

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0870H.08C
Bill No.: HCS for SS No. 3 for SB 22
Subject: Criminal Procedure; Probation and Parole; Prisons and Jails; Department of
Corrections; Crimes and Punishment; Children and Minors
Type: Original
Date: April 24, 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	More or less than (\$599,931)	More or less than (\$1,298,747)	More or less than (\$1,736,799)	More or less than (\$2,664,363)
Total Estimated Net Effect on General Revenue	More or less than (\$599,931)	More or less than (\$1,298,747)	More or less than (\$1,736,799)	More or less than (\$2,664,363)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Criminal Record System (0671)	Less than \$165,000	Less than \$198,000	Less than \$198,000	Less than \$198,000
State Highways and Transportation Department Fund (0644)	(\$350,250)	(\$420,300)	(\$420,300)	(\$420,300)
Change of Venue for Capital Cases Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Crime Victims' Compensation Fund (0681)	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000	Unknown, Greater than \$250,000
Total Estimated Net Effect on <u>Other State Funds</u>	Unknown, Greater than \$64,750	Unknown, Greater than \$27,700	Unknown, Greater than \$27,700	Unknown, Greater than \$27,700

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
General Revenue	3 FTE	4 FTE	4 FTE	8 FTE
Total Estimated Net Effect on FTE	3 FTE	4 FTE	4 FTE	8 FTE

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2024	FY 2025	FY 2026	Fully Implemented (FY 2033)
Local Government	More or less than (\$116,750)	More or less than (\$140,100)	More or less than (\$140,100)	More or less than (\$140,100)

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 HB 677), 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

Officials from the **Department of Public Safety – Missouri Highway Patrol (MHP)** assume the proposal will have no fiscal impact on their organization. However, in response to similar legislation from 2023 (HB 70), the **Missouri Highway Patrol** stated, upon further inquiry, the impact to the Criminal Record System fund is unknown.

Oversight will show a range of impact to the Criminal Record System fund of \$0 to an unknown loss from foregone fees for criminal record reviews. Oversight is uncertain how many criminal record reviews are completed due to the six-year requirement; however, Oversight does not anticipate the impact to exceed the \$250,000 threshold.

In response to similar legislation from 2023 (SB 264), 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.

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

In response to similar legislation from 2023 (HB 567), 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.

§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 is 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 2023 (HCS HB 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 savings for fiscal note purposes.

§195.817 – Background checks related to marijuana facilities

MHP states the fiscal impact is unclear as the Patrol cannot determine how many more criminal record checks would be conducted based on the requirements of Section 195.817. For reference, fingerprint based criminal record checks are \$20. 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 as 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).

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

Officials from the **Department of Corrections (DOC)** assume this proposal modifies provisions relating to criminal procedures involving juveniles.

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

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

In response to similar legislation from 2023 (SB 406), officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for SSPD for these sections.

Oversight notes the number of juveniles certified to adult court over the last 5 years:

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

§217.690 – Eligibility for parole

DOC states this proposal modifies provisions relating to eligibility for parole. It adds language that excludes offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration.

The intent of the bill is to require offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration. The intent of the bill is to require offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years to serve a longer period of incarceration prior to consideration for parole.

There are currently 190 offenders in prison who are both: 1) incarcerated only on a sentence, or a combination of sentences, for offenses committed when they were less than 18 years, and 2) serving a sentence for a conviction of murder in the second degree. Of those 190 offenders, 13 are excluded from consideration for having a prior release from prison. Of the remaining 177 offenders, 55 have been incarcerated for 15 years or more. Given the parole board is currently reviewing these cases, **DOC** assumes the passage of this proposal would result in these 55 individuals remaining in prison. It is unknown what fiscal impact this will have, as there is no way to determine how many of these individuals would have been denied parole by the board in any case and, therefore, how many offenders this change would truly be affecting.

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

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

DOR notes 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

DOR notes 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.

In response to similar legislation from 2023 (HCS HB 1108 & 1181), **MOPS** stated 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.

§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.

§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 similar legislation from 2023 (HCS HB 1108 & 1181), 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 this 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 (STO)** 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.

Rule Promulgation

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

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

§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

In response to similar legislation from 2023 (HB 776), officials from the **Department of Corrections (DOC)** stated it is unknown how many will move to file subpoenas and court orders that the DOC will receive for the disclosure of probation and parole information, as well as appearing in court on those motions, due to the modified provisions relating to certain privileged information. Therefore, the DOC will respond with a \$0 to (Unknown) cost.

