

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3102S.03C  
 Bill No.: SCS for SB Nos. 754, 746, 788, 765, 841, 887 & 861  
 Subject: Law Enforcement Officers and Agencies; Animals; Crimes and Punishment;  
 Department of Corrections; Criminal Procedure; Attorneys; Drugs and Controlled  
 Substances; Prisons and Jails; Children and Minors; Courts; Fire Protection;  
 Firearms  
 Type: Original  
 Date: February 2, 2024

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	Could exceed (\$1,344,588)	Could exceed (\$1,494,710)	Could exceed (\$1,527,363)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$1,344,588)</b>	<b>Could exceed (\$1,494,710)</b>	<b>Could exceed (\$1,527,363)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
988 Public Safety Fund*	\$0	\$0	\$0
Public Defender-Federal and Other Fund**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Revenue and expenses net to zero.

\*\*Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	5 FTE	5 FTE	5 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>5 FTE</b>	<b>5 FTE</b>	<b>5 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

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

Officials from the **Department of Corrections (DOC)** assume section 211.071 raises the age for which a child can be tried as an adult from 12 to 14. DOC generally does not receive many offenders who have committed the offense between the ages of 12-14; therefore, DOC anticipates **no impact**.

In response to similar legislation from 2024 (SB 887), officials from the **Attorney General’s Office** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

**Oversight** notes the following information regarding the number of juveniles who were certified to adult court for the last 5 years:

<b><u>JUVENILE CASES DISPOSED BY DISPOSITION</u></b>						
	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>5yr. Avg.</u>
Certified to Adult Court	53	36	32	48	41	42
Source: Table 56 of OSCA's Annual Judicial & Statistical Report Supplement						

**DOC** states section 217.345 modifies language related to programs for juvenile offenders who are certified as adults and remanded to the department. The DOC anticipates that the changes in this section will have little to no impact.

**§217.690 – Eligibility for parole**

**DOC** states this section 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.

There are currently 183 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 183 offenders, 12 are excluded from consideration for having a prior release from prison. Of the remaining 171 offenders, 48 have been incarcerated for 15 years or more. 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 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.

§547.500 – Conviction Review Unit

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require MOPS to hire three additional staff—two attorneys and an 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. That 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 the current resource prosecutors). The total cost adding PS and E&E is \$256,000. General revenue will need to fund these positions as current MOPS funding sources cannot absorb these positions.

**Oversight** notes that in their FY 2024 budget request, MOPS 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 12 (2023), the Missouri Office of Prosecution Services (not to exceed 12 FTE) budget included four funds:

General Revenue (0101)	\$1,658,047
MOPS – Federal (0107)	\$1,198,871
MOPS Legal (0680)	\$2,237,913
MOPS Revolving (0844).	<u>\$ 172,417</u>
TOTAL	\$5,267,248

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).

Officials from the Attorney General's Office (AGO) did not respond to **Oversight's** request for fiscal impact. Oversight assumes the AGO would not be materially impacted by the proposal.

§571.031 – Unlawful discharge of a firearm

**DOC** states the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair’s Law is believed to have no fiscal impact to the department.

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 571.031 would take approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel and litigation expenses. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

**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 2024 (SB 788), officials from the **Office of Attorney General (AGO)** assumed any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume 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 2024 (SB 788), officials from the **Missouri Department of Conservation, the City of Springfield, City of Urich, and the Branson 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 on the fiscal note.

§575.353 – Offenses against police dogs

DOC states this proposal intends to create a class A misdemeanor for any injury to a law enforcement animal that does not result in veterinary care; a class E felony for any injury to a law enforcement animal that results in veterinary care; a class D felony for any injury resulting in death of a law enforcement animal. Misdemeanors fall outside the purview of DOC, and there is no expected impact from that portion of the bill.

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.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

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.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
<b>Cumulative Populations</b>										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
<b>Impact</b>										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>27</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 10 additional offenders in prison and 23 additional offenders on field supervision by FY 2027.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	7	7	7	7	7	7	7	7	7	7
<b>Cumulative Populations</b>										
Prison	4	8	10	10	10	10	10	10	10	10
Parole	0	0	2	5	8	8	8	8	8	8
Probation	7	14	21	21	21	21	21	21	21	21
<b>Impact</b>										
Prison Population	4	8	10	10	10	10	10	10	10	10
Field Population	7	14	23	26	29	29	29	29	29	29
<b>Population Change</b>	<b>11</b>	<b>22</b>	<b>33</b>	<b>36</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>	<b>39</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	4	(\$9,689)	(\$32,297)	0	\$0	7	(\$32,297)
Year 2	8	(\$9,689)	(\$79,062)	0	\$0	14	(\$79,062)
Year 3	10	(\$9,689)	(\$100,804)	0	\$0	23	(\$100,804)
Year 4	10	(\$9,689)	(\$102,820)	0	\$0	26	(\$102,820)
Year 5	10	(\$9,689)	(\$104,877)	0	\$0	29	(\$104,877)
Year 6	10	(\$9,689)	(\$106,974)	0	\$0	29	(\$106,974)
Year 7	10	(\$9,689)	(\$109,114)	0	\$0	29	(\$109,114)
Year 8	10	(\$9,689)	(\$111,296)	0	\$0	29	(\$111,296)
Year 9	10	(\$9,689)	(\$113,522)	0	\$0	29	(\$113,522)
Year 10	10	(\$9,689)	(\$115,793)	0	\$0	29	(\$115,793)

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 \$26.545 per day or an annual cost of \$9,689 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 \$99.90 per day or an annual cost of \$36,464 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 impact for fiscal note purposes.



