Joint Committee on Education, Legislative Research, the Oversight Division, the Missouri House of Representatives, the Missouri Senate, the Missouri Lottery, the Missouri Consolidated Health Care Plan and the State Tax Commission each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Metropolitan St. Louis Sewer District Employees Pension Plan** and the **Metropolitan St. Louis Sewer District** each assume a minimal fiscal impact from this proposal.

In response to a previous version, officials from the **Office of Administration - Budget and Planning, the Department of Public Safety (Office of the Director, Missouri Highway Patrol), the City of Kansas City, the Kansas City Health Department, City of Springfield** and the **County Employees' Retirement Fund** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

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.

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 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
GENERAL REVENUE				
<u>Costs – OA, ITSD/DSS</u> (§208.247) FAMIS felony tracking p. 8-9	(\$34,884)	(\$7,151)	(\$7,330)	(\$7,701)
<u>Cost – DOR</u> (§§307.018 and 556.021) OA-ITSD services p. 10-11	(\$33,653)	\$0	\$0	\$0
<u>Cost – OSCA – continuation of expenditures</u> (§476.055) p. 15	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)
<u>Income –</u> (§547.500) Application fees for review of a claim of actual innocence p.25	Unknown	Unknown	Unknown	Unknown
<u>Cost – MOPS</u> (§547.500) New Conviction_Review Unit p. 25	\$0 or....	\$0 or...	\$0 or....	\$0 or could exceed...
Personal Service (3 FTE)	(\$183,333)	(\$222,200)	(\$224,422)	(\$224,422)
Fringe Benefits	(\$107,554)	(\$129,887)	(\$130,719)	(\$130,719)
Expense & Equipment	(\$30,000)	(\$36,900)	(\$37,823)	(\$37,823)
Total cost – MOPS	(\$320,887)	(\$388,897)	(\$392,964)	(\$392,964)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE
<u>Transfer Out –</u> (§550.125) Appropriated funds to the Change of Venue for Capital Cases Fund p. 25-27	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer Out –</u> (§552.020) DMH Jail-based competency restoration services and forensic mobile teams p. 27-28	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)

<u>Savings</u> – DOC (§558.031) Jail-time credit p. 28	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000	\$0 to Unknown, Could exceed \$250,000
<u>Cost</u> – DOC (§575.095) Increased incarceration costs p. 35-38	(\$31,663)	(\$77,512)	(\$108,710)	(\$133,666)
<u>Cost</u> – DOC (§578.712) Increased incarceration costs p. 41-44	(\$31,663)	(\$77,512)	(\$108,710)	(\$133,666)
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 48-49	Unknown	Unknown	Unknown	Unknown
<u>Cost</u> – DOC - Increased incarceration costs §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p. 16-20	(\$23,748)	(\$58,134)	(\$79,062)	(\$82,256)
<u>Cost</u> – DOR – One-time IT Costs §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p. 16-20	(\$33,653)	\$0	\$0	\$0
<u>Cost</u> – OA – potential payout of claims to LEF against a state employee for violating this proposal §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p. 16-20	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – DOC (§§566.151 and 567.030) p. 28-30 Increased incarceration costs	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$65,468)
<u>Cost</u> – DOC (§569.100 and 570.030) p. 30-34				
Personal service	\$0	\$0	(\$50,345)	(\$51,357)
Fringe benefits	\$0	\$0	(\$34,734)	(\$35,433)

