

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0119S.03C
 Bill No.: SCS for SB 58
 Subject: Compacts; Crimes and Punishment; Immigration
 Type: Original
 Date: February 10, 2025

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
General Revenue	(\$61,162)	(\$149,726)	(\$207,263)	(\$363,385)
Total Estimated Net Effect on General Revenue	(\$61,162)	(\$149,726)	(\$207,263)	(\$363,385)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Total Estimated Net Effect on FTE	0	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 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Local Government*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

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

FISCAL ANALYSIS

ASSUMPTION

§§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 illegal 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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 C felony if the underlying arrest is for a felony. The associated penalty is a class A 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 class C felony, the department estimates four people could be sentenced to prison and six to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years could be served in prison with 2.1 years to first release. The remaining 3.2 years could be on parole. Probation sentences could be 3 years.

Given the seriousness of class A felony offenses and that the introduction of a completely new class A 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 A felony have an average sentence length of 17.1 years and serve, on average, 12.3 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 sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2035 is 10 additional offenders in prison.

The cumulative impact on the department is estimated to be 27 additional offenders in prison and 38 additional offenders on field supervision by FY 2035.

Change in prison admissions and probation openings with legislation

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	8	8	8	8	8	8	8	8	8	8
Cumulative Populations										
Prison	6	12	17	21	22	23	24	25	26	27
Parole	0	0	1	2	6	10	14	14	14	14
Probation	8	16	24	24	24	24	24	24	24	24
Impact										
Prison Population	6	12	17	21	22	23	24	25	26	27
Field Population	8	16	25	26	30	34	38	38	38	38
Population Change	14	28	42	47	52	57	62	63	64	65

Combined Cumulative Estimated Impact

The combined cumulative impact on the department is estimated to be 29 additional offenders in prison and 45 additional offenders on field supervision by FY2035.

Change in prison admissions and probation openings with legislation

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034	FY2035
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	7	7	7	7	7	7	7	7	7	7
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	7	14	19	23	24	25	26	27	28	29
Parole	0	0	2	3	7	11	15	15	15	15
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	7	14	19	23	24	25	26	27	28	29
Field Population	10	20	32	33	37	41	45	45	45	45
Population Change	17	34	51	56	61	66	71	72	73	74

	# 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	7	(\$10,485)	(\$61,162)	0	\$0	10	(\$61,162)
Year 2	14	(\$10,485)	(\$149,726)	0	\$0	20	(\$149,726)
Year 3	19	(\$10,485)	(\$207,263)	0	\$0	32	(\$207,263)
Year 4	23	(\$10,485)	(\$255,915)	0	\$0	33	(\$255,915)
Year 5	24	(\$10,485)	(\$272,383)	0	\$0	37	(\$272,383)
Year 6	25	(\$10,485)	(\$289,407)	0	\$0	41	(\$289,407)
Year 7	26	(\$10,485)	(\$307,003)	0	\$0	45	(\$307,003)
Year 8	27	(\$10,485)	(\$325,187)	0	\$0	45	(\$325,187)
Year 9	28	(\$10,485)	(\$343,975)	0	\$0	45	(\$343,975)
Year 10	29	(\$10,485)	(\$363,385)	0	\$0	45	(\$363,385)

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.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, each of the new charges contemplated by the changes to Sections 577.690 or 577.695, could take up to take approximately ninety-nine 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 four to five 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.

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.

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

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 **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.

In response to a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed 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 **City of Kansas City**, the **City of O'Fallon**, the **Phelps County Sheriff's Department**, the **Branson Police 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.

In response to a previous version, officials from the **Missouri National Guard**, the **Missouri Senate**, and the **Office of the State Courts Administrator** each assumed 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> <u>– State</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
GENERAL REVENUE				
<u>Cost – DOC</u> (§§577.690 and 577.695) Increased incarceration costs	<u>(\$61,162)</u>	<u>(\$149,726)</u>	<u>(\$207,263)</u>	<u>(\$363,385)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$61,162)</u>	<u>(\$149,726)</u>	<u>(\$207,263)</u>	<u>(\$363,385)</u>

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue – School</u> 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>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</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 creates two new provisions relating to illegal immigrants.

OFFENSE OF IMPROPER ENTRY (Section 577.690)

This act creates the offense of improper entry by an illegal alien. A person commits the offense of improper entry by an illegal 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 illegal 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, the person 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 C felony and if the underlying arrest is a dangerous felony, the offense of aggravated illegal presence is a class A felony.

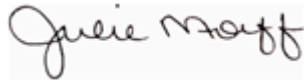
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of 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

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City of O'Fallon
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
February 10, 2025



Jessica Harris
Assistant Director
February 10, 2025