However, in response to (HCS HB 776), officials from the **DOC** stated 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.

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

In response to similar legislation from 2023 (HB 776), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

§§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.

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. There were two new court commitments to prison and one new probation case under this section during FY 2022. 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	4	8	8

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.

§568.075 – Protection of children

DOC states this proposal establishes the offense of use of a minor to commit a crime. Section 568.075 creates the offense of use of a minor to commit a crime when a person who is 18 years of age or older intentionally uses a minor (who is under 18) to commit a crime. These actions are considered a class E felony if it is a first offense, a class D felony for a second offense, and a class C felony for any subsequent offenses; therefore, the intent of the bill is to create new class E, D, and C felony offenses.

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)

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

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

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 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

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

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 31 additional offenders on field supervision by FY 2030.

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

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

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates a new offense under section 568.075 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result the fiscal impact is unknown.

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

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

§§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 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

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

Additionally, the proposal establishes the offense of mail theft, a class E felony.

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 could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could 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

In response to similar legislation from 2023 (HCS HB 1108 & 1181), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under sections 569.100 and 570.030 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.

§§575.150 and 575.151 – Resisting arrest

DOC states this proposal modifies and creates offenses involving arrests, stops, and detentions. It modifies sections 558.019 and 575.150 to include penalties for attempted escape from custody, which will allow for the repeal of section 575.200. The bill also introduces section 575.150, which creates the specific offenses of resisting arrest by fleeing in or on a motor vehicle and aggravated arrest by fleeing in or on a motor vehicle.

Resisting arrest by fleeing in a motor vehicle becomes a class E felony for the first offense and a class D felony for subsequent offenses and aggravated resisting arrest by fleeing in a motor vehicle becomes as a class D felony for a first offense and a class C felony for subsequent offenses.

	New Admission	Repetitive Offense
Resis Arr Flee MV	Class E	Class D
Aggrav Resis Arr Flee MV	Class D	Class C

Operational Impact

The potential impact of this bill on department operations is difficult to determine because department records do not differentiate between resisting arrest offenses that involve motor vehicles and those that do not. Therefore, the DOC assumes that offenses under section 575.151 that were sentenced as class E felonies will continue to be sentenced as class E felonies unless the offender has a prior sentence under this section, in which case the sentence would be reclassified as a class D felony.

Although the bill also introduces the potential for a class C felony for repeated aggravated resisting arrest, the impact of creating the aggravated resisting arrest offense as a first offense is what is taken into account in this response. This is done by using the department's standard response to the creation of a new violent class D felony offense.

Combined Operational Impact

The combined operational impact of this bill takes into account the increase in penalties for offenders with repeated resisting arrest sentences and the creation of a new class D felony offense for aggravated resisting arrest.

In FY 2022, there were 463 new court commitments to prison on sentences under section 575.150. Of those, 56 had prior sentences under section 575.150. Therefore, DOC will estimate there could be 56 persons sentenced for a class D felony instead of a class E felony due to their prior sentences for resisting arrest.

The differences for a class E felony under 575.151 and a possible class D felony under 575.151 are summarized in the table immediately below. Offenders first released from prison in FY 2022 whose longest sentence was for a class E felony served, on average, 0.8 years of a 3.2 year sentence in prison prior to first release. DOC estimates that 33% of the remaining sentence term, or approximately 0.8 years, will be spent in prison following returns from parole supervision; and, the remaining 1.6 years of the sentence will be spent under parole supervision.

	Class E	Class D	Diff
First release	0.8	1.1	0.3
Total prison	1.6	2.3	0.7
Total Parole	1.6	2.5	0.9
Total Sentence	3.2	4.8	1.6

Offenders first released from prison in FY2022 whose longest sentence was for a class D felony served, on average, 1.1 years of a 4.8 year sentence in prison prior to first release. DOC estimates that 33% of the remaining sentence term, or approximately 1.2 years, will be spent in prison following returns from parole supervision; and, the remaining 2.5 years of the sentence will be spent under parole supervision.

As shown in the table, reclassification is likely to lead to an additional 0.7 years in prison, an additional 0.9 years on parole supervision, and an additional 1.6 years of the total sentence for these offenders.

