

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5370S.01I
 Bill No.: SB 1368
 Subject: Drugs and Controlled Substances; Crimes and Punishment; Courts; Prisons and Jails; Probation and Parole; Children and Minors
 Type: Original
 Date: February 13, 2024

Bill Summary: This proposal modifies the offense of endangering the welfare of a child in the first degree.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

*Oversight notes the impact on this legislation is outside the ten-year time frame. DOC estimates the impact following the ten-year time frame could be (\$342,514) in FY 2035; (\$1,323,805) in FY 2036; and (\$1,849,796) in FY 2037. DOC estimates the cumulative impact to be an additional 173 offenders in prison and 173 fewer offenders on community supervision by FY 2037.

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

FISCAL ANALYSIS

ASSUMPTION

§§556.061 and 568.045 – Endangering the welfare of a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of endangering the welfare of a child in the first degree and adds endangering the welfare of a child in the first degree to the definition of dangerous felony.

Section 568.045 is expanded to add the involvement of fentanyl or carfentanil in an offense of endangering the welfare of a child in the first degree. The bill also adds “endangering the welfare of a child in the first degree” to the list of sentences defined as dangerous felonies in section 556.061. This introduces the requirement that any new court commitment to prison on a sentence under section 568.045 will be required to serve at least 85% of the term of that sentence in prison prior to release.

There were 96 new court commitments to prison on sentences under section 568.045 in FY 2023. The average length of the sentence cycles for these offenders (after taking into account designations of concurrent and consecutive terms) was 17.1 years, with the expected average time to first release from prison being 7.5 years under current legislation and 10.2 years under the proposed legislation.

Given the relatively long length of these sentences cycles, DOC estimates no impact within the first 11 years. DOC expects to start to see the impact on offender populations in FY 2035 with an increase in the prison population of approximately 29 offenders. DOC estimates the cumulative impact to be an additional 173 offenders in prison and 173 fewer offenders on community supervision by FY 2037.

Change in prison admissions and probation openings with legislation

	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035	FY2036	FY2037	FY2038	FY2039
New Admissions										
Current Law	96	96	96	96	96	96	96	96	96	96
After Legislation	96	96	96	96	96	96	96	96	96	96
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison	0	0	0	0	0	29	125	173	173	173
Parole	0	0	0	0	0	-29	-125	-173	-173	-173
Probation	0	0	0	0	0	0	0	0	0	0
Impact										
Prison Population	0	0	0	0	0	29	125	173	173	173
Field Population	0	0	0	0	0	-29	-125	-173	-173	-173
Population Change	0	0	0	0	0	0	0	0	0	0

The impact of this legislation is outside of the ten-year reporting time frame; therefore, the department will assume a no impact from FY 2025 thru FY 2034. The estimated impact following the ten-year time frame could be (\$342,514) in FY 2035; (\$1,323,805) in FY 2036; and (\$1,849,796) in FY 2037; (\$1,889,368) in FY 2038; and (\$1,929,753) in FY 2039.

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

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 Public Safety – Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, 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.

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

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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.

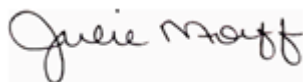
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.


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 Social Services
 Missouri Office of Prosecution Services
 Office of the State Courts Administrator
 Office of the State Public Defender
 Phelps County Sheriff’s Department
 Kansas City Police Department
 St. Louis County Police Department



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 February 13, 2024



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