

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0119S.02I  
 Bill No.: SB 58  
 Subject: Compacts; Crimes and Punishment; Immigration  
 Type: Original  
 Date: January 26, 2025

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
General Revenue*	(\$52,425)	(\$128,336)	(\$163,629)	(\$192,938)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$52,425)</b>	<b>(\$128,336)</b>	<b>(\$163,629)</b>	<b>(\$192,938)</b>

\*Department of Corrections incarceration costs.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2030)
<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>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2030)</b>
<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>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2030)</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</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>				
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>Fully Implemented (FY 2030)</b>
<b>Local Government*</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Fine of \$10,000 for the offense of improper entry by an alien.

**FISCAL ANALYSIS**

**ASSUMPTION**

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

Officials from the **Attorney General’s Office** did not respond to **Oversight’s** request for fiscal impact for this proposal.

§§44.500, 577.690, and 577.695 – Illegal immigrants

Officials from the **Department of Corrections (DOC)** state this proposal creates new provisions relating to illegal immigrants.

Section 44.500 creates the Interstate Compact for Border Security Act and will have no impact on the DOC.

Section 577.690 creates the offense of improper entry by an alien. The associated penalty is a fine of ten thousand dollars for a first offense, and a class E felony for any subsequent offenses. For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

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

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
<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	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

Section 577.695 creates the offense of aggravated illegal presence. The associated penalty is a class E felony if the underlying arrest is not for a felony. The associated penalty is a class D felony if the underlying arrest is for a felony. The associated penalty is a class B felony if the underlying arrest is for a dangerous felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

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.

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 29 additional offenders on field supervision by FY 2030.

**Change in prison admissions and probation openings with legislation**

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
<b>Change (After Legislation - Current Law)</b>										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	7	7	7	7	7	7	7	7	7	7
<b>Cumulative Populations</b>										
Prison	5	10	13	14	15	15	15	15	15	15
Parole	0	0	2	5	8	9	10	11	12	12
Probation	7	14	21	21	21	21	21	21	21	21
<b>Impact</b>										
Prison Population	5	10	13	14	15	15	15	15	15	15
Field Population	7	14	23	26	29	30	31	32	33	33
<b>Population Change</b>	<b>12</b>	<b>24</b>	<b>36</b>	<b>40</b>	<b>44</b>	<b>45</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>48</b>

Combined Cumulative Estimated Impact

The combined cumulative impact on the department is estimated to be 17 additional offenders in prison and 36 additional offenders on field supervision by FY2030.

**Change in prison admissions and probation openings with legislation**

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
<b>New Admissions</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>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	9	9	9	9	9	9	9	9	9	9
<b>Change (After Legislation - Current Law)</b>										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	9	9	9	9	9	9	9	9	9	9
<b>Cumulative Populations</b>										
Prison	6	12	15	16	17	17	17	17	17	17
Parole	0	0	3	6	9	10	11	12	13	13
Probation	9	18	27	27	27	27	27	27	27	27
<b>Impact</b>										
Prison Population	6	12	15	16	17	17	17	17	17	17
Field Population	9	18	30	33	36	37	38	39	40	40
<b>Population Change</b>	<b>15</b>	<b>30</b>	<b>45</b>	<b>49</b>	<b>53</b>	<b>54</b>	<b>55</b>	<b>56</b>	<b>57</b>	<b>57</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	6	(\$10,485)	(\$52,425)	0	\$0	9	(\$52,425)
Year 2	12	(\$10,485)	(\$128,336)	0	\$0	18	(\$128,336)
Year 3	15	(\$10,485)	(\$163,629)	0	\$0	30	(\$163,629)
Year 4	16	(\$10,485)	(\$178,028)	0	\$0	33	(\$178,028)
Year 5	17	(\$10,485)	(\$192,938)	0	\$0	36	(\$192,938)
Year 6	17	(\$10,485)	(\$196,797)	0	\$0	37	(\$196,797)
Year 7	17	(\$10,485)	(\$200,733)	0	\$0	38	(\$200,733)
Year 8	17	(\$10,485)	(\$204,747)	0	\$0	39	(\$204,747)
Year 9	17	(\$10,485)	(\$208,842)	0	\$0	40	(\$208,842)
Year 10	17	(\$10,485)	(\$213,019)	0	\$0	40	(\$213,019)

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 \$28.73 per day or an annual cost of \$10,485 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 \$100.25 per day or an annual cost of \$36,591 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** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

**Oversight** notes that violations of section 577.690 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. Fines vary 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.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor's current load of duties. Individually, these additional duties should not fiscally impact the Office of the Governor. However, the cumulative impact of additional duties across all enacted legislation may require additional resources for the Office of the Governor.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes [577.690 and 577.695] create additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** notes according to the latest data from the American Immigration Council <https://map.americanimmigrationcouncil.org/locations/missouri/> the immigrant share of Missouri's total population is approximately 4.1% at any given time (or 252,400 Missouri immigrant residents). Additionally, according to the most recent report from the Higher Education Immigration Portal <https://www.higheredimmigrationportal.org/state/missouri/> there are around 56,900 undocumented immigrants in Missouri.