In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

In response to a previous version, officials from the **Department of Public Safety – Capitol Police**, the **Missouri Department of Conservation**, and the **Eureka Fire Protection District – St. Louis** 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.

#### §§579.065 and 579.068 – Trafficking drugs

**DOC** states section 579.065 removes language that refers to cocaine base from the definition of trafficking drugs in the first degree. Section 579.068 removes language that refers to cocaine base from the definition of trafficking drugs in the second degree.

Section 579.065 – In FY 2023, there were 18 new prison admissions and 12 new probation cases for sentences of trafficking drugs in the first degree.

Section 579.068 – In FY 2023, there were 79 new prison admissions and 90 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) 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.

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

#### §590.192 - Critical Incident Stress Management Program

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

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

Oversight contacted Fire Safety to determine the number of firefighters in Missouri. Fire Safety states the total number of firefighters in the state as of November 2023 is approximately 21,941. This is based on fire department registration information provided to Fire Safety. Fire Safety has seen this number get as high as 24,000 but not lower than 20,000. Therefore, for fiscal note purposes, Oversight will use 22,000 to determine a fiscal impact.

At a cost of \$150 per visit (MHP provided actual contract cost for FY 23), Oversight will reflect a cost of \$3,300,000 over a four-year rotation period  $[(22,000 * \$150)/4 = \mathbf{\$825,000}]$ . Oversight notes TAFP HB 8 for 2023 included a \$503,511 appropriation for the 988 Public Safety Fund (0864) from General Revenue. Oversight will continue to utilize our estimated fiscal impact.

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

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

#### §600.042 – Public Defender funding

Officials from the **Office of the State Public Defender (SPD)** state this proposed legislation amending Section 600.042 would authorize the SPD to receive and accept gifts. The fiscal impact is unknown.

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

available. 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 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 2024 (SB 841), officials from the **Office of the State Treasurer (STO)** stated the STO would require one (1) FTE (an Analyst at \$42,000) to handle the potential activity.

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

#### §610.140 – Expungements

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposed language in section 610.140.1(4) creates a new section to define “same course of criminal conduct,” including a timeline of one year. As a term of art, same course of criminal conduct is well defined in case law; however, the definition in this section appears ambiguous and could call the well-established elements into question, leading to a potential sizeable increase in the number of possible acts eligible for expungement.

In addition, the proposed language in section 610.140.13 increases the total number of eligible felony offenses from one (1) to two (2) and misdemeanor offenses from three (3) to five (5) in one’s lifetime. As a result, the number of petitions received for reviewing and processing is expected to increase which would impact the Patrol's daily work for missing disposition research for complete and accurate criminal history records for officer safety and criminal record checks for positions of public trust.

As a result of the proposed legislation the Patrol expects the petition workload to at least double and be more time intensive, which would require the addition of two (2) to three (3) Criminal Justice Information Services (CJIS) Technician III FTEs for processing this increased workload. Due to the type of activity, the funding for these positions would need to be from General Revenue.

**Oversight** does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP’s impact to the General Revenue fund for two (2) FTE. However, if additional duties require increased staffing, the MHP may request additional funding through the appropriations process.

Officials from the **Department of Corrections (DOC)** state this legislation modifies provisions relating to expungements. Section 610.140 allows a person to submit a petition for expungement if it has been at least three years from the date the individual completed any authorized disposition for a felony offense. It also increases the number of expungements that a person can receive for felony offenses from one to two, as long as there were no expungements for misdemeanor offenses.

Expunging these records for the specified offenses through destruction, redacting or removal will result in an increase in workload for DOC's Institutional Records Officers, as they are the custodian of records for DOC's offender files. This may also affect records kept at Probation and Parole Offices.

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

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

**Oversight** assumes the DOC is provided with core funding to handle a certain amount of activity each year. Oversight assumes the DOC could absorb the costs related to this proposal. However, the DOC may seek additional appropriations if the proposal results in a significant increase in the number of expungements requests.

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

**Oversight** notes the cost for the City of Kansas City; however, Oversight is unable to project a statewide cost. Therefore, the impact to local governments will be presented as \$0 to (Unknown).

