

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3102S.07T
 Bill No.: Truly Agreed To and Finally Passed SS #2 for 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; Courts; Probation and Parole; Courts, Juvenile; Cities, Towns, and Villages
 Type: Original
 Date: June 11, 2024

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue*	More or less than (\$2,277,485)	More or less than (\$2,896,443)	More or less than (\$3,459,441)	More or less than (\$5,347,593)
Total Estimated Net Effect on General Revenue	More or less than (\$2,277,485)	More or less than (\$2,896,443)	More or less than (\$3,459,441)	More or less than (\$5,347,593)

*Beyond the impact reflected above, the DOC notes an increase in prison population by 1,252 offenders and a reduction in the field population by 626 offenders by FY 2049 (p. 6)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
988 Public Safety Fund*	\$0	\$0	\$0	\$0
Public Defender-Federal and Other Fund**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other State Funds</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

*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.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
General Revenue	7 FTE	9 FTE	11 FTE	16 FTE
Total Estimated Net Effect on FTE	7 FTE	9 FTE	11 FTE	16 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 2025	FY 2026	FY 2027	Fully Implemented (FY 2034)
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

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**.

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

JUVENILE CASES DISPOSED BY DISPOSITION						
	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>5 yr. 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 (as of 12/15/23) 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.

§§307.018 and 556.021 – Bench warrants

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

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

§547.500 – Conviction Review Unit

MOPS states 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).

§§558.019 and 571.015 – Minimum prison terms for armed criminal action

DOC states this proposal defines Armed Criminal Action (ACA) as an unclassified felony in section 571.015, and removes a reference to section 571.015 in 558.019, which prevents 558.019 from being applied to ACA sentences.

There were 313 offenders admitted to prison on a new ACA charge in FY 2023. Given the relatively long length of sentences and prison terms for offenders with ACA sentences, they do not expect to see the impact of the proposed changes in section 558.019 on offender populations until FY 2044. At that time, the requirement to serve at least 85% of ACA sentences, in addition to the existing requirement that those sentences be served consecutively, they expect the prison population to start to increase. The cumulative impact is expected to be an increase in the prison population by 1,252 offenders and a reduction in the field population by 626 offenders by FY 2049. The impacts of these changes are outside of the 10-year reporting scope; therefore, this section will have **no impact for the current reporting period.**

While the proposed changes to section 571.015 have the potential to impact offender populations, they are uncertain how to estimate the impact of these changes given that the additional term of imprisonment is decided by the court. **Therefore, the DOC will assume an unknown impact to this section.**

§565.258 – Cyber Crimes Task Force

Officials from the **Department of Public Safety - Office of the Director (DPS)** state one (1) part-time FTE will be needed to support the task force.

Oversight notes the legislation does not state the number of meetings the Stop Cyberstalking and Harassment Task Force is required to hold during the year. Oversight also notes this task force will expire on December 31, 2026, unless extended until December 31, 2028, as determined necessary by the Department of Public Safety. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight assumes the 17 members may incur cost of approximately \$11,500 annually if meetings are held quarterly either in-person or by phone and/or video conference. Oversight further assumes DPS is provided with core funding to handle a certain amount of activity each year and, therefore, the expenses related to this proposal could be absorbed by DPS.

Oversight notes multiple bills may be passed by the General Assembly in a given year and, collectively, those costs maybe in excess of what can be sustained within the core budget. If so, the DPS may request funding for the costs of supporting these bills should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Stop Cyberstalking and Harassment Task Force meetings.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 256 miles and the current mileage rate, as set by the Office of Administration is \$0.655 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of approximately \$335. The Missouri Senate assumes no fiscal responsibility for the other committee members.

Oversight does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire task force (17 people) would be approximately \$2,850 per meeting. Oversight assumes four meetings per year for a total of \$11,402. Oversight notes this is not a material amount and will not reflect this in the fiscal note; however, if additional task forces are added in other proposals, additional appropriation authority may be needed.