The impact of increasing the penalty for a second offense under section 575.151 does not appear until FY 2025, and would be expected to reach maximum cumulative impact in FY 2028, with 39 additional offenders in prison and 50 additional offenders under field supervision.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	56	56	56	56	56	56	56	56	56	56
After Legislation	56	56	56	56	56	56	56	56	56	56
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		22	39	39	39	39	39	39	39	39
Parole		-22	-39	6	50	50	50	50	50	50
Probation										
Impact										
Prison Population		22	39	39	39	39	39	39	39	39
Field Population		-22	-39	6	50	50	50	50	50	50
Population Change				45	90	90	90	90	90	90

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

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 16 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	4	4	4	4	4	4	4	4	4	4
Cumulative Populations										
Prison	4	8	12	16	16	16	16	16	16	16
Parole					4	7	7	7	7	7
Probation	4	8	12	16	16	16	16	16	16	16
Impact										
Prison Population	4	8	12	16	16	16	16	16	16	16
Field Population	4	8	12	16	20	23	23	23	23	23
Population Change	8	16	24	32	36	39	39	39	39	39

In response to similar legislation from 2023 (HB 251), officials from the **Office of the State Courts Administrator**, and the **Office of the State Public Defender**, and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§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, there is little direct data on which to base an estimate. Therefore, 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

In response to similar legislation from 2023 (HCS HB 1108 & 1181), 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.

§§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

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

In response to similar legislation from 2023 (HCS HB 1108 & 1181), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offenses under section 579.021 and 579.022 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result, the fiscal impact is unknown.

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

§§579.065 and 579.068 – Trafficking drugs

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

Trafficking drugs in the first degree is a class B felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is considered a class A felony. Trafficking drugs in the second degree is a class C felony if the substance amount is eight grams or more, while a substance amount of twenty-four grams or more is a class B felony. Therefore, the intent of this bill is the removal of one class C felony, two class B felonies, and one class A felony.

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

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

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

In response to similar legislation from 2023 (HB 1176), officials from **Office of the State Courts Administrator** and the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§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

In response to similar legislation from 2023 (HCS HB 1108 & 1181), **DOC** stated 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**.

Combined Cumulative Estimated Impact for DOC

The combined cumulative estimated impact of the proposed legislations is 158 additional offenders in prison and 268 additional offenders on field supervision by FY 2033.

Change in prison admissions and probation openings with legislation

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	59	59	59	59	59	59	59	59	59	59
After Legislation	90	90	90	90	90	90	90	90	90	90
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	44	44	44	44	44	44	44	44	44	44
Change (After Legislation - Current Law)										
Admissions	31	31	31	31	31	31	31	31	31	31
Probations	44	44	44	44	44	44	44	44	44	44
Cumulative Populations										
Prison	31	84	127	145	147	150	154	156	157	158
Parole	0	-22	-34	21	91	109	124	127	132	132
Probation	44	88	132	136	136	136	136	136	136	136
Impact										
Prison Population	31	84	127	145	147	150	154	156	157	158
Field Population	44	66	98	157	227	245	260	263	268	268
Population Change	75	150	225	302	374	395	414	419	425	426

	# 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	31	(\$9,499)	(\$245,391)	0	\$0	44	(\$245,391)
Year 2	84	(\$9,499)	(\$813,874)	1	(\$95,976)	66	(\$909,850)
Year 3	127	(\$9,499)	(\$1,255,110)	1	(\$88,725)	98	(\$1,343,835)
Year 4	145	(\$9,499)	(\$1,461,660)	3	(\$286,362)	157	(\$1,748,022)
Year 5	147	(\$9,499)	(\$1,511,457)	4	(\$371,419)	227	(\$1,882,876)
Year 6	150	(\$9,499)	(\$1,573,150)	4	(\$366,337)	245	(\$1,939,487)
Year 7	154	(\$9,499)	(\$1,647,402)	5	(\$472,274)	260	(\$2,119,676)
Year 8	156	(\$9,499)	(\$1,702,173)	5	(\$467,721)	263	(\$2,169,894)
Year 9	157	(\$9,499)	(\$1,747,346)	5	(\$472,707)	268	(\$2,220,053)
Year 10	158	(\$9,499)	(\$1,793,645)	5	(\$477,754)	268	(\$2,271,399)

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

§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 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.

