

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1003S.01I
 Bill No.: SB 72
 Subject: Crimes and Punishment; Immigration; Law Enforcement Officers and Agencies;
 Licenses - Driver's; Licenses - Miscellaneous; Department of Public Safety
 Type: Original
 Date: January 26, 2025

Bill Summary: This proposal creates provisions relating to illegal aliens.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
General Revenue*	\$0 to (Unknown, could exceed \$4,055,718)	\$0 to (Unknown, could exceed \$4,513,016)	\$0 to (Unknown, could exceed \$4,595,581)	\$0 to (Unknown, could exceed \$4,688,160)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown, could exceed \$4,055,718)	\$0 to (Unknown, could exceed \$4,513,016)	\$0 to (Unknown, could exceed \$4,595,581)	\$0 to (Unknown, could exceed \$4,688,160)

*The Department of Revenue costs (25 FTE, approx. \$1.6M) could be avoided if there was a delayed effective date of implementation as DOR is in the process of obtaining a new Motor Vehicle and Driver's License software system.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Missouri Illegal Alien Certified Bounty Hunter Program Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

*Transfer-In and expenses net to zero. 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)
Missouri Illegal Alien Certified Bounty Hunter Program Fund	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE
Total Estimated Net Effect on FTE	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE

- 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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner. 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.

§577.678 – Illegal aliens

Officials from the **Department of Public Safety - Office of the Director (DPS)** state 577.678.5 will require one (1) Program Manager, three (3) Program Specialists, and nine (9) Special Assistant Professionals to operate the certification system, reward payments, and for 24/7/365 monitoring of the portal and toll-free hotline. OA/ITSD will need to assist with creating a system to license bounty hunters and a 24/7 portal system for reporting instances with a 24/7 hotline. However, DPS states it has not received a cost from ITSD to implement the new information system; therefore, the ITSD impact is unknown at this time.

Additionally, DPS will need additional space to house approximately 5 to 6 employees at any one time. Jefferson City leased space rate is \$18.00/square foot plus \$2.45/square foot for janitorial costs and \$2.48/square foot for utility expenses. OA/FMDC estimates a need of 200 square feet per FTE/employee. A secure location in either a leased location or within a state-owned facility in Jefferson City covering 1,200 square feet will be needed.

Additionally, it is unknown how many \$1,000 reward payments might be awarded and, therefore, the fiscal impact is unknown.

Oversight does not have any information contrary to that provided by DPS. Oversight assumes the impact for the ITSD system development to be greater than \$250,000 for FY 2026 and an unknown impact in subsequent years. Additionally, Oversight reflect the estimated leasing/office space costs provided by DPS at \$330,192 annually (1,200 square feet * \$22.93 * 12).

Officials from the **Department of Corrections (DOC)** state Chapter 577 is modified to include section 577.678, which creates the offense of trespass by an illegal alien. While the felony class is not listed, given the authorized term of imprisonment is life imprisonment without parole or conditional release, these actions are being considered a class A felony offense. As these are new crimes, there is little direct data on which to base an estimate, and as such, the department estimates an impact comparable to the creation of a new class A felony.

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.

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.

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	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	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
Impact										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
Population Change	1	2	3	4	5	6	7	8	9	10

	# 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	1	(\$10,485)	(\$8,737)	0	\$0	0	(\$8,737)
Year 2	2	(\$10,485)	(\$21,389)	0	\$0	0	(\$21,389)
Year 3	3	(\$10,485)	(\$32,726)	0	\$0	0	(\$32,726)
Year 4	4	(\$10,485)	(\$44,507)	0	\$0	0	(\$44,507)
Year 5	5	(\$10,485)	(\$56,746)	0	\$0	0	(\$56,746)
Year 6	6	(\$10,485)	(\$69,458)	0	\$0	0	(\$69,458)
Year 7	7	(\$10,485)	(\$82,655)	0	\$0	0	(\$82,655)
Year 8	8	(\$10,485)	(\$96,352)	0	\$0	0	(\$96,352)
Year 9	9	(\$10,485)	(\$110,564)	0	\$0	0	(\$110,564)
Year 10	10	(\$10,485)	(\$125,305)	0	\$0	0	(\$125,305)

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 **Department of Revenue (DOR)** state DOR's current antiquated systems cannot be programmed to handle this complex type of processing. These systems were built 40-50 years ago and only maintain names when tied to a title or registration. Should the proposed language go into effect, MVB would need to manually screen all title and registration applications with public arrest records to comply with statute. While the full impact is difficult to quantify, an estimated 20 to 25 additional full-time employees (FTE) would be required to complete this process while maintaining the current workload. The 20-25 FTE will not be needed if this legislation implementation is delayed to align with the Motor Vehicle system upgrade.

17 Associate Customer Service Representatives - Annual Salary \$34,999.68
8 Customer Service Representatives - Annual Salary \$37,799.76

DOR assumes the following regarding this proposal:

Administrative Impact

To implement the proposed provisions of this bill the MVB would be required to:

- Update procedures, policies, forms, and department website.
- If no delayed implementation language is added; create new procedures for navigating public arrest records.
- If no delayed implementation language is added; hire an estimated 20 to 25 additional FTE to maintain current workload.
- Complete training for current employees.

