

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1001S.01I  
 Bill No.: SB 318  
 Subject: Business and Commerce; Crimes and Punishment; Property, Real and Personal  
 Type: Original  
 Date: February 18, 2025

Bill Summary: This proposal modifies provisions relating to offenses involving retail theft.

**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	(\$43,687)	(\$106,947)	(\$163,629)	(\$226,986)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$43,687)</b>	<b>(\$106,947)</b>	<b>(\$163,629)</b>	<b>(\$226,986)</b>

<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</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§569.151, 570.030 and 570.036 – Offenses involving retail establishments

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to offenses involving retail theft.

Section 569.151 creates the offense of trespass in the third degree and the associated class B misdemeanor penalty. Misdemeanor penalties are not normally the purview of the department. Therefore, the DOC estimates no impact from this section.

Section 570.030 modifies the definition of the offense of stealing in section 570.030 to include activity in which the person's course of conduct is part of an organized retail theft and the value of the property taken, combined with any property damage inflicted in such theft, is ten thousand dollars or more. The penalty associated with this offense is a class B felony.

This bill modifies the definition of the offense of stealing in section 570.030 to include activity in which the person's course of conduct is part of an organized retail theft and the value of the property taken, combined with any property damage inflicted in such theft, is seven hundred fifty dollars or more but less than ten thousand dollars. The penalty associated with this offense is a class C felony.

This bill creates section 570.036, including the definition of the offense of organized retail theft. The penalty is a class C felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars. The penalty is a class B felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is more than ten thousand dollars.

As currently proposed, the language added to the definition of the offense of stealing in section 570.030 includes references to “organized retail theft,” which is also defined in the new section 570.036. In both sections, the associated penalties also appear to be the same. Therefore, DOC estimates the impact from these changes as one new class C felony and one new class B felony.

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.

**Change in prison admissions and probation openings with legislation-Class C Felony**

	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	4	4	4	4	4	4	4	4	4	4
<b>Probation</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>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
<b>Impact</b>										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
<b>Population Change</b>	<b>10</b>	<b>20</b>	<b>30</b>	<b>34</b>	<b>38</b>	<b>42</b>	<b>46</b>	<b>46</b>	<b>46</b>	<b>46</b>

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.

**Change in prison admissions and probation openings with legislation-Class B Felony**

	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	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>9</b>

Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 20 additional offenders in prison and 23 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	6	6	6	6	6	6	6	6	6	6
<b>Change (After Legislation - Current Law)</b>										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
Prison	5	10	15	19	20	20	20	20	20	20
Parole	0	0	0	1	5	10	15	16	17	17
Probation	6	12	18	18	18	18	18	18	18	18
<b>Impact</b>										
Prison Population	5	10	15	19	20	20	20	20	20	20
Field Population	6	12	18	19	23	28	33	34	35	35
<b>Population Change</b>	<b>11</b>	<b>22</b>	<b>33</b>	<b>38</b>	<b>43</b>	<b>48</b>	<b>53</b>	<b>54</b>	<b>55</b>	<b>55</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	5	(\$10,485)	(\$43,687)	0	\$0	6	(\$43,687)
Year 2	10	(\$10,485)	(\$106,947)	0	\$0	12	(\$106,947)
Year 3	15	(\$10,485)	(\$163,629)	0	\$0	18	(\$163,629)
Year 4	19	(\$10,485)	(\$211,408)	0	\$0	19	(\$211,408)
Year 5	20	(\$10,485)	(\$226,986)	0	\$0	23	(\$226,986)
Year 6	20	(\$10,485)	(\$231,526)	0	\$0	28	(\$231,526)
Year 7	20	(\$10,485)	(\$236,156)	0	\$0	33	(\$236,156)
Year 8	20	(\$10,485)	(\$240,879)	0	\$0	34	(\$240,879)
Year 9	20	(\$10,485)	(\$245,697)	0	\$0	35	(\$245,697)
Year 10	20	(\$10,485)	(\$250,611)	0	\$0	35	(\$250,611)

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 estimated 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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes [569.151 and 570.036] creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Commerce and Insurance**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, and the **City of Kansas City** 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** notes the provisions of §569.151 state the organized campaign may be required to pay a civil fine not to exceed five thousand dollars. In addition, the court shall order a person who violates §570.036 to pay restitution. Oversight assumes civil fine(s) and restitution will be paid to the merchant and there will be no impact to the State.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities and counties 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>				
Cost – DOC (§§570.030 and 570.036) Increased incarceration costs	<u>(\$43,687)</u>	<u>(\$106,947)</u>	<u>(\$163,629)</u>	<u>(\$226,986)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$43,687)</u></b>	<b><u>(\$106,947)</u></b>	<b><u>(\$163,629)</u></b>	<b><u>(\$226,986)</u></b>

<u>FISCAL IMPACT</u> – Local Government	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2030)
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

OFFENSES INVOLVING RETAIL THEFT

This act creates and modifies provisions relating to offenses involving retail establishments.

OFFENSE OF TRESPASS IN THE THIRD DEGREE (Section 569.151)

This act creates the offense of trespass in the third degree if he or she, either individually or as part of an organized campaign, enters a retail establishment with the primary purpose of disrupting commerce or causing danger to people or property. This offense shall be a class B misdemeanor, unless committed as part of an organized campaign then such campaign shall pay a fine not to exceed \$5,000.

**OFFENSE OF STEALING (Section 570.030)**

This act provides that a person shall be guilty of the offense of stealing if he or she appropriates property as part of an organized retail theft and the value of the property is over \$10,000. Such offense shall be a class B felony.

Additionally, this act provides that a person shall be guilty of the offense of stealing if he or she appropriates property as part of an organized retail theft and the value of the property is between \$750 and \$10,000.

**OFFENSE OF ORGANIZED RETAIL THEFT (Section 570.036)**

This act creates the offense of organized retail theft if he or she, while alone or with any other person, commits a series of thefts of retail merchandise against one or more persons either on the premises of a merchant or through the use of an internet site with the intent to return the merchandise for value or resell the merchandise for value.

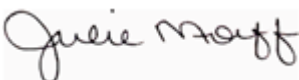
The offense of organized retail theft is a class C felony if the value stolen over 120 days is between \$1,500 and \$10,000 and a class B felony if the value is over \$10,000.

Finally, a person may be prosecuted in any jurisdiction in this state regardless of whether the defendant was ever physically present in such jurisdiction.

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 Commerce and Insurance  
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  
City of Kansas City



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February 18, 2025



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