

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4421S.01I  
 Bill No.: SB 1115  
 Subject: Crimes and Punishment; Firearms; Weapons; Cities, Towns, and Villages; Sexual Offenses; Victims of Crime; Law Enforcement Officers and Agencies; Department of Corrections; Prisons and Jails  
 Type: Original  
 Date: January 26, 2024

Bill Summary: This proposal modifies provisions relating to criminal laws.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2033)
General Revenue*	Could exceed (\$3,299,588)	Could exceed (\$3,708,506)	Could exceed (\$3,995,750)	Could exceed (\$5,323,575)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$3,299,588)</b>	<b>Could exceed (\$3,708,506)</b>	<b>Could exceed (\$3,995,750)</b>	<b>Could exceed (\$5,323,575)</b>

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2033)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</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>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2033)
<b>Total Estimated Net Effect on <u>All</u> 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>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2033)
General Revenue	Up to 31 FTE	Up to 32 FTE	Up to 32 FTE	Up to 35 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Up to 31 FTE</b>	<b>Up to 32 FTE</b>	<b>Up to 32 FTE</b>	<b>Up to 35 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>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2033)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §56.601 – Special prosecutor

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 56.601 would allow the Governor to appoint a special prosecutor in a jurisdiction with a rate of homicide cases that have not been filed, declined, or adjudicated for 12 months exceeding 35 cases per 100,000 people. This position could choose to hire up to thirty additional staff. All positions are funded out of General Revenue. Section 56.601.3 stipulates that the special prosecutor be paid the same salary as an associate circuit court judge. B&P assumes this refers to a state circuit court rather than a federal circuit court.

B&P also assumes the Governor would appoint only one special prosecutor if this legislation were passed. However, nothing within this legislation would preclude the appointment of multiple concurrent prosecutors in different jurisdictions with the requisite homicide rates, a situation that would likely lead to greater overall costs.

**Oversight** notes this proposal states the special prosecutor shall be paid the same salary as an associate circuit court judge. According to the Missouri Judiciary FY 2025 Budget Request, an associated circuit court judge's salary is approximately \$156,214. Oversight assumes because the potential for a special prosecutor is speculative, Oversight will reflect an impact of \$0 (no special prosecutor required) or an impact to the General Revenue Fund.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO further assumes for the purposes of this fiscal analysis that the identity of a special prosecutor(s) is not specifically set forth in the legislation. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs or if any employee of the AGO would be appointed pursuant to this legislation.

**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 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.

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

Officials from the **Department of Corrections (DOC)** state 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.**

§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
<b>New Admissions</b>										
Current Law	84	84	84	84	84	84	84	84	84	84
After Legislation	84	84	84	84	84	84	84	84	84	84
<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			17	76	76	76	76	76	76	76
Parole			-17	-76	-76	8	84	84	84	84
Probation										
<b>Impact</b>										
Prison Population			17	76	76	76	76	76	76	76
Field Population			-17	-76	-76	8	84	84	84	84
<b>Population Change</b>						<b>84</b>	<b>160</b>	<b>160</b>	<b>160</b>	<b>160</b>

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
<b>New Admissions</b>										
Current Law	16	16	16	16	16	16	16	16	16	16
After Legislation	16	16	16	16	16	16	16	16	16	16
<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				5	21	24	24	24	24	24
Parole				-5	-21	-24	-22	-6	10	10
Probation										
<b>Impact</b>										
Prison Population				5	21	24	24	24	24	24
Field Population				-5	-21	-24	-22	-6	10	10
<b>Population Change</b>							<b>2</b>	<b>18</b>	<b>34</b>	<b>34</b>

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

§§574.010, 574.040, 574.050, 574.060, and 574.070 – Offenses against public order

DOC states section 574.010 changes the penalty for the offense of peace disturbance from a class B misdemeanor to a class A misdemeanor for a first conviction, and from a class A misdemeanor to a class E felony for second and subsequent convictions. Misdemeanors fall outside the purview of DOC, and there is no expected impact from the changes between misdemeanor classes.

In FY 2023, 33 people received a class A misdemeanor for peace disturbance. The impact on the department from changing these to class E felonies is estimated to be 23 additional offenders in prison and 80 additional offenders on field supervision by FY 2028.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	11	11	11	11	11	11	11	11	11	11
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	22	22	22	22	22	22	22	22	22	22
<b>Change (After Legislation - Current Law)</b>										
Admissions	11	11	11	11	11	11	11	11	11	11
Probations	22	22	22	22	22	22	22	22	22	22
<b>Cumulative Populations</b>										
Prison	11	22	23	23	23	23	23	23	23	23
Parole			10	14	14	14	14	14	14	14
Probation	22	44	66	66	66	66	66	66	66	66
<b>Impact</b>										
Prison Population	11	22	23	23	23	23	23	23	23	23
Field Population	22	44	76	80	80	80	80	80	80	80
<b>Population Change</b>	<b>33</b>	<b>66</b>	<b>99</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>	<b>103</b>

Section 574.040 changes the penalty for the offense of unlawful assembly from a class B misdemeanor to a class A misdemeanor. Misdemeanors fall outside the purview of DOC, and **there is no expected impact from the changes between misdemeanor classes.**

Section 574.050 changes the penalty for the offense of rioting from a class A misdemeanor to a class D felony for the first conviction, and creates a new class C felony for any second or subsequent conviction under this section.

