

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4009S.02I  
 Bill No.: SB 811  
 Subject: Boards, Commissions, Committees, and Councils; Children and Minors;  
 Children's Division; Department of Social Services; Crimes and Punishment;  
 Health Care  
 Type: Original  
 Date: January 16, 2024

Bill Summary: This proposal modifies provisions relating to child protection.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                                       |                                       |                  |                                     |
|--|---------------------------------------|---------------------------------------|------------------|-------------------------------------|
| FUND AFFECTED  | FY 2025                               | FY 2026                               | FY 2027          | Fully Implemented (FY 2032)         |
| General Revenue                                      | Could exceed<br>(\$2,369,862)         | Could exceed<br>(\$1,462,294)         | (Unknown)        | Could exceed<br>(\$166,944)         |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>Could exceed<br/>(\$2,369,862)</b> | <b>Could exceed<br/>(\$1,462,294)</b> | <b>(Unknown)</b> | <b>Could exceed<br/>(\$166,944)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |                             |
|---|------------|------------|------------|-----------------------------|
| FUND AFFECTED   | FY 2025    | FY 2026    | FY 2027    | Fully Implemented (FY 2032) |
| Missouri Public Health Services Fund (0298)*                  | \$0        | \$0        | \$0        | \$0                         |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b>                  |

\* Income from increased fees and expenses are estimated at \$1.5 million beginning in FY 2027 and net to \$0.

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>Fully Implemented (FY 2032)</b> |
|  |                |                |                |                                    |
|  |                |                |                |                                    |
| <b>Total Estimated Net Effect on All Federal Funds</b> | <b>\$0</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>Fully Implemented (FY 2032)</b> |
| General Revenue   | 2 FTE          | 2 FTE          | 0 FTE          | 0 FTE                              |
| Missouri Public Health Services Fund (0298)               | 0 FTE          | 0 FTE          | 2 FTE          | 2 FTE                              |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>2 FTE</b>   | <b>2 FTE</b>   | <b>2 FTE</b>   | <b>2 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>Fully Implemented (FY 2032)</b> |
|  |                |                |                |                                    |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>                         |

**FISCAL ANALYSIS**

## ASSUMPTION

### §191.332 - Newborn screening requirements

Officials from the **Department of Health and Senior Services (DHSS)** state, since this proposal will add a screening test to the Missouri State Public Health Laboratory (MSPHL) newborn screening program, initial General Revenue pick-up is needed to start the expansion until a time the test can be offered as a service and subsequent ongoing costs applied to the newborn screening fee. Due to the expected time to build and implement the program, it is necessary for general revenue to support these initial costs for two years during this period. After test development and verification is complete (approximately two years), then the test will be provided to full-population screening as a service provided and therefore a service that can be charged in the fee. Current balances in operating funds are not adequate to support this expanded testing. Cost estimates provided are based on the approach of two years general revenue support and then migration to the newborn screening fee when the service is provided.

Section 191.332.3 of the proposed legislation allows the DHSS to increase the newborn screening fee which will be deposited into the Missouri Public Health Services Fund. The current newborn screening fee will be increased to cover the costs associated with conducting this test. The fee will be charged to hospitals, birthing clinics, and other entities delivering babies. This will be increased after two years.

DHSS states the provisions of §191.332.8 will incur the following costs:

Personnel Costs of one FTE Senior Laboratory Scientist (\$55,277 annually), and one FTE Laboratory Scientist (\$49,885 annually). The Personnel costs are included in the General Revenue Fund for FY25 and FY26. The third year, FY27, costs will switch to the Missouri Public Health Services Fund (0298).

Laboratory Equipment with costs of \$900,000 for Testing Equipment and two UPLC Mass Spectrometers. Laboratory Supplies with costs of \$200,000 for reagents and consumables; Professional Services with a cost of \$34,500 in FY25 for retrofitting laboratory space (one-time), and ongoing costs beginning in FY25 of \$956,250 for 2nd Tier Testing. These costs are included in the General Revenue Fund for FY25 and FY26. The third year, FY27, costs will switch to the Missouri Public Health Services Fund (0298).

DHSS states \$34,500 will be needed to renovate existing laboratory space to meet space requirements of new testing instrumentation. The calculation of 690 square feet \* \$50 per square foot is based off previous similar space renovation.