§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.

Bill as a Whole

In response to similar legislation from 2023 (HCS HB 1108 & 1181), officials from the **Office of Administration - Budget and Planning**, the **Department of Public Safety – Capitol Police**, the **Missouri House of Representatives**, the **Cole Camp Ambulance District**, the **Kansas City Health Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Department of Labor and Industrial Relations** 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 abovementioned agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties, circuit clerks, police and sheriff's departments, fire protection districts, ambulance and EMS, and schools were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in the MOLIS database is available upon request.

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 Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Division of Alcohol and Tobacco Control, Fire Safety, Missouri Gaming Commission, and State Emergency Management Agency)**, the **Department of Social Services**, **Missouri Department of Transportation**, the **Missouri Department of Agriculture**, the **Missouri National Guard**, the **MoDOT and Patrol Employees' Retirement System**, the **Missouri Consolidated Health Care Plan**, the **University of Missouri**, the **Office of the State Auditor**, the **Joint Committee on Public Employee Retirement**, the **Joint Committee on Education, Legislative Research**, the **Oversight Division**, the **Missouri Ethics Commission**, the **Missouri Lottery Commission**, the **Missouri Senate**, the **State Tax Commission**, the **Newton County Health Department**, the **St. Louis County Health Department**, the **Branson Police Department**, and the **Phelps**

County Sheriff’s Department assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Department of Public Safety – Missouri Veterans Commission**, the **Missouri Department of Transportation**, the **Missouri State Employees Retirement System**, the **Office of Administration**, the **Office of the Governor**, and the **Kansas City Police Department** assumed the proposal will have no fiscal impact on their respective organizations.

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

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
GENERAL REVENUE				
<u>Income</u> – (§547.500) Application fees for review of a claim of actual innocence p. 10-11	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – MOPS (§193.265) Vital records requests p. 5-6	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (§558.031) Jail-time credit p. 13	\$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>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 27	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – DOC (§§211.071 and 217.345) Potential increase in incarceration costs p. 7-8	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – DOC (§217.690) Change in parole eligibility p. 8	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
<u>Costs – DOR</u> (§§307.018 and 556.021) OA-ITSD services p. 8-10	(\$33,653)	\$0	\$0	\$0
<u>Costs – MOPS</u> (§547.500) New Conviction Review Unit p. 10-11	\$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)
<u>Total costs – MOPS</u>	(\$320,887)	(\$388,897)	(\$392,964)	(\$392,964)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE
<u>Costs – DOC</u> (§§566,151, 567.030, 568.075, 569.100, 570.030, 575.150, 575.151, 575.205, 579.021, 579.022) p. 14-29	Could exceed...	Could exceed...	Could exceed...	Could exceed...
Personal service	\$0	(\$49,847)	(\$50,345)	(\$269,885)
Fringe benefits	\$0	(\$34,391)	(\$34,734)	(\$186,200)
Equipment and expense	\$0	(\$11,738)	(\$3,646)	(\$21,669)
Increased incarceration costs	(\$245,391)	(\$813,874)	(\$1,255,110)	(\$1,793,645)
<u>Total cost – DOC</u>	(\$245,391)	(\$909,850)	(\$1,343,835)	(\$2,271,399)
FTE Change – DOC	0 FTE	1 FTE	1 FTE	5 FTE
<u>Transfer Out</u> – (\$550.125) Appropriated funds to the Change of Venue for Capital Cases Fund p. 11-12	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>More or less than</u> (\$599,931)	<u>More or less than</u> (\$1,298,747)	<u>More or less than</u> (\$1,736,799)	<u>More or less than</u> (\$2,664,363)
Estimated Net FTE Change on the General Revenue Fund	3 FTE	4 FTE	4 FTE	8 FTE