In FY 2023, there was one new class A misdemeanor conviction under this section. The impact on the department from changing this to a class D felony is estimated to be 3 additional offenders in prison and 1 additional offenders on field supervision by FY 2028.

**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	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	3	3	3	3	3	3	3
Parole				1	2	2	2	2	2	2
Probation										
<b>Impact</b>										
Prison Population	1	2	3	3	3	3	3	3	3	3
Field Population				1	2	2	2	2	2	2
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

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

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2028.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
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
<b>Impact</b>										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
<b>Population Change</b>	<b>10</b>	<b>20</b>	<b>30</b>	<b>34</b>	<b>38</b>	<b>42</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>

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 574.050 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 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.

**DOC** states section 574.060 changes the penalty for the offense of refusal to disperse from a class C misdemeanor to a class A misdemeanor. Misdemeanors fall outside the purview of DOC, **and there is no expected impact from the changes between misdemeanor classes.**

Section 574.070 changes the penalty for the offense of promoting civil disorder from a class D felony to a class C felony. There were no new court commitments or new probation cases for violations under this section in FY 2023. While the proposed change has the potential to impact offender populations, historically, the department has received very few of these cases. **Therefore, DOC estimates no impact from this penalty change.**

Combined Estimated Cumulative Impact for DOC

The combined cumulative estimated impact on the department is 141 additional offenders in prison and 207 additional offenders on field supervision by FY 2033, 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
<b>New Admissions</b>										
Current Law	100	100	100	100	100	100	100	100	100	100
After Legislation	116	116	116	116	116	116	116	116	116	116
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	28	28	28	28	28	28	28	28	28	28
<b>Change (After Legislation - Current Law)</b>										
Admissions	16	16	16	16	16	16	16	16	16	16
Probations	28	28	28	28	28	28	28	28	28	28
<b>Cumulative Populations</b>										
Prison	16	32	55	122	138	141	141	141	141	141
Parole	0	0	-7	-65	-76	9	91	107	123	123
Probation	28	56	84	84	84	84	84	84	84	84
<b>Impact</b>										
Prison Population	16	32	55	122	138	141	141	141	141	141
Field Population	28	56	77	19	8	93	175	191	207	207
<b>Population Change</b>	<b>44</b>	<b>88</b>	<b>132</b>	<b>141</b>	<b>146</b>	<b>234</b>	<b>316</b>	<b>332</b>	<b>348</b>	<b>348</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	16	(\$9,689)	(\$129,187)	0	\$0	28	(\$129,187)
Year 2	32	(\$9,689)	(\$316,249)	1	(\$90,510)	56	(\$406,759)
Year 3	55	(\$9,689)	(\$554,424)	1	(\$83,207)	77	(\$637,631)
Year 4	122	(\$9,689)	(\$1,254,409)	0	\$0	19	(\$1,254,409)
Year 5	138	(\$9,689)	(\$1,447,301)	0	\$0	8	(\$1,447,301)
Year 6	141	(\$9,689)	(\$1,508,339)	1	(\$85,896)	93	(\$1,594,235)
Year 7	141	(\$9,689)	(\$1,538,506)	3	(\$279,411)	175	(\$1,817,917)
Year 8	141	(\$9,689)	(\$1,569,276)	3	(\$263,230)	191	(\$1,832,506)
Year 9	141	(\$9,689)	(\$1,600,661)	4	(\$364,795)	207	(\$1,965,456)
Year 10	141	(\$9,689)	(\$1,632,675)	4	(\$358,532)	207	(\$1,991,207)

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.

§610.130 – Expungements

**DOC** states this section allows individuals who were convicted of a class D intoxication related traffic or boating offense to apply to the court for an order of expungement after 10 years have passed. The department is unable to determine how many individuals were convicted of a D felony for intoxication related traffic or boating offenses or how many would apply to the court for an order of expungement; therefore, **the department assumes an unknown impact.**