The MSPHL assumes testing costs based on current FDA requirements for laboratory-developed tests. The assay for metachromactic leukodystrophy (MLD) is not FDA-cleared and is considered a laboratory-developed test. The FDA has proposed new rules to regulate laboratory-

developed test methods and the cost impact of the new rules is unknown. The MSPHL could require additional funding to continue MLD testing if the FDA approves the new rules.

DHSS assumes ITSD costs, if any, are negligible.

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

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state §§566.151 and 567.030 expand the applicability of the offenses of enticement of a child and patronizing prostitution, respectively. Section 566.151 changes the age of the victim from any person who is less than fifteen to seventeen years of age. Section 567.030 changes the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill changes the existing class D felony to a class B felony.

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

There were three (3) new court commitments to prison and five (5) new probation cases under §567.030 during FY 2023. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department could be an additional 15 offenders in prison and an additional (4) offenders on field supervision by FY 2032.

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

|   | FY2025 | FY2026 | FY2027 | FY2028 | FY2029 | FY2030 | FY2031   | FY2032    | FY2033    | FY2034    |
|---|--------|--------|--------|--------|--------|--------|----------|-----------|-----------|-----------|
| <b>New Admissions</b>                           |        |        |        |        |        |        |          |           |           |           |
| Current Law                                     | 8      | 8      | 8      | 8      | 8      | 8      | 8        | 8         | 8         | 8         |
| After Legislation                               | 8      | 8      | 8      | 8      | 8      | 8      | 8        | 8         | 8         | 8         |
| <b>Probation</b>                                |        |        |        |        |        |        |          |           |           |           |
| Current Law                                     | 0      | 0      | 0      | 0      | 0      | 0      | 0        | 0         | 0         | 0         |
| After Legislation                               | 0      | 0      | 0      | 0      | 0      | 0      | 0        | 0         | 0         | 0         |
| <b>Change (After Legislation - Current Law)</b> |        |        |        |        |        |        |          |           |           |           |
| Admissions                                      |        |        |        |        |        |        |          |           |           |           |
| Probations                                      |        |        |        |        |        |        |          |           |           |           |
| <b>Cumulative Populations</b>                   |        |        |        |        |        |        |          |           |           |           |
| Prison  |        |        |        |        |        | 6      | 14       | 15        | 15        | 15        |
| Parole  |        |        |        |        |        | -6     | -10      | -4        | 4         | 4         |
| Probation                                       |        |        |        |        |        |        |          |           |           |           |
| <b>Impact</b>                                   |        |        |        |        |        |        |          |           |           |           |
| Prison Population                               |        |        |        |        |        | 6      | 14       | 15        | 15        | 15        |
| Field Population                                |        |        |        |        |        | -6     | -10      | -4        | 4         | 4         |
| <b>Population Change</b>                        |        |        |        |        |        |        | <b>4</b> | <b>11</b> | <b>19</b> | <b>19</b> |

|         | # to<br>prison | Cost per<br>year | Total Costs for<br>prison | Change in<br>& parole<br>officers | Total cost<br>for<br>probation<br>and<br>parole | # to/from<br>probation<br>& parole | Grand Total -<br>Prison and<br>Probation<br>(includes 2%<br>inflation) |
|---------|----------------|------------------|---------------------------|-----------------------------------|---|------------------------------------|--|
| Year 1  | 0              | (\$9,689)        | \$0                       | 0                                 | \$0   | 0                                  | \$0  |
| Year 2  | 0              | (\$9,689)        | \$0                       | 0                                 | \$0   | 0                                  | \$0  |
| Year 3  | 0              | (\$9,689)        | \$0                       | 0                                 | \$0   | 0                                  | \$0  |
| Year 4  | 0              | (\$9,689)        | \$0                       | 0                                 | \$0   | 0                                  | \$0  |
| Year 5  | 0              | (\$9,689)        | \$0                       | 0                                 | \$0   | 0                                  | \$0  |
| Year 6  | 6              | (\$9,689)        | (\$64,185)                | 0                                 | \$0   | (6)                                | (\$64,185)   |
| Year 7  | 14             | (\$9,689)        | (\$152,759)               | 0                                 | \$0   | (10)                               | (\$152,759)  |
| Year 8  | 15             | (\$9,689)        | (\$166,944)               | 0                                 | \$0   | (4)                                | (\$166,944)  |
| Year 9  | 15             | (\$9,689)        | (\$170,283)               | 0                                 | \$0   | 4                                  | (\$170,283)  |
| Year 10 | 15             | (\$9,689)        | (\$173,689)               | 0                                 | \$0   | 4                                  | (\$173,689)  |

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

|                   | <u>FY 2019</u> | <u>FY 2020</u> | <u>FY 2021</u> | <u>FY 2022</u> | <u>FY 2023</u> |
|-------------------|----------------|----------------|----------------|----------------|----------------|
| §566.151 felonies | 15             | 19             | 25             | 22             | 24             |
| §567.030 felonies | 1              | 0              | 2              | 3              | 10             |

Oversight notes the felony convictions under §566.151 are a class F felony.