Officials from the **Department of Natural Resources**, the **Department of Public Safety – (Missouri Highway Patrol and State Emergency Management Agency)**, the **Missouri Department of Conservation**, the **Missouri House of Representatives**, the **Missouri National Guard**, the **Missouri Senate**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **City of Kansas City**, the **Phelps County Sheriff’s Department**, the **Branson Police Department**, the **Kansas City Police Department**, the **Springfield 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, local law enforcement, 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</u> – State Government	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>GENERAL REVENUE</b>				
<u>Cost – DOC</u> (§§577.690 and 577.695) Increased incarceration costs	<u>(\$52,425)</u>	<u>(\$128,336)</u>	<u>(\$163,629)</u>	<u>(\$192,938)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$52,425)</u></b>	<b><u>(\$128,336)</u></b>	<b><u>(\$163,629)</u></b>	<b><u>(\$192,938)</u></b>

<u>FISCAL IMPACT</u> – <u>Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Revenue</u> – School districts (§577.690) Potential fine revenue	<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 LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act creates two new provisions relating to illegal immigrants.

INTERSTATE COMPACT FOR BORDER SECURITY ACT (Section 44.500)

The act creates the "Interstate Compact for Border Security Act".

The act gives authority to the Governor, with the legal assistance of the Attorney General, to negotiate and assist other states in an interstate compact for border security among interested states in securing the United States-Mexico border.

Any interstate compact that may be developed and executed under the authority of this act shall, in order to take effect, represent a voluntary association of sovereign states of the United States of America, with the understanding that any such interstate compact shall not in any way increase the political authority of the compacting states in relation to the federal government or in any other manner that violates the Constitution of the United States of America.

Once the Governor, with the assistance of the Attorney General, negotiates and assists with preparation and finalization of the compact to secure the United States-Mexico border, the



Governor shall promptly submit the Interstate Compact for Border Security to the General Assembly for approval and the appropriation of necessary funds to fulfill the purposes provided for in this act.

**OFFENSE OF IMPROPER ENTRY (Section 577.690)**

This act creates the offense of improper entry by an alien. A person commits the offense of improper entry by an alien if the person enters this state at a time when they are unlawfully present in this country under federal law.

The offense of improper entry by an alien is punishable by a fine of \$10,000 and shall be subject to an order of removal to a federal port of entry, as provided in the act. For all subsequent offenses, the offense is a class E felony, subject to a term of imprisonment of 1-7 years and a \$10,000 fine and additionally shall be subject to an order of removal to a federal port of entry upon the completion of any prison term.

The act allows any law enforcement officer whose duty it is to enforce criminal laws to arrest or detain such person upon probable cause that a person who has violated this act.

**OFFENSE OF AGGRAVATED ILLEGAL PRESENCE (Section 577.695)**

The act creates the offense of aggravated illegal presence. A person commits the offense of aggravated illegal presence if, while in violation of federal law, he or she is arrested for any violation of Missouri law. The offense of aggravated illegal presence is a class E felony, provided that if the underlying arrest is a felony, the offense of aggravated illegal presence is a class D felony and if the underlying arrest is a dangerous felony, the offense of aggravated illegal presence is 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

Department of Corrections  
Department of Natural Resources  
Department of Public Safety  
Missouri Department of Conservation  
Missouri House of Representatives  
Missouri National Guard  
Missouri Office of Prosecution Services  
Missouri Senate  
Office of the Governor  
Office of the State Courts Administrator  
Office of the State Public Defender  
City of Kansas City  
Phelps County Sheriff's Department

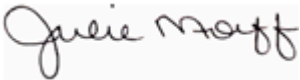
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Branson Police Department  
Kansas City Police Department  
Springfield Police Department  
St. Louis County Police Department



Julie Morff  
Director  
January 26, 2025



Jessica Harris  
Assistant Director  
January 26, 2025