Officials from the **Missouri House of Representatives (MHR)** assume the proposal will have no fiscal impact on their organization. The MHR will absorb any reasonable expenses of the members serving on the task force.

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

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor's current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

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.

§568.045 – Endangering the welfare of a child

DOC states the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids, or causes a child less than seventeen years of age to engage in any conduct in subdivision 568.045.1(3) is expanded to include offenses covered in chapter 571. The proposed legislation extends section 568.045.1(3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579.

DOC estimates the number of offenses outlined in chapter 571 that will be covered by 568.045.1(3) will be in approximately the same proportion as offenses outlined in chapter 579 that are currently covered by 568.045.1(3). The FY 2023 information for relevant offenses is summarized in the following table. DOC estimates there will be 7 additional people sentenced to prison and 94 additional people sentenced to probation for a violent class D felony.

Section	Prison Sentences	Probation Sentences
579 - Actual FY 2023	1,253	6,631
568.045.1(3) - Actual FY 2023	96	436
571 - Actual FY 2023	800	1,530
568.045.1(3) – Estimated Additional	7	94

The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	94	94	94	94	94	94	94	94	94	94
Change (After Legislation - Current Law)										
Admissions	7	7	7	7	7	7	7	7	7	7
Probations	94	94	94	94	94	94	94	94	94	94
Cumulative Populations										
Prison	7	14	21	27	27	27	27	27	27	27
Parole				1	8	13	13	13	13	13
Probation	94	188	282	376	376	376	376	376	376	376
Impact										
Prison Population	7	14	21	27	27	27	27	27	27	27
Field Population	94	188	282	377	384	389	389	389	389	389
Population Change	101	202	303	404	411	416	416	416	416	416

§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.

MOPS assumes 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 **City of Springfield** and the **City of Ulrich** 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.

§571.070 – Unlawful possession of firearms

DOC states this section changes the penalty associated with unlawful possession of a firearm from a class D felony to a class C felony for people with no prior dangerous felony conviction and no prior conviction for unlawful possession of a firearm; and, it changes the penalty for unlawful possession of a firearm from a class C felony to a class B felony for people with a prior dangerous felony conviction and/or a prior conviction for unlawful possession of a firearm.

There were 100 offenders admitted to prison in FY 2023 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, 16 had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, DOC estimates the impact based on 84 new court commitments per year as class C felonies instead of class D felonies, and 16 new court commitments per year as class B felonies instead of class C felonies.

Change from class D felony to class C felony

The difference in an average sentence length between a nonviolent class D felony and a class C felony is 1.9 years. The difference in average time to first release from prison for a nonviolent class D felony and a class C felony is 0.4 years. When these differences are applied to 84 new court commitments annually, this equates to a maximum cumulative impact of approximately 76 additional offenders in prison and 84 additional offenders on field supervision after seven years.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	84	84	84	84	84	84	84	84	84	84
After Legislation	84	84	84	84	84	84	84	84	84	84
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison			17	76	76	76	76	76	76	76
Parole			-17	-76	-76	8	84	84	84	84
Probation										
Impact										
Prison Population			17	76	76	76	76	76	76	76
Field Population			-17	-76	-76	8	84	84	84	84
Population Change						84	160	160	160	160

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class B felony is 2.1 years. The difference in average time to first release from prison for a class C felony and a class B felony is 1.3 years. When these differences are applied to 16 new court commitments annually, this equates to a maximum cumulative impact of approximately 24 additional offenders in prison and 10 additional offenders on field supervision after nine years.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	16	16	16	16	16	16	16	16	16	16
After Legislation	16	16	16	16	16	16	16	16	16	16
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				5	21	24	24	24	24	24
Parole				-5	-21	-24	-22	-6	10	10
Probation										
Impact										
Prison Population				5	21	24	24	24	24	24
Field Population				-5	-21	-24	-22	-6	10	10
Population Change							2	18	34	34

The combined estimated cumulative impact from section 571.070 is 100 additional offenders in prison and 62 on field supervision by FY 2031.