Equipment and expense	\$0	\$0	(\$12,072)	(\$3,830)
Increased incarceration costs	(\$94,990)	(\$232,536)	(\$345,897)	(\$442,127)
<u>Total cost - DOC</u>	(\$94,990)	(\$232,536)	(\$443,048)	(\$532,747)
FTE Change - DOC	0 FTE	0 FTE	1 FTE	1 FTE
<u>Cost – DOC (§575.205) Increased incarceration costs p. 38-40</u>	(\$7,916)	(\$19,378)	(\$19,766)	(\$22,704)
<u>Cost – DOC (§§579.021 & 579.022) Increased incarceration costs p. 44-48</u>	Less than (\$39,579)	Less than (\$96,890)	Less than (\$148,241)	Less than (\$283,805)
<u>Cost Avoidance – DOC (changes to Section 650.058) Actual innocents payouts expanded p. 51</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could exceed \$3,735,970)</u>	<u>(Unknown, could exceed \$4,708,010)</u>	<u>(Unknown, could exceed \$5,057,831)</u>	<u>(Unknown, could exceed \$5,121,172)</u>
Estimated Net FTE Change on General Revenue	3 FTE	3 FTE	4 FTE	4 FTE
STATEWIDE COURT AUTOMATION FUND (0270)				
<u>Revenue – OSCA – continuation of receipts received from \$7 court fee (§476.055) p. 15</u>	\$3,380,858	\$4,057,029	\$4,057,029	\$4,057,029
<u>Cost – OSCA – continuation of expenditures (§476.055) p. 15</u>	(\$2,205,263)	(\$2,646,315)	(\$2,646,315)	(\$2,646,315)
FTE Change (continuation) – OSCA (§476.055) p. 15	34 FTE	34 FTE	34 FTE	34 FTE
ESTIMATED NET EFFECT ON THE STATEWIDE COURT AUTOMATION FUND	<u>\$1,175,595</u>	<u>\$1,410,714</u>	<u>\$1,410,714</u>	<u>\$1,410,714</u>

Estimated Net FTE Change (continuation) for the Statewide Court Automation Fund	34 FTE	34 FTE	34 FTE	34 FTE
CRIME VICTIMS' COMPENSATION FUND (0681)				
Revenue – DPS (§595.045) Class E felony fee p. 49-50	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>
ESTIMATED NET EFFECT ON THE CRIME VICTIMS' COMPENSATION FUND	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>	<u>Unknown, Greater than \$250,000</u>
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)				
Loss – DOR (§§307.018 and 556.021) Loss of reinstatement fees p. 10-11	<u>(\$350,250)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>
ESTIMATED NET EFFECT ON THE STATE HIGHWAYS AND TRANSPORTATION FUND	<u>(\$350,250)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>	<u>(\$420,300)</u>
CRIMINAL RECORD SYSTEM FUND (0671)				
Income – MHP (§195.817) Increase in background checks p. 7-8	Up to \$165,000	Up to \$198,000	Up to \$198,000	Up to \$198,000

<u>Loss</u> – (\$43.539 43.540) From foregone fees for criminal reviews p. 4	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND	<u>Less than \$165,000</u>	<u>Less than \$198,000</u>	<u>Less than \$198,000</u>	<u>Less than \$198,000</u>
CHANGE OF VENUE FOR CAPITAL CASES FUND				
<u>Transfer In</u> – (\$550.125) Appropriated funds from General Revenue p. 25-27	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<u>Costs</u> – OSCA (\$550.125) Reimbursement to counties that have a change of venue on a capital case from another county that sequestered jurors p. 25-27	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
PUBLIC DEFENDER – FEDERAL AND OTHER FUND				
<u>Income</u> - (\$600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender p. 50	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

LEGAL EXPENSE FUND (0692)				
<u>Transfer In</u> – increase in appropriations to cover additional payouts §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p.16-20	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost</u> – OA – potential payout claims against a state employee for violating this proposal §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p. 16-20	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
FEDERAL FUNDS				
<u>Income</u> – OA, ITSD/DSS (§208.247) FAMIS felony tracking p. 8-9	\$34,884	\$7,151	\$7,330	\$7,701
<u>Costs</u> – OA, ITSD/DSS (§208.247) FAMIS felony tracking p. 8-9	(\$34,884)	(\$7,151)	(\$7,330)	(\$7,701)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT</u> – State Government	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)