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

Responses regarding the proposed legislation as a whole

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

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **Missouri National Guard**, the **Missouri Office of Prosecution Services**, the **City of Kansas City**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, county prosecutors and local law enforcement 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</u> <u>– State</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2033)
<b>GENERAL REVENUE</b>				
<u>Cost – Special Prosecutor</u> (\$56.601) p. 3	\$0 or...	\$0 or...	\$0 or...	Could exceed...
Personal Service	(\$1,675,833)	(\$2,051,220)	(\$2,092,244)	(\$2,092,244)
Fringe Benefits	(\$1,029,568)	(\$1,250,527)	(\$1,265,875)	(\$1,265,875)
Exp. & Equip.	(\$465,000)	\$0	\$0	\$0
<u>Total Cost – SP</u>	(\$3,170,401)	(\$3,301,747)	(\$3,358,119)	(\$3,358,119)
FTE Change – SP	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE	Up to 31 FTE
<u>Cost – DOC</u> (\$571.015) p. 4 Minimum prison terms for ACA	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost – DOC p. 4-9</u> (\$571.070, 574.010, 574.050)				
Personal Service	\$0	(\$45,836)	(\$46,295)	(\$196,572)
Fringe Benefits	\$0	(\$32,936)	(\$33,266)	(\$141,249)
Exp. & Equip.	\$0	(\$11,738)	(\$3,646)	(\$26,974)
Increased incarceration costs	(\$129,187)	(\$316,249)	(\$554,424)	(\$1,600,661)
<u>Total Cost - DOC</u>	(\$129,187)	(\$406,759)	(\$637,631)	(\$1,965,456)
FTE Change - DOC	0 FTE	1 FTE	1 FTE	4 FTE
<u>Cost – DOC p. 10</u> (\$610.130) Expungements	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Could exceed</u></b> <b><u>(\$3,299,588)</u></b>	<b><u>Could exceed</u></b> <b><u>(\$3,708,506)</u></b>	<b><u>Could exceed</u></b> <b><u>(\$3,995,750)</u></b>	<b><u>Could exceed</u></b> <b><u>(\$5,323,575)</u></b>

<u>FISCAL IMPACT</u> <u>– State</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2033)
Estimated Net FTE Change on the General Revenue Fund	Up to 31 FTE	Up to 32 FTE	Up to 32 FTE	Up to 35 FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2033)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

**SPECIAL PROSECUTORS (Section 56.601)**

This act provides that if the Governor determines that a threat to public safety and health exists in a jurisdiction that has a certain number of homicide cases as provided in the act, he or she may appoint a special prosecutor for that jurisdiction for a period of up to 5 years. The special prosecutor is not required to reside in the jurisdiction to which he or she was appointed. Such special prosecutor shall have exclusive jurisdiction to initiate prosecutions for the offenses of murder in the first and second degree, assault in the first and second degree, robbery in the first or second degree, vehicle hijacking, and armed criminal action and offenses against law enforcement officers. The special prosecutor shall also have exclusive jurisdiction over all other charges stemming from the same criminal event as the initial offense and the circuit or prosecuting attorney shall withdraw from any such case where the special prosecutor has exclusive jurisdiction.

This act also provides that such special prosecutor shall have the same salary as an associate circuit judge and has the authority to hire additional special prosecuting attorneys and staff which shall be funded by General Revenue.

Finally, the Governor may continue to appoint such special prosecutor for additional 5 year terms, as provided in the act.

**OFFENSES AGAINST PUBLIC ORDER (Sections 556.061, 558.019, 574.010, 574.040, 574.050, 574.060, & 574.070)**

This act adds the offense of rioting to the definition of "dangerous felonies" in the criminal code.

This act also adds the offenses of unlawful assembly, rioting, and refusal to disperse as offenses subject to certain minimum prison terms as provided in current law.

Additionally, this act changes the penalty for the offense of peace disturbance from a class B misdemeanor to a class A misdemeanor for the first offense, and from a class A misdemeanor to a class E felony for subsequent offenses.

This act changes the penalty for the offense of unlawful assembly from a class B misdemeanor to a class A misdemeanor. This act also modifies the offense of rioting to provide that a person commits the offense if a person knowingly assembles with six or more people and violates any criminal laws. This offense shall be a class D felony, rather than a class A misdemeanor, for the first offense and a class C felony for subsequent offenses.

Finally, this act changes the penalty for the offense of refusal to disperse from a class C misdemeanor to a class A misdemeanor and changes the penalty for the offense of promoting civil disorder from a class D felony to a class C felony.

**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.

**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.

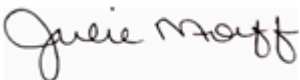
EXPUNGEMENT (Section 610.130)

This act adds to the offenses eligible for expungement the offense of driving while intoxicated if the offense was a class D felony and the offense of boating while intoxicated if the offense was a class D felony.

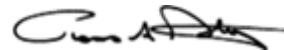
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Public Safety - Missouri Highway Patrol  
Department of Revenue  
Department of Social Services  
Missouri Department of Transportation  
Missouri National Guard  
Missouri Office of Prosecution Services  
Office of Administration - Budget and Planning  
Office of the State Courts Administrator  
Office of the Governor  
Office of the State Public Defender  
City of Kansas City  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
January 26, 2024



Ross Strope  
Assistant Director  
January 26, 2024