§575.151 – Fleeing a stop or detention of a motor vehicle

DOC states this proposal creates the offense of aggravated fleeing a stop or detention of a law enforcement motor vehicle. A violation of subdivision (1) of subsection 2 is a class D felony. A violation of subdivision (2) of subsection 2 is a class B felony. A violation of subdivision (3) of subsection 2 is a class A felony. As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class D, class B, and class A felonies.

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 2028.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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

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 have 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 2029.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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

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 will be served in prison as a parole return, and the rest of the sentence will 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 2034 is 10 additional offenders in prison.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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

The combined estimated impact from section 575.151 is 31 additional offenders in prison and 27 additional offenders on field supervision by FY 2034.

MOPS assumes 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.

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by the change to section 575.151 would take approximately thirty-five to ninety-nine 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 one to five attorneys. 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.

Oversight assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

§575.353 – Offenses against police dogs

DOC states 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
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.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to section 575.353 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 a previous version, officials from the **Eureka Fire Protection District – St. Louis** 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.

§§579.021 and 579.022 – Delivery of controlled substance

DOC states section 579.021 is created to include penalty provisions for the offense of delivering a controlled substance causing great bodily harm. These actions are considered a class C felony offense.

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

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
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

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.

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 will be served in prison as a parole return, and the rest of the sentence will 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 2034 is 10 additional offenders in prison.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
Impact										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
Population Change	1	2	3	4	5	6	7	8	9	10

Combined Estimated Cumulative Impact for DOC

The combined cumulative estimated impact on the department could be 193 additional offenders in prison and 570 additional offenders on field supervision by FY 2034, with additional impact from changes to section 558.019 that are beyond the 10-year time frame covered in this response.

Change in prison admissions and probation openings with legislation

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	100	100	100	100	100	100	100	100	100	100
After Legislation	122	122	122	122	122	122	122	122	122	122
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	111	111	111	111	111	111	111	111	111	111
Change (After Legislation - Current Law)										
Admissions	22	22	22	22	22	22	22	22	22	22
Probations	111	111	111	111	111	111	111	111	111	111
Cumulative Populations										
Prison	22	44	81	161	180	185	187	189	191	193
Parole	0	0	-15	-74	-72	22	105	122	139	139
Probation	111	222	333	431	431	431	431	431	431	431
Impact										
Prison Population	22	44	81	161	180	185	187	189	191	193
Field Population	111	222	318	357	359	453	536	553	570	570
Population Change	133	266	399	518	539	638	723	742	761	763

	# 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	22	(\$9,689)	(\$177,632)	2	(\$151,826)	111	(\$329,458)
Year 2	44	(\$9,689)	(\$434,842)	4	(\$345,678)	222	(\$780,520)
Year 3	81	(\$9,689)	(\$816,515)	6	(\$516,092)	318	(\$1,332,607)
Year 4	161	(\$9,689)	(\$1,655,409)	7	(\$597,323)	357	(\$2,252,732)
Year 5	180	(\$9,689)	(\$1,887,783)	7	(\$594,927)	359	(\$2,482,711)
Year 6	185	(\$9,689)	(\$1,979,026)	8	(\$696,380)	453	(\$2,675,407)
Year 7	187	(\$9,689)	(\$2,040,429)	10	(\$887,113)	536	(\$2,927,543)
Year 8	189	(\$9,689)	(\$2,103,497)	10	(\$877,434)	553	(\$2,980,932)
Year 9	191	(\$9,689)	(\$2,168,272)	11	(\$985,579)	570	(\$3,153,850)
Year 10	193	(\$9,689)	(\$2,234,796)	11	(\$985,963)	570	(\$3,220,759)

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.

SPD states per the recently released National Public Defense Workload Study, the new charge contemplated by this change to section 579.021 creating a class B or C felony, would take approximately fifty-seven 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 three attorneys. 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.

Additionally, per the recently released National Public Defense Workload Study, the new charge contemplated by this change to section 579.022 which could result in life imprisonment, would take approximately ninety-nine 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 four to five attorneys. 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.

Oversight assumes this proposal will not create the number of new cases required to request additional FTE for the SPD 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 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 first responders.