<u>FISCAL IMPACT – State Government</u> (continued)	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
CRIMINAL RECORD SYSTEM FUND (0671)				
<u>Income – MHP</u> (§195.817) Increase in background checks p. 6-7	Up to \$165,000	Up to \$198,000	Up to \$198,000	Up to \$198,000
<u>Loss –</u> (§43.539) From foregone fees for criminal reviews p. 4	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND	<u>Less than</u> <u>\$165,000</u>	<u>Less than</u> <u>\$198,000</u>	<u>Less than</u> <u>\$198,000</u>	<u>Less than</u> <u>\$198,000</u>
STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT FUND (0644)				
<u>Loss – DOR</u> (§§307.018 and 556.021) Loss of reinstatement fees p. 8-10	(\$350,250)	(\$420,300)	(\$420,300)	(\$420,300)
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>
CHANGE OF VENUE FOR CAPITAL CASES FUND				
<u>Transfer In –</u> (§550.125) Appropriated funds from General Revenue p. 11-12	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
Costs – OSCA (§550.125) Reimbursement to counties that have a change of venue on a capital case from another county that sequestered jurors p. 11-12	<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>
CRIME VICTIMS’ COMPENSATION FUND (0681)				
Revenue – DPS (§595.045) Class E felony fee p. 29	<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 TO 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>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026	Fully Implemented (FY 2033)
LOCAL POLITICAL SUBDIVISIONS				
<u>Reimbursement of Costs – Counties</u> (§550.125) State payments for a change of venue for a capital case held in counties p. 11-12	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> - (§575.205) Increased labor hours to process cases p. 23-24	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Loss – (Cities 15%)</u> (§§307.018 and 556.021) Loss of reinstatement fees p. 8-10	(\$70,050)	(\$84,060)	(\$84,060)	(\$84,060)
<u>Loss – (Counties 10%)</u> (§§307.018 and 556.021) Loss of reinstatement fees p. 8-10	(\$46,700)	(\$56,040)	(\$56,040)	(\$56,040)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>More or less than</u> (\$116,750)	<u>More or less than</u> (\$140,100)	<u>More or less than</u> (\$140,100)	<u>More or less than</u> (\$140,100)

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

BACKGROUND CHECKS RELATING TO MARIJUANA FACILITIES (Section 195.817)

Under this act, the Department of Health and Senior Services shall require all employees, contractors, owners, and volunteers of marijuana facilities to submit fingerprints to the Highway Patrol for a state and federal criminal background check. The Highway Patrol shall notify the Department of any criminal history record information or lack thereof discovered on the individual. All such records shall be accessible and available to the Department.

CERTIFICATION OF JUVENILES FOR TRIAL AS ADULTS (Sections 211.071, 211.600, and 217.345)

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

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

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

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

These provisions contain an emergency clause.

ELIGIBILITY FOR PAROLE (Section 217.690)

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

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

WARRANTS FOR FAILURE TO APPEAR (Sections 307.018 and 556.021)

This bill prohibits a court from issuing an arrest warrant for a person's failure to respond, pay an assessed fine, or appear in court for a motor vehicle equipment violation citation issued for an offense that is classified or charged as an infraction.

Instead, the court must issue a notice, which will include a second scheduled court date, to be sent to the driver of the vehicle. If the driver fails to respond a second time, the court will issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of the notice will be sent to the driver and to the Department of Revenue. When the driver applies to renew his or her driver's license, the Department of Revenue must deny the application until all delinquent fines and fees in connection with the motor vehicle equipment violation have been satisfied.

CONVICTION INTEGRITY UNIT ACT (Section 547.500)

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

The Missouri Office of Prosecution Services will create an application process for defendants as specified in the bill. The conviction review unit will consist of two attorneys hired by the Executive Director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director shall be an ex officio member of the unit. Once the review is complete, the conviction review unit will present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office who requested the review. The prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit. Any document produced by the conviction review unit shall be closed records until after the finality of all proceedings.

CHANGE OF VENUE (Section 550.125)

This bill creates the "Change of Venue for Capital Cases Fund", which will consist of money appropriated by the General Assembly. Money in the Fund is to be used solely for reimbursement to any county that receives a capital case from another county to cover the costs associated with the sequestering of jurors. At the conclusion of a capital case for which the venue was changed from one county to another, the initial county may apply to the Office of State Courts Administrator (OSCA) for reimbursement for the county that received the case. If a county is eligible for reimbursement, OSCA shall disburse the money to the county. If OSCA determines that a county is not eligible for reimbursement or the actual costs are more than the amount dispersed, the county in which the capital case originated shall be responsible for all or the remaining reimbursement.

Applications for reimbursement must be submitted by May 1 of the current fiscal year, and reimbursements must be made by June 30 of the current fiscal year. Reimbursements for applications submitted after May 1 of the current fiscal year will be made in the following fiscal year. If there is not enough money in the Fund at the end of the fiscal year when reimbursements are made, reimbursements will be made on a pro rata basis.

