

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5316S.02I
Bill No.: SB 1373
Subject: Immigration; Crimes and Punishment
Type: Original
Date: March 25, 2024

Bill Summary: This proposal creates new provisions relating to illegal aliens.

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

- 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
Local Government*	\$0	\$0	\$0

*Potential fine costs to municipalities if they have a sanctuary policy in effect – and said fine revenue paid to local school districts - assumed to net to zero

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.

Oversight will reflect the potential cost to municipalities for being fined \$25,500 per day for having a sanctuary policy. For fiscal note purposes, Oversight assumes the net fiscal impact to local political subdivisions (municipalities and school districts) will net to zero.

§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.

	# 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	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 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 Economic Development, 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 Mental Health, 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, and the University of Central Missouri** 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, local law enforcement, schools, colleges, community colleges, the Kansas City Port Authority and the Marion County Port Authority 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
GENERAL REVENUE			
<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>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0 to (\$24,223)</u>	<u>\$0 to (\$59,297)</u>	<u>\$0 to (\$80,643)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue – School districts (§67.307) Potential fine revenue p. 3</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs – Cities/Counties (§67.307) Potential fines of having a sanctuary policy in effect p. 3</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

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.

It shall be an affirmative defense to this offense if the person is transporting the alien to a municipality with a sanctuary policy in another state or to a port of entry to this country for the purpose of deporting the alien to another country pursuant to a lawful order under federal 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 Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Labor and Industrial Relations
Department of Mental Health
Department of Public Safety - Missouri Highway Patrol
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Office of Prosecution Services

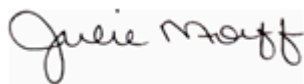
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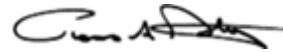
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Office of Administration
Office of the State Courts Administrator
Office of the State Public Defender
University of Missouri
City of Kansas City
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department
Northwest Missouri State University
University of Central Missouri



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