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 for firefighters.

Officials from the **Department of Health and Senior Services (DHSS)** assume the proposal will have no fiscal impact on their organization. In response to a previous version, DHSS stated there are currently 10,856 EMTs, 123 AEMTs, and 7,506 paramedics in Missouri.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state section 590.192.2 adds the term "first responders" as those required to complete a mental health check-in every three to five years. The term "first responder" is as defined in section 190.1010. The Highway Patrol assumes its communications personnel would fall within the definition in section 190.1010, as the Patrol communication centers are recognized as secondary Public Safety Answering Points (PSAP). This would add 189 Patrol personnel to the enforcement personnel already completing the mental health check-ins. For reference, the Patrol completes these check-ins every three years. The current contracted cost of each check-in is \$150 x 189 Communications personnel = \$28,350 /3 year rotation = \$9,450 per year.

For fiscal note purposes, **Oversight** will use 40,674 (22,000 + 18,485 + 189) to determine the fiscal impact for all first responders. At a cost of \$150 per visit (MHP provided actual contract cost for FY 23), Oversight will reflect a cost of \$6,101,100 over a four-year rotation period [(40,674 * \$150)/4 = **\$1,525,275**]. 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 impact of \$1,525,275 annually.

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 first responders will utilize the services provided through the Critical Incident Stress Management Program to assist them 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, Department of Health and Senior Services, and Missouri Highway Patrol for fiscal note purposes.

Officials from the **City of Kansas City** assume this section will have a negative fiscal impact of approximately \$190,000 due to minimum staffing requirements.

Oversight notes this proposal provides services for first responders to assist in coping with stress and potential psychological trauma resulting from a critical incident or emotionally difficult event. Additionally, all first responders will be required to meet with a program service provider once every three to five years for a mental health check-in. Oversight assumes the City of Kansas City currently makes adjustments for scheduled absences. Therefore, Oversight assumes any impact incurred would be absorbable within currently funding levels.

§600.042 – Public Defender funding

SPD states 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.

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’s General Revenue Fund.

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

Officials from the **Office of the State Treasurer (STO)** state the STO would require one (1) FTE (a Treasury Coordinator at \$36,000) 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

MHP states 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 notes the cost provided by the MHP is for ten months for FY 2025. Therefore, Oversight has adjusted the cost for FY 2025 to six months due to the delayed implementation date of January 1, 2025, for this section.

Additionally, 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.

DOC states this section 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.

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).

This part of the proposal has a delayed implementation date of January 1, 2025.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume 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.

Officials from the **Department of Social Services (DSS)** state any creation of a crime or modification of offense provisions in this legislation would potentially increase the number of youth committed to the Division of Youth Services. It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth's case, making the impact more difficult to calculate. The fiscal impact is unknown but potentially significant.

Oversight assumes Department of Social Services could absorb any increase with current staff and funding levels. However, if additional duties require increased staffing, the DSS may request additional funding through the appropriations process.

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.

B&P states 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.

Officials from 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 – Capitol Police**, the **Department of Revenue**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Missouri National Guard**, the **Office of Administration**, 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.

In response to a previous version, officials from the **City of O’Fallon**, the **City of Osceola**, and the **Phelps County Sheriff’s 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.