CREDIT FOR JAIL TIME (Section 558.031)

This bill modifies provisions relating to credit toward the service of a sentence of imprisonment by changing the beginning of the credit accrual to after the offense occurred, as opposed to the current provision of after conviction. This credit must be based upon the certification of the sheriff, and may be supplemented by a certificate of a sheriff from another jurisdiction having held the person on the charge of the offense for which the sentence is ordered.

The court, when pronouncing sentence, may award additional credit for time spent in prison, jail, or custody before the commencement of the sentence for those in which the person was incarcerated, but for whom no detainer or warrant was served.

PRIVILEGED INFORMATION (Section 559.125)

Currently, information and data obtained by a probation or parole officer is privileged information and not receivable in any court.

This bill modifies that provision to allow an exception for the receipt of this privileged information by a court for lawful criminal matters.

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.

Additionally, the offense of stealing is a class E felony if the property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by a common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.

RESISTING ARREST (Sections 575.150 and 575.151)

This bill amends the penalty for the offense of resisting or interfering with arrest, which is currently a class A misdemeanor under certain circumstances and a class E felony under other circumstances. This bill specifies that resisting or interfering with or escaping or attempting to escape from a stop, detention, or arrest or from custody after such stop, detention, or arrest is a class A misdemeanor, unless it falls within one of the exceptions listed in the bill, in which case it is a class E felony. If the escape or attempted escape is committed by means of a deadly weapon or a dangerous instrument or by holding another person hostage, it is a class A felony.

The bill also specifies that a person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, stop, or detention by fleeing from law enforcement in or on a motor vehicle and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of a person or property, including that of the pursuing officer or other occupants of the fleeing vehicle. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony. For a second or subsequent conviction, it is a class D felony.

If, during the commission of resisting arrest by fleeing in or on a motor vehicle, serious bodily injury or death to another person, including any officer, results, the person is guilty of the offense of aggravated resisting arrest by fleeing in or on a motor vehicle, which is a class D felony. For a second or subsequent conviction, it is a class C felony.

A prosecuting attorney shall not be required to prove that the defendant knew why he or she was being stopped, arrested, or detained.

This bill adds resisting arrest by fleeing in or on a motor vehicle to the list of offenses for which a person convicted of such offense or offenses must serve a minimum prison term and it adds resisting or interfering with or escaping from arrest, detention, or stop and resisting arrest by fleeing in or on a motor vehicle to the list of offenses that cannot be expunged.

ELECTRONIC MONITORING EQUIPMENT (Section 575.205)

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.

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.

DRUG TRAFFICKING (Sections 579.065 and 579.068)

This bill removes from the offense of drug trafficking in the first degree when a person knowingly distributes, delivers, manufactures, produces, or attempts to distribute, deliver, manufacture, or produce more than eight grams of a mixture or specified substance that has a cocaine base. The bill also removes from the offense of drug trafficking in the second degree when a person knowingly possesses more than eight grams of a mixture or specified substance that has a cocaine base.

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

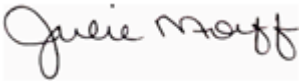
SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections

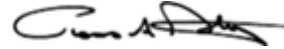
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education and Workforce Development
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Revenue
Department of Public Safety
Department of Social Services
Joint Committee on Administrative Rules
Legislative Research
Local Government Employees Retirement System
Missouri House of Representatives
Missouri Lottery Commission
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Ethics Commission
Missouri Department of Transportation
Missouri National Guard
Missouri Senate
MoDOT & Patrol Employees' Retirement System
Missouri State Employees Retirement System
Missouri Office of Prosecution Services
Office of Administration
Office of Administration - Administrative Hearing Commission
Office of Administration - Budget and Planning
Office of the Governor
Office of the Lieutenant Governor
Office of the Secretary of State
Office of the State Auditor
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Oversight Division
State Tax Commission
Branson Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department
LAGERS
Gordon Parks Elementary
Cole County

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April 24, 2023

Cole Camp Ambulance District
Kansas City Health Department
Newton County Health Department
St. Louis County Health Department



Julie Morff
Director
April 24, 2023



Ross Strobe
Assistant Director
April 24, 2023