

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4466S.01I  
 Bill No.: SB 1245  
 Subject: Crimes and Punishment; Sexual Offenses; Victims of Crime; Children and Minors; Law Enforcement Officers and Agencies; Courts; Highway Patrol  
 Type: Original  
 Date: March 12, 2024

Bill Summary: This proposal modifies provisions relating to children and vulnerable persons.

**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	Greater than (\$97,302)	Greater than (\$109,714)	Greater than (\$111,326)	Greater than (\$278,270)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Greater than (\$97,302)</b>	<b>Greater than (\$109,714)</b>	<b>Greater than (\$111,326)</b>	<b>Greater than (\$278,270)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
Anti-Trafficking Fund*	\$0	\$0	\$0	\$0
Crime Victims' Compensation Fund (0681)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Revenue and disbursements net to zero.

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 2032)
<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>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
General Revenue (AGO)	1 FTE	1 FTE	1 FTE	1 FTE
Anti-Trafficking Fund (AGO)	1 FTE	1 FTE	1 FTE	1 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>				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §210.1505 – Statewide Council Against Adult Trafficking and the Commercial Sexual Exploitation of Children

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Statewide Council Against Adult Trafficking and the Commercial Sexual Exploitation of Children Council 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.

**Oversight** does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire task force (21 people) would be approximately \$3,521 per meeting. Oversight assumes four meetings per year for a total cost of \$14,085.

Officials from the **Attorney General's Office (AGO)** assume this proposal will increase personnel costs because the AGO must hire a council Director. One additional support staff is also requested to support the administrative needs of the council.

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

**Oversight** notes the provisions of this section establish the Anti-Trafficking Fund, which consists of moneys appropriated by the General Assembly as well as any gifts, donations, grants, and bequests. Moneys in the fund shall be used solely to pay for the position of the executive director of the statewide council, education and awareness regarding human trafficking, and anti-trafficking efforts through the state.

**Oversight** will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. For fiscal note purposes, Oversight assumes services provided under this proposal will equal income/appropriations and net to zero.

#### §§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to children and vulnerable persons. Section 566.151 changes the age of the victim from any person who is less than fifteen to seventeen years of age. Section 566.211 expands the offense of sexual trafficking of a child in the second degree to stipulate if perpetrated by a parent, legal guardian, or other person having custody or control of a child, the penalty is life

imprisonment. 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 section 566.151, the increase in the minimum age under which a person can be considered to be 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.

Regarding section 566.211, there were five new court commitments to prison and one new probation case under section 566.211 during the past three years. However, none of these cases would have been applicable to the proposed legislation. Therefore, DOC anticipates no impact to this change.

Regarding section 567.030, there were three new court commitments to prison and five new probation cases under section 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 would be an additional 15 offenders in prison and an additional 4 offenders on field supervision by FY 2033.

**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 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	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 of less than \$250,000.

§566.218 – Restitution required for certain offenders

Officials from the **Department of Public Safety - Office of the Director (DPS)** state they have no way to determine the amount of assets criminals have, specifically sex traffickers or how many would be prosecuted. With the decline in the collection of court costs for over the past ten years, this proposed language may act as a supplement to the Crime Victims' Compensation Fund.

**Oversight** notes any real or personal property that was used, attempted to be used, or intended to be used to commit a sexual offense under 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, 566.213, and 566.215 may be seized. Any proceeds from the sale of the property will be allocated to pay an order of restitution to a victim(s) of human trafficking, with any remaining funds deposited into the Crime Victims' Compensation Fund. As the exact amount of proceeds from the sale of seized property will vary from year to year, Oversight will reflect a \$0 to Unknown impact to the Crime Victims' Compensation Fund. Oversight notes the balance in the Crime Victims' Compensation Fund as of 12/29/2023 was \$2,249,923.