Officials from the **Branson Police Department** indicate this proposal would have a fiscal impact on their organization. However, Oversight notes they provided no information explaining the potential fiscal impact this proposal would have on their organization. Therefore, for fiscal note purposes, Oversight assumes any fiscal impact incurred by this police department would be absorbable within current funding levels.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, county prosecutors, circuit clerks, local law enforcement, fire protection districts, and ambulance/EMS 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 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
GENERAL REVENUE				
<u>Income</u> – MOPS (§547.500) p. 5 Application fees for review of a claim of actual innocence	Unknown	Unknown	Unknown	Unknown
<u>Savings</u> – DOC (§§579.065 and 579.068) Trafficking drugs p. 19	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – DOC p. 4 (§217.690) Change in parole eligibility	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – MOPS p. 5 (§307.018) Delay in fine collection	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – SPD (various sections) Potential increase in usage/costs	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – MOPS (§547.500) p. 5 New Conviction Review Unit (“may establish”)	\$0 or....	\$0 or...	\$0 or....	\$0 or could exceed...
Personal Service	(\$183,333)	(\$224,400)	(\$228,888)	(\$228,888)
Fringe Benefits	(\$108,611)	(\$132,039)	(\$133,779)	(\$133,779)
Expense and Equipment	(\$30,000)	(\$36,720)	(\$37,454)	(\$37,454)
Total Costs - MOPS	(\$321,944)	(\$393,159)	(\$400,121)	(\$400,121)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<u>Costs – DOC</u> (§§568.045, 571.070, 575.151, 575.353, 579.021, 579.022) p. 7-18				
Personal Service	(\$75,638)	(\$183,344)	(\$277,770)	(\$545,974)
Fringe Benefits	(\$54,350)	(\$131,745)	(\$199,594)	(\$392,317)
Expense and Equipment	(\$21,838)	(\$30,589)	(\$38,728)	(\$47,672)
Increased incarceration costs	(\$177,632)	(\$434,842)	(\$816,515)	(\$2,234,796)
<u>Total Costs - DOC</u>	<u>(\$329,458)</u>	<u>(\$780,520)</u>	<u>(\$1,332,607)</u>	<u>(\$3,220,759)</u>
FTE Change - DOC	2 FTE	4 FTE	6 FTE	11 FTE
<u>Costs – DOC p. 6</u> (\$571.015) Minimum prison terms for ACA	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – MHP</u> (\$610.140) p. 22 Processing expungements				Could exceed...
Personal Service	(\$51,576)	(\$105,215)	(\$107,319)	(\$107,319)
Fringe Benefits	(\$45,232)	(\$92,274)	(\$94,119)	(\$94,119)
Expense and Equipment	(\$4,000)	\$0	\$0	\$0
<u>Total Costs - MHP</u>	<u>(\$100,808)</u>	<u>(\$197,489)</u>	<u>(\$201,438)</u>	<u>(\$201,438)</u>
FTE Change - MHP	2 FTE	2 FTE	2 FTE	2 FTE
<u>Transfer Out – to the 988 Public Safety Fund</u> p. 20-21	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>More or less than</u> <u>(\$2,277,485)</u>	<u>More or less than</u> <u>(\$2,896,443)</u>	<u>More or less than</u> <u>(\$3,459,441)</u>	<u>More or less than</u> <u>(\$5,347,593)</u>
Estimated Net FTE Change on the General Revenue Fund	7 FTE	9 FTE	11 FTE	16 FTE
988 PUBLIC SAFETY FUND				
<u>Transfer In – from General Revenue p. 20-21</u>	\$1,525,275	\$1,525,275	\$1,525,275	\$1,525,275
<u>Costs – Firefighters evaluation/check-in (\$590.192) (new to program) (22,000 x \$150 / once every 4 years) p. 20-21</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>	<u>(\$1,525,275)</u>
ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND (0864)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
PUBLIC DEFENDER – FEDERAL AND OTHER FUND				
<u>Income</u> - (\$600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender p. 21	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
LOCAL POLITICAL SUBDIVISIONS				
<u>Costs</u> – Local prosecutors – additional costs and potential loss of funding p. 5	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – Cities (\$610.140) p. 23 Processing expungements	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

JURISDICTION OF JUVENILE COURTS (Section 211.031)

Under current law, the juvenile court shall have exclusive original jurisdiction in proceedings involving a juvenile who violated a state law and jurisdiction in those cases may be taken by the court of the circuit in which the child resides or in which the violation is alleged to have occurred.

This act provides that any proceeding involving a child who is alleged to have violated state law shall be brought in the court of the circuit in which the violation occurred, except if a juvenile officer transfers the case or the court grants a motion to transfer the case to the circuit court in which the child resides.