LOCAL POLITICAL SUBDIVISIONS				
<u>Loss</u> – (Cities 15%) (§§307.018 and 556.021) Loss of reinstatement fees p. 10-11	(\$70,050)	(\$84,060)	(\$84,060)	(\$84,060)
<u>Loss</u> – (Counties 10%) (§§307.018 and 556.021) Loss of reinstatement fees p. 10-11	(\$46,700)	(\$56,040)	(\$56,040)	(\$56,040)
<u>Costs</u> – County Circuits - increase to compensate jurors for service (§494.455) p.22-23	(Unknown, could exceed \$213,662)	(Unknown, could exceed \$213,662)	(Unknown, could exceed \$213,662)	(Unknown, could exceed \$213,662)
<u>Costs</u> – County Circuits - increase to compensate jurors who serve 2 days or less up to \$10/day (§494.455) p.22-23	(Up to \$23,664)	(Up to \$23,664)	(Up to \$23,664)	(Up to \$23,664)
<u>Reimbursement of Costs</u> – Counties (§550.125) State payments for a change of venue for a capital case held in counties p. 25-27	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer In</u> – (§552.020) from General Revenue p. 27-28	\$1,666,667	\$2,000,000	\$2,000,000	(\$2,000,000)
<u>Cost</u> – Jails (§552.020) Room/board and general medical care p. 27-28	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)
<u>Cost</u> - (§575.205) – Police/Sheriff - Increased labor hours to process cases p. 38-40	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Savings/Cost</u> – Local Jails - implementing new provisions relating to setting bail or conditions of release (§544.453) p. 24	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

Revenue – on filing fees to go towards law library (\$488.426) – from \$15 to \$20 – to beyond p. 22	\$171,140	\$171,140	\$171,140	\$171,140
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown, could exceed \$182,936)</u>	<u>(Unknown, could exceed \$206,286)</u>	<u>(Unknown, could exceed \$206,286)</u>	<u>(Unknown, could exceed \$206,286)</u>

FISCAL IMPACT – Small Business

Small businesses which do not follow the provisions of the proposal could be fiscally affected and could be charged criminally. There could be a direct fiscal impact to small businesses who sell software for electronic wills and estate planning as a result of this proposal.

Small businesses may be impacted by this proposal if they pay the background check fees of employees. (§195.817)

Small businesses would be expected to comply with the requirements as a result of this proposal. (§431.204)

FISCAL DESCRIPTION

This proposal modifies provisions relating to judicial proceedings.

§208.247 Changes to SNAP eligibility for controlled substance felonies

This act repeals provisions of law allowing for individuals convicted of certain drug offenses to participate in SNAP only if certain conditions are met. Under this act, individuals convicted of a state or federal felony drug offense shall not be excluded from SNAP for such conviction

§§307.018, 547.500, 550.125, 556.021, 558.031, 579.065, 579.068 & 595.045

This proposal modifies provisions relating to public safety.

§§474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600 – Electronic Estate Planning Documents

This bill creates the "Missouri Electronic Wills and Electronic Estate Planning Documents Act", which specifies that an electronic will is considered a will for all purposes of the law of this state and that any written estate planning document may be executed electronically. An electronic will is defined in the bill as a record that is readable as text at the time of signing, is signed by the testator or another individual in the testator's name, and is signed in the physical or electronic

presence of the testator by at least two individuals after witnessing the signing of the will or the testator's acknowledgment of the signing of the will or acknowledgment of the will itself. Types of estate planning documents include a power of attorney or durable power of attorney, an advance directive, an irrevocable trust, and a beneficiary deed, as well as other types of documents. The bill establishes a process by which an electronic will may be made self-proved as well as how all or part of an electronic will may be revoked.

If there is no evidence that a testator signed an electronic will and neither an electronic will nor a certified paper copy of the electronic will can be found after the testator's death, there will be a presumption that the testator revoked the electronic will even if no instrument or later will revoking the electronic will can be located. A person may create a certified paper copy of an electronic will or an electronic estate planning document by affirming under penalty of perjury that a paper copy of the electronic will is a complete, true, and accurate copy of the electronic will or the estate planning document.

The provisions of this bill apply to the will of a decedent who dies on or after August 28, 2023, and to each other written estate planning document signed or remotely witnessed on or after August 28, 2023.

Lastly, the bill specifies that certain estate planning documents that were executed during the period between April 6, 2020, and December 31, 2021, during which a state of emergency existed due to COVID-19 and there was a temporary suspension of physical appearance requirements, will be deemed to have satisfied the physical presence requirements if certain requirements, specified in the bill, were met.

