

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3257S.01I  
Bill No.: SB 1138  
Subject: Immigration; Political Subdivisions; Crimes and Punishment; Employees -  
Employers  
Type: Original  
Date: January 17, 2024

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Bill Summary: This proposal modifies provisions relating to illegal aliens.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	\$0 to (\$24,223)	\$0 to (\$59,297)	\$0 to (\$80,643)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (\$24,223)</b>	<b>\$0 to (\$59,297)</b>	<b>\$0 to (\$80,643)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE 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>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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**

**§67.307 – Sanctuary cities**

**Oversight** notes that violations of §67.307 could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

**§577.675 – Illegal aliens**

Officials from the **Department of Corrections (DOC)** state section 577.675 is modified to create the offense of concealment or inducement of an illegal alien with penalty of class D felony.

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

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2027.

**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>

	# 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	3	(\$9,689)	(\$24,223)	0	\$0	5	(\$24,223)
Year 2	6	(\$9,689)	(\$59,297)	0	\$0	10	(\$59,297)
Year 3	8	(\$9,689)	(\$80,643)	0	\$0	16	(\$80,643)
Year 4	8	(\$9,689)	(\$82,256)	0	\$0	19	(\$82,256)
Year 5	8	(\$9,689)	(\$83,901)	0	\$0	22	(\$83,901)
Year 6	8	(\$9,689)	(\$85,580)	0	\$0	22	(\$85,580)
Year 7	8	(\$9,689)	(\$87,291)	0	\$0	22	(\$87,291)
Year 8	8	(\$9,689)	(\$89,037)	0	\$0	22	(\$89,037)
Year 9	8	(\$9,689)	(\$90,818)	0	\$0	22	(\$90,818)
Year 10	8	(\$9,689)	(\$92,634)	0	\$0	22	(\$92,634)

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** notes there have been **no** guilty dispositions from Section 577.675 in the past five fiscal years. Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will range a cost of \$0 to DOC's estimated impact for fiscal note purposes.

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 the change to Section 577.675 would take approximately thirty-five 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 two 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.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume 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 **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Department of Conservation**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of Administration - Administrative Hearing Commission**, the **Office of the State Courts Administrator**, the **University of Missouri**, the **City of Kansas City**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, the **St. Louis County Police Department**, **Northwest Missouri State University**, the **University of Central Missouri**, and **St. Charles Community College** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Costs – DOC (\$577.675) Increased incarceration costs p. 3-5</u>	<u>\$0 to (\$24,223)</u>	<u>\$0 to (\$59,297)</u>	<u>\$0 to (\$80,643)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0 to (\$24,223)</u></b>	<b><u>\$0 to (\$59,297)</u></b>	<b><u>\$0 to (\$80,643)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue – School districts (\$67.307) Potential fine revenue p. 3</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to 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

Small businesses would be required to enroll and actively participate in a federal work authorization program as a result of this proposal.

FISCAL DESCRIPTION

This act modifies various provisions relating to illegal aliens.

**SANCTUARY CITIES (Section 67.307)**

The act provides that any municipality that enacts or adopts a sanctuary policy shall be subject to a fine of \$25,500 for each day on which the municipality has such sanctuary policy in effect.

**OFFENSE OF TRANSPORTATION, CONCEALMENT, OR INDUCEMENT OF ILLEGAL ALIENS (Section 577.675)**

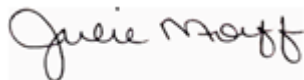
The act expands the offense of transportation of an illegal alien to include the concealment or inducement of an illegal alien. Any person is guilty of such an offense, punished as a class D felony, if he or she knowingly:

- Conceals, harbors or shields or attempts to conceal, harbor or shield an illegal alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered, or remains in the United States in violation of law; or
- Encourages or induces an alien to come to or reside in this state if the person knows or recklessly disregards the fact that such coming to, entering, or residing in this state is or will be in violation of law.

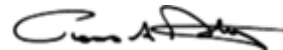
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### 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 Labor and Industrial Relations  
Department of Public Safety - Missouri Highway Patrol  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
University of Missouri  
City of Kansas City  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department  
Northwest Missouri State University  
University of Central Missouri  
St. Charles Community College



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