CERTIFICATION OF JUVENILES FOR TRIAL AS ADULTS (Sections 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 and any felony involving a deadly weapon 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.

ARRESTS FOR TRAFFIC VIOLATIONS (Sections 307.018 and 556.021)

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

MOTION TO VACATE OR SET ASIDE THE JUDGMENT (Section 547.031)

Under current law, a prosecuting attorney may file a motion to vacate or set aside the judgment in the jurisdiction in which the person was convicted. This act changes this provision to the jurisdiction in which charges were filed.

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.

Finally, any prosecuting or circuit attorney may also file a motion to vacate or set aside the judgment while a conviction review unit is completing a review pursuant to this act.

PERSISTENT OFFENDERS (Section 558.016)

Under current law, the court may sentence a person to an extended term of imprisonment if such person is a persistent offender. This act adds that a "persistent offender" shall also include a person who has been found guilty of a dangerous felony as defined in law.

MINIMUM PRISON TERMS FOR ARMED CRIMINAL ACTION (Sections 558.019 & 571.015)

Under current law, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This act repeals the exclusion of the offense of armed criminal action.

This act also modifies the minimum prison terms for the offense of armed criminal action. For a person convicted of a first offense of armed criminal action, the term of imprisonment shall be no less than 3 years. For a person convicted of a second offense of armed criminal action, the term of imprisonment shall be no less than 5 years. Additionally, this act provides that a person convicted of armed criminal action shall not be eligible for probation, conditional release, or suspended imposition or execution of sentence; however, the person shall be eligible for parole.

CYBER CRIMES TASK FORCE (Section 565.258)

This act creates the "Stop Cyberstalking and Harassment Task Force" with membership as provided in the act. The Task Force shall elect a chairperson and shall hold an initial meeting before October 1, 2024.

The Task Force shall collect feedback from stakeholders, which may include victims, law enforcement, victim advocates, and digital evidence and forensics experts. The Task Force shall make recommendations on what resources and tools are needed to stop cyberstalking and harassment, as provided in the act.

The Task Force shall submit a report to the Governor and General Assembly on or before December 31 of each year and the Task Force shall expire on December 31, 2026, unless the Department of Public Safety determines the Task Force should be extended until December 31, 2028.

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

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

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.

OFFENSE OF UNLAWFUL POSSESSION OF FIREARMS (Section 571.070)

Under current law, unlawful possession of a firearm is a class D felony, unless a person has been convicted of a dangerous felony then it is a class C felony.

This act changes the penalty for the offense to a class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, then it is a class B felony.

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

This act creates "Max's Law."

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

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

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

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

VALENTINE'S LAW (Section 575.151)

This act establishes "Valentine's Law" which creates the offense of aggravated fleeing a stop or detention of a motor vehicle if the person knows that a law enforcement officer is attempting to detain the vehicle and the person flees at a high speed which creates a substantial risk of serious physical injury or death or actually causes physical injury or death to another person. This shall be a class D felony if the person creates a substantial risk of injury, a class B felony if the person causes physical injury, and a class A felony if the person causes death of another.

Additionally, a person is presumed to be fleeing a vehicle stop if he or she has seen or heard or reasonably should have seen or heard emergency lights or sounds. It shall not be a defense that the law enforcement officer was acting unlawfully in making the arrest.

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

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

DRUG TRAFFICKING (Sections 579.065 & 579.068)

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

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 590.192)

This act adds 911 dispatchers, paramedics, emergency medical technicians, or volunteer or full-time paid 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.

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

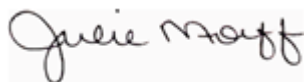
This act provides that a person shall be fully restored to the status he or she occupied prior to the arrests, pleas, trials, or convictions expunged. Additionally, this act modifies provisions allowing a person to answer "no" to an employer's inquiry about any arrests, charges, or convictions of a crime.

Finally, these provisions shall become effective on January 1, 2025.


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 Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Mental Health
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 House of Representatives
Missouri National Guard
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Governor
Office of the Secretary of State
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
June 11, 2024



Ross Strobe
Assistant Director
June 11, 2024