§476.055 – Statewide Court Automation

This act provides that any unexpended balance remaining in the Statewide Court Automation Fund shall be transferred to general revenue on September 1, 2029, rather than September 1, 2023, as provided in current law. Additionally, the court fee collected for the Statewide Court Automation Fund shall expire on September 1, 2029, rather than September 1, 2023. Finally, this act repeals the provision requiring the Court Automation Committee to complete its duties by September 1, 2025, and repeals the expiration date for the provision establishing the Statewide Court Automation Fund and the Court Automation Committee.

§§476.1300 to 476.1313 - JUDICIAL PRIVACY ACT

This act establishes the "Judicial Privacy Act", which provides restrictions on 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 to that judicial officer's clerk of the court, for transmittal to the government agency, person, business, or association.

Additionally, 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, unless the government agency has received written consent from the judicial officer to make the information available to the public. If a government agency fails to comply with a written request, the judicial officer may bring an action for injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

No person, business, or association shall publicly post or display on the internet content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information. Additionally, 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 the person, business, or association and shall not make public through any medium the judicial officer's personal information to any other person, business, or association.

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 in any court of competent jurisdiction. 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 have violated this act if the judicial officer fails to submit a written request calling for the protection of the officer's personal information. A written request shall be valid if the judicial officer sends a written request directly to a government agency, person, business, or association, or if the judicial officer complies with a Missouri Supreme Court rule for filing of a written request to the clerk of the Missouri Supreme Court or the clerk's designee to notify government agencies.

Each calendar quarter, the clerk of the Missouri Supreme Court shall provide a list of all state judicial officers who have submitted a request to the appropriate officer with ultimate supervisory authority for a government agency. 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.

Additionally, this act provides that the clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent with the written request.

A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of the family shall be also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer.

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

Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder shall shield the eligible documents listed in the written request and shall electronically reply to the written request with a list of any document not found in the records maintained by that recorder. In order to shield subsequent eligible documents, the judicial officer shall present a copy of their 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 directing the recorder to terminate shielding. No recorder shall be liable for any damages under this provision, provided the recorder made a good faith effort to comply with such provisions and no recorder shall be liable for the release of any eligible document or any data from such documents that were released or accessed prior to the document being shielded.

§488.426 – St. Louis City Circuit Court civil case filing fee

Currently, any circuit court may collect a civil case filing surcharge of an amount not to exceed \$15 for the maintenance of a law library, the county's or circuit's family services and justice fund, or courtroom renovation and technology enhancement. If the circuit court reimburses the state for salaries of family court commissioners or is the circuit court in Jackson County, the fee may be up to \$20. This act provides that the circuit court in the City of St. Louis may also charge a filing surcharge up to \$20.

§494.455 – Compensation of Jurors

This bill specifies that, except in Greene County, the County Commission in any county may vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as \$0.07 per mile for necessary travel from the juror's residence to the courthouse and back, to be paid by the county. A county commission may authorize compensation to a grand or petit juror for the first two days of service, but the compensation cannot exceed \$10 per day.

§509.520 - EXCLUSION OF PERSONAL INFORMATION OF MINORS IN COURT DOCUMENTS

This act also provides that beginning August 28, 2023, pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court, shall not include any personal information of a minor and, if applicable, any next friend. However, such information shall be provided in a confidential filing sheet, which shall not be subject to public inspection or availability.

§552.020 - BEHAVIORAL HEALTH SERVICES

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 bill requires the examination report to contain 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. The Director, or his or her designee, shall determine the locations and conditions under which treatment shall be provided to the accused.

§544.453 – Persons being released from prison

This bill establishes certain factors that must be considered when a judge or judicial officer sets bail. Those factors include whether a person is a flight risk and whether the person poses a danger to a victim or witness to a crime or a danger to the community. The judge or judicial officer must also consider whether the defendant has committed a violent misdemeanor offense, sexual offense, or felony offense in the last five year and whether the defendant has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony or sexual offense within the last three years.

§565.240 - UNLAWFUL POSTING OF CERTAIN INFORMATION

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.