Oversight will reflect DOC's impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact for these sections of less than \$250,000.

#### 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 **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.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact to OSCA for fiscal note purposes.

Officials from the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Public Defender**, the **Phelps County Sheriff's Department**, the **Branson Police 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 sheriffs' departments, police departments and hospitals 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.

#### Rule Promulgation

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

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





| <u>FISCAL IMPACT – State Government</u>   | FY 2025<br>(10 Mo.) | FY 2026    | FY 2027              | Fully Implemented<br>(FY 2032)     |
|---|---------------------|------------|----------------------|------------------------------------|
| <b>MISSOURI PUBLIC HEALTH SERVICES FUND (0298)</b>                              |                     |            |                      |                                    |
| Income - DHSS/ MSPHL<br>(\$191.332) Increase in<br>newborn screening fees p.3-4 | \$0                 | \$0        | \$1,493,941          | Likely to<br>exceed<br>\$1,493,941 |
| Costs – DHSS/ MSPHL<br>(\$191.332) Newborn<br>screening p.3-4                   |                     |            |                      | Likely to<br>exceed                |
| Personal Service  | \$0                 | \$0        | (\$109,411)          | (\$109,411)                        |
| Fringe Benefits   | \$0                 | \$0        | (72,446)             | (72,446)                           |
| Exp. & Equip  | \$0                 | \$0        | (\$104,040)          | (\$104,040)                        |
| Laboratory Supplies   | \$0                 | \$0        | (\$210,161)          | (\$210,161)                        |
| Professional Services   | \$0                 | \$0        | (\$997,883)          | (\$997,883)                        |
| <b>Total Costs -</b>  | <b>\$0</b>          | <b>\$0</b> | <b>(\$1,493,941)</b> | <b>(\$1,493,941)</b>               |
| FTE Change  | 0 FTE               | 0 FTE      | 2 FTE                | 2 FTE                              |
| <b>ESTIMATED NET EFFECT ON THE MISSOURI PUBLIC HEALTH SERVICES FUND</b>         | <b>\$0</b>          | <b>\$0</b> | <b>\$0</b>           | <b>\$0</b>                         |
| Estimated Net FTE Change<br>on General Revenue                                  | 0 FTE               | 0 FTE      | 2 FTE                | 2 FTE                              |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025<br>(10 Mo.) | FY 2026    | FY 2027    | Fully Implemented<br>(FY 2032) |
|---|---------------------|------------|------------|--------------------------------|
|   |                     |            |            |                                |
|   | <b>\$0</b>          | <b>\$0</b> | <b>\$0</b> | <b>\$0</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 child protection, including: (1) Joint Committee on Child Abuse and Neglect; (2) newborn screening; (3) Children's Division contractors; (4) Children's Division employees; (5) privileged and confidential communications; (6) qualified residential treatment programs; and (7) sexual offenses involving children.

## NEWBORN SCREENING

Under this act, the Department of Health and Senior Services shall expand existing newborn screening requirements to include metachromatic leukodystrophy (MLD), by January 1, 2025, and subject to appropriations. (§ 191.332)

## SEXUAL OFFENSES INVOLVING CHILDREN

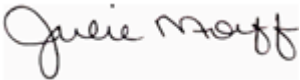
Under current law, a person over 21 years old commits the offense of enticement of a child if he or she persuades any person less than 15 years old to engage in sexual conduct. This act changes the age to less than 17 years old.

Additionally, this act modifies the offense of patronizing prostitution if the person patronized for prostitution is ages 15 to 17 it shall be a Class E felony and if the person is less than 15 years old it shall be a Class B felony. (§§ 566.151 and 567.030)

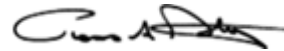
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Health and Senior Services  
Department of Mental Health  
Department of Public Safety - Missouri Highway Patrol  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
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January 16, 2024



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