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 Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri House of Representatives**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the Governor**, the **Office of the State Public Defender**, the **Office of the State Treasurer**, 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, counties, nursing homes, local law enforcement, schools, 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.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
<b>GENERAL REVENUE</b>				
<u>Costs – AGO</u> (§210.1505) p. 3				Could exceed...
Personal Service	(\$41,667)	(\$51,000)	(\$52,020)	(\$52,020)
Fringe Benefits	(\$28,667)	(\$34,788)	(\$35,183)	(\$35,183)
Exp. & Equip.	(\$12,883)	(\$9,841)	(\$10,038)	(\$10,038)
Meeting expenses	(\$14,085)	(\$14,085)	(\$14,085)	(\$14,085)
<u>Total Costs - AGO</u>	<u>(\$97,302)</u>	<u>(\$109,714)</u>	<u>(\$111,326)</u>	<u>(\$111,326)</u>
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs – DOC</u> p. 3-6 (§§566.151 and 567.030) Increased incarceration costs	(Unknown)	(Unknown)	(Unknown)	Could exceed (\$166,944)
<u>Transfer Out –</u> (§210.1505) To the Anti-Trafficking Fund p. 3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>Greater than (\$97,302)</u></b>	<b><u>Greater than (\$109,714)</u></b>	<b><u>Greater than (\$111,326)</u></b>	<b><u>Greater than (\$278,270)</u></b>
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
<b>ANTI-TRAFFICKING FUND</b>				
<u>Income – p. 3</u> (\$210.1505) Gifts, grants, donations	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer In – p. 3</u> (\$210.1505) From General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs – AGO p. 3</u> (\$210.1505) Training and anti-trafficking efforts	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs – AGO p. 3</u> (\$210.1505) Executive Director position				Could exceed...
Personal Service	(\$70,833)	(\$86,700)	(\$88,434)	(\$88,434)
Fringe Benefits	(\$39,972)	(\$48,626)	(\$49,298)	(\$49,298)
Exp. & Equip.	(\$12,883)	(\$9,841)	(\$10,038)	(\$10,038)
<b>Total Costs - AGO</b>	<b>(\$123,688)</b>	<b>(\$145,167)</b>	<b>(\$147,770)</b>	<b>(\$147,770)</b>
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE ANTI-TRAFFICKING FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change on the Anti-Trafficking Fund	1 FTE	1 FTE	1 FTE	1 FTE



<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
<b>CRIME VICTIMS’ COMPENSATION FUND (0681)</b>				
<u>Income – DPS p. 6 (\$566.218) Potential proceeds from orders of restitution</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT ON THE CRIME VICTIMS’ COMPENSATION FUND</b>	<u><b>\$0 to Unknown</b></u>	<u><b>\$0 to Unknown</b></u>	<u><b>\$0 to Unknown</b></u>	<u><b>\$0 to Unknown</b></u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

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 children and vulnerable persons.

REFERENCES TO CERTAIN SEXUAL OFFENSES (Several sections)

This act repeals references to child pornography and offenses relating to child pornography and adds references to child sexual abuse material and offenses relating to child sexual abuse material. Additionally, this act provides that "child sexual abuse material" shall include any anatomically correct doll with features that resemble those of a minor intended to be used for the purpose of gratifying the sexual desire of any person or to cause emotional distress to a person. This act also repeals references to sexual contact with a prisoner or offender and adds references to sexual conduct in the course of public duty.

#### STATEWIDE COUNCIL AGAINST TRAFFICKING (Section 210.1505)

This act repeals provisions relating to the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children" within the Department of Social Services and creates the "Statewide Council Against Adult Trafficking and the Commercial Sexual Exploitation of Children" within the office of the Attorney General. The Council shall coordinate a statewide effort against the trafficking of adults and children within the state. The Attorney General shall service as chairperson of the Council and shall hold an initial meeting before October 27, 2024. Finally, this act creates the "Anti-Trafficking Fund" to provide funds for the position of the Executive Director of the Council, for education regarding human trafficking, and for anti-trafficking efforts.

#### SEXUAL OFFENSES (Sections 566.151 & 567.030)

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.

#### RESTITUTION FOR SEXUAL TRAFFICKING OFFENSES (Section 566.218)

This act provides that any real or personal property used in the commission of a sexual trafficking offense may be seized and forfeited subject to the Criminal Activity Forfeiture Act. Any remaining proceeds from the sale of the property after satisfying any liens shall go to the victims of sexual trafficking.

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 Commerce and Insurance  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Social Services  
Missouri Department of Conservation  
Missouri House of Representatives  
Missouri Office of Prosecution Services  
Missouri Senate  
Office of Administration

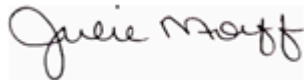
L.R. No. 4466S.011

Bill No. SB 1245

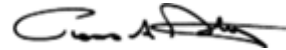
Page **11** of **11**

March 12, 2024

Office of the Governor  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
City of Kansas City  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
March 12, 2024



Ross Strobe  
Assistant Director  
March 12, 2024