CRIMINAL OFFENSES (Sections 566.151 and 567.030)

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

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

OFFENSES INVOLVING TELLER MACHINES (Sections 569.100 and 570.030)

This bill adds damaging, destroying, or making inoperable, a "teller machine", as defined in the bill, to the offense of property damage in the first degree. This offense is a class D felony; a class C felony if committed for the purpose of executing any scheme or artifice to defraud or obtain any property that exceeds \$750 or the damage to the teller machine exceeds \$750; and a class B felony if the damage committed was to obtain the personal financial credentials of another person or is committed as a second violation. The bill also provides that the offense of stealing is a Class C felony if the property is a teller machine or the contents of a teller machine regardless of the value or amount of cash.

§575.205 – Electronic monitoring equipment

This bill adds to the offense of tampering with electronic monitoring equipment, failure to charge or otherwise disable the electronic monitoring equipment. The bill specifies that the offense of tampering with electronic monitoring equipment when a person fails to charge or otherwise disables the equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

§578.712 – Tampering with an elected county official

This bill creates the offense of tampering with an elected county official, which is a class D felony, unless the violation results in bodily injury or death to the official or a member of the official's family, in which case it is a class B felony. A person commits the offense of tampering with an elected county official if the person, with purpose to harass, intimidate or influence such official in the performance of his or her duties, disseminates the elected county official's or the elected county official's family's personal information.

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.

§600.042 – State Public Defender funding

Currently, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited into the General Revenue Fund. This bill creates the "Public Defender - Federal and Other Fund" and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

RESTITUTION FOR WRONGFUL CONVICTIONS (Section 650.058)

This act repeals the current provisions relating to restitution for wrongfully convicted individuals proven innocent as a result of DNA testing.

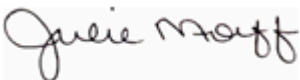
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

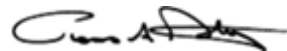
Office of the State Courts Administrator
Attorney General's Office
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Labor and Industrial Relations
Department of Social Services
Joint Committee on Administrative Rules
Joint Committee on Public Employee Retirement
Missouri Lottery Commission
Missouri Consolidated Health Care Plan
Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri House of Representatives
Department of Transportation
Office of Administration
Office of the State Auditor
Missouri Senate
Office of the State Public Defender
MODOT & Patrol Employees' Retirement System

Petroleum Storage Tank Insurance Fund
City of Kansas City
City of Springfield
Jackson County Board of Elections
Kansas City Board of Elections
Platte County Board of Elections
St. Louis County Board of Elections
Newton County Health Department
St. Louis County Health Department
Lincoln County Assessor's Office
Christian County Auditor's Office
Clay County Auditor's Office
Phelps County Sheriff's Office
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
County Employees Retirement Fund
Kansas City Employees' Retirement System
Kansas City Firefighter's Pension System
Kansas City Public School Retirement System
Kansas City Supplemental Retirement Plan
Local Government Employees Retirement System
Public Education Employees' Retirement System
Sheriff's Retirement System
Blackwater Reorganized Common Sewer District
Little Blue Valley Sewer District
Morgan County PWSD #2
South River Drainage District
Wayne County PWSD #2
Missouri State University
University of Central Missouri
St. Charles Community College
Joint Committee on Education
Legislative Research
Oversight Division
Missouri Higher Education Loan Authority
Missouri State Employees Retirement System
Hancock Street Light District
State Tax Commission
Metropolitan St. Louis Sewer District Employees Pension Plan
Office of the Governor
Office of the Lieutenant Governor
Missouri Office of Prosecution Services
St. Louis City

Cole Camp Ambulance District
Rock Community FPD Retirement Plan
Office of Administration - Budget and Planning
St. Charles County PWSD #2
Andrew County PWSD #2
Office of Administration
 Administrative Hearing Commission
 Budget and Planning
Department of Public Safety
 Office of the Director
 Division of Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Missouri Gaming Commission
 Missouri Highway Patrol
 Missouri Veterans Commission
 State Emergency Management Agency
Missouri National Guard
Kansas City Health Department
Gordon Parks Elementary
Cole County
Branson Police Department
Department of Corrections
Office of the State Treasurer
Office of the Secretary of State
Department of Revenue
St. Louis City Board of Elections
Jackson County
Mo State Employees Retirement System
Local Government Employees Retirement System
Metropolitan St. Louis Sewer District



Julie Morff
Director
April 25, 2023



Ross Strobe
Assistant Director
April 25, 2023