

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5859S.01I
 Bill No.: SB 1451
 Subject: Drugs and Controlled Substances; Crimes and Punishment
 Type: Original
 Date: April 15, 2024

Bill Summary: This proposal modifies provisions relating to the offense of drug trafficking.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes the fiscal impact could exceed \$250,000. Oversight notes there were 97 new prison admissions for 1st and 2nd degree drug trafficking in FY 2023. To reach the \$250,000 threshold, an additional 26 prisoners would be required to be imprisoned or remain in prison (if a more severe charge) at the estimated incarceration rate of \$9,689 cost per year per prisoner. Oversight assumes that threshold could eventually be reached.

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

§§579.065 and 579.068 – Trafficking drugs

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the offense of trafficking. The bill modifies sections 579.065 and 579.068 by adjusting the amounts of fentanyl and carfentanil associated with the definitions and penalties for drug trafficking in the first degree and drug trafficking in the second degree.

Section 579.065 changes the amounts for the offense of trafficking drugs in the first degree as a class B felony, adjusting the minimum amount of fentanyl from ten to three milligrams, and any amount of carfentanil. It changes the amounts for the offense of trafficking drugs in the first degree as a class A felony, adjusting the minimum amount of fentanyl from twenty to fourteen, and more than five hundredths milligram of carfentanil.

Section 579.068 changes the amounts for the offense of trafficking drugs in the second degree as a class C felony, adjusting the minimum amount of fentanyl from ten to three milligrams, and any amount of carfentanil. It changes the amounts for the offense of trafficking drugs in the second degree as a class B felony, adjusting the minimum amount of fentanyl from twenty to fourteen, and more than five hundredths milligram of carfentanil.

Section 579.065 - In FY 2023, there were 18 new prison admissions and 12 new probation cases for 1st degree drug trafficking.

Section 579.068 - In FY 2023, there were 79 new prison admissions and 90 new probation cases for 2nd degree drug trafficking.

When an offender is sentenced to imprisonment, the department receives a sentence and judgement form which contains information on the conviction(s) and sentence(s). Most sentence and judgement forms for drug related offenses do not notate the type or amount of the drug associated with the conviction. Given that the drug associated with the offense and any amount associated with the drug is unknown in the majority of cases, the department is unable to estimate the number of new admissions related to the possession and/or distribution of fentanyl or carfentanil. Therefore, the DOC will assume an unknown impact to this legislation.

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

In response to similar legislation from 2024 (HB 2576), officials from the **Office of Attorney General (AGO)** assumed 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 **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** 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
GENERAL REVENUE			
<u>Costs – DOC (§§579.065 and 579.068)</u> Changes to trafficking drugs felony charges relating to fentanyl/carfentanil	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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

Under current law, the offense of trafficking drugs in the first and second degree includes when a person trafficks more than ten milligrams of fentanyl or carfentanil. This act changes the amount of fentanyl to more than three but less than fourteen milligrams and changes the amount of carfentanil to any amount.

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Additionally, under current law, the offense of trafficking drugs in the first degree and second degree has increased penalties for certain amounts of fentanyl and carfentanil. This act changes the amount of fentanyl to more than fourteen milligrams shall be a class A felony and changes the amount of carfentanil to more than five hundredths of a milligram shall be a class B 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
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
April 15, 2024



Ross Strobe
Assistant Director
April 15, 2024