#### Responses regarding the proposed legislation as a whole

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

Officials from the **Office of Administration - Budget and Planning (B&P)** state this bill as a whole expands or creates new offenses. To the extent that these fines are deposited into the state treasury, this proposal could increase total state revenue by an unknown amount beginning August 28, 2023.

Officials from the **Department of Natural Resources**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue**, the **Department of Social Services**,

the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **Missouri National Guard**, the **City of O'Fallon**, the **City of Osceola**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, county prosecutors, local law enforcement and fire protection districts 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 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Income</u> – MOPS (\$547.500) Application fees for review of a claim of actual innocence p. 4	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 9	Unknown	Unknown	Unknown
<u>Costs</u> – DOC (\$217.690) Change in parole eligibility p. 3-4	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – MOPS (\$547.500) New Conviction Review Unit (“may establish”) p. 4	\$0 or....	\$0 or...	\$0 or....
Personal Service (3 FTE)	(\$183,333)	(\$224,400)	(\$228,888)
Fringe Benefits	(\$108,611)	(\$132,039)	(\$133,779)
Expense & Equipment	(\$30,000)	(\$36,720)	(\$37,454)
<b>Total Costs - MOPS</b>	<b>(\$321,944)</b>	<b>(\$393,159)</b>	<b>(\$400,121)</b>
FTE Change – MOPS	3 FTE	3 FTE	3 FTE
<u>Costs</u> – DOC (\$575.353) Increased incarceration costs p. 6-8	(\$32,297)	(\$79,062)	(\$100,804)
<u>Costs</u> – MHP (\$610.140) Processing expungements p. 11			
Personal Service	(\$85,960)	(\$105,215)	(\$107,319)
Fringe Benefits	(\$75,387)	(\$92,274)	(\$94,119)
Expense and Equipment	(\$4,000)	\$0	\$0
<b>Total Costs - MHP</b>	<b>(\$165,347)</b>	<b>(\$197,489)</b>	<b>(\$201,438)</b>
FTE Change - MHP	2 FTE	2 FTE	2 FTE
<u>Transfer Out</u> – to the 988 Public Safety Fund p. 9-10	(\$825,000)	(\$825,000)	(\$825,000)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Could exceed</u> <b>(\$1,344,588)</b></b>	<b><u>Could exceed</u> <b>(\$1,494,710)</b></b>	<b><u>Could exceed</u> <b>(\$1,527,363)</b></b>
Estimated Net FTE Change on the General Revenue Fund	5 FTE	5 FTE	5 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>988 PUBLIC SAFETY FUND</b>			
<u>Transfer In</u> – from General Revenue	\$825,000	\$825,000	\$825,000
<u>Costs</u> – Firefighters evaluation/check-in (\$590.192) (new to program) (22,000 x \$150 / once every 4 years) p. 9-10	(\$825,000)	(\$825,000)	(\$825,000)
<b>ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND (0864)</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>			
<u>Income</u> - (\$600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender p. 10-11	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>
<b>ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Costs</u> – Cities (\$610.140) Processing expungements p. 12	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act modifies provisions relating to public safety.

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

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

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

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

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

ELIGIBILITY FOR PAROLE FOR JUVENILES (Section 217.690)

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

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

CONVICTION REVIEW UNIT (Section 547.500)

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

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



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

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

#### BLAIR'S LAW (Section 571.031)

This act establishes "Blair's Law" which specifies that a person commits the offense of unlawful discharge of a firearm if he or she recklessly discharges a firearm within or into the limits of a municipality. Any such person shall be guilty of a class A misdemeanor for the first offense, a class E felony for the second offense, and a class D felony for any third or subsequent offenses. These provisions will not apply if the firearm is discharged under circumstances as provided in the act.

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

This act creates "Max's Law."

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

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

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

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

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

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

This act repeals those provisions.

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

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

**PUBLIC DEFENDER FUND (Section 600.042)**

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

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

**EXPUNGEMENT OF CRIMINAL RECORDS (Section 610.140)**

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

Under current law, certain offenses, violations, and infractions are not eligible for expungement. This act adds that the offenses, or successor offenses, of sexual conduct with a nursing facility resident in the second degree, use of a child in sexual performance, promoting a sexual performance of a child, or cross burning shall not be eligible for expungement.

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

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

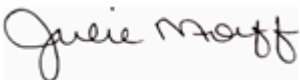
This act also changes the time a person can petition to expunge arrest record for an eligible crime from three years after the date of the arrest to 18 months from the date of the arrest.

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

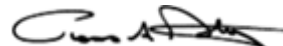
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Natural Resources  
Department of Public Safety  
Department of Revenue  
Department of Social Services  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri National Guard  
Missouri Office of Prosecution Services  
Office of Administration - Budget and Planning  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
City of Kansas City  
City of O'Fallon  
City of Osceola  
City of Springfield  
City of Urich  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department  
Eureka Fire Protection District – St. Louis



Julie Morff  
Director  
February 2, 2024



Ross Strobe  
Assistant Director  
February 2, 2024