MVB Impact: Estimated to be greater than \$800,000 based on the required number of additional FTE.

Fusion Impact

NOTE: FAST is optimistic about implementing the processes needed to comply with the proposed language into the upcoming FUSION system. This would allow for a process in which arrest records can be referenced at time of title and/or registration as well as automatically attach to the driver record (if applicable).

Implementation Cost: 100 hours x \$225/hour = \$22,500

The fiscal impact estimated above is based on changes in the current Department's Motor Vehicle system environment. The implementation of this legislation will be coordinated with the integration of the Department's Motor Vehicle and Driver Licensing software system approved and passed by the general assembly in 2020 (Senate Bill 176). To avoid duplicative technology development and associated costs to the state, it is recommended a delayed effective date be added to this bill to correlate with the installation of the new system.

Dependent on the complexity of the software changes required to implement this legislation and if multiple bills are passed that require Department resources, FTE may be requested through the appropriations process.

Oversight notes this legislation does not currently provide for a delayed implementation date. Therefore, Oversight will present DOR's fiscal impact as presented in the fiscal note.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state each person who is apprehended under Section 577.678.4 will be required to provide a DNA sample. The Patrol assumes its Crime Laboratory Division (CLD) will be the entity within the Department of Public Safety to develop DNA profiles from each sample submitted. It is unknown the number of illegal aliens, as defined in Section 577.678.1(2), who are residing, or traveling through the state and how many, under the provisions of this proposal, will provide a DNA sample. If, on average, 5,000 DNA samples are submitted per year from this legislation, the Patrol would need to hire two (2) forensic scientists. In addition, there would be an ongoing expense for laboratory supplies for each scientist to develop the DNA profiles. Funding for this

program within the Patrol's Crime Laboratory Division would come from the Missouri Illegal Alien Certified Bounty Hunter Program Fund, as outlined in Section 577.678.6(1).

Oversight does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's impact 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 a new crime [577.678.2] 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 **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to Sections 577.678, creating a class A felony which could result in life imprisonment, would 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 notes the provisions of this legislation shall not apply if the federal government enters into a written agreement to take an individual(s) into custody and within 24 hours of being in custody of the federal government, deports the individual. Therefore, 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 also notes the provisions of this bill establish the Missouri Illegal Certified Bounty Hunter Program Fund, which consists of moneys appropriated by the General Assembly as well as any gifts, donations, grants, and bequests. Moneys in the fund shall be used solely to provide moneys to the Department of Public Safety for the implementation and administration of this section.

Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. For fiscal note purposes, Oversight assumes services provided under this proposal will equal income/appropriations and net to zero.

Officials from the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Higher Education and Workforce Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Office of the**

Governor, the **Office of the State Courts Administrator**, the **Office of the State Treasurer**, the **City of Kansas City**, the **Phelps County Sheriff’s Department**, the **Kansas City Police Department**, the **St. Louis County Police Department**, **Northwest Missouri State University**, and the **University of Central Missouri** 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, county prosecutors, local law enforcement, colleges and universities, 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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
GENERAL REVENUE				
<u>Transfer Out - (\$577.678) To the Missouri Illegal Alien Certified Bounty Hunter Program Fund</u>	\$0 to (Unknown, could exceed \$4,055,718)	\$0 to (Unknown, could exceed \$4,513,016)	\$0 to (Unknown, could exceed \$4,595,581)	\$0 to (Unknown, could exceed \$4,688,160)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 to (Unknown, could exceed \$4,055,718)	\$0 to (Unknown, could exceed \$4,513,016)	\$0 to (Unknown, could exceed \$4,595,581)	\$0 to (Unknown, could exceed \$4,688,160)
MISSOURI ILLEGAL ALIEN CERTIFIED BOUNTY HUNTER PROGRAM FUND				
<u>Income - (\$577.678) Gifts, grants, donations</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer In - (\$577.678) From General Revenue</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost – DOR (\$577.678)</u>	Up to...	Up to...	Up to...	Could exceed...
Personal Service	(\$747,694)	(\$915,177)	(\$933,481)	(\$933,481)
Fringe Benefits	(\$628,676)	(\$761,603)	(\$768, 939)	(\$768, 939)
Exp. & Equip.	(\$41,295)	(\$9,486)	(\$9,676)	(\$9,676)
Fusion Cost	(\$22,500)	\$0	\$0	\$0
<u>Total Cost - DOR</u>	<u>(\$1,440,165)</u>	<u>(\$1,686,266)</u>	<u>(\$1,712,096)</u>	<u>(\$1,712,096)</u>
FTE Change - DOR	0 to 25 FTE	0 to 25 FTE	0 to 25 FTE	0 to 25 FTE
<u>Cost – DPS (\$577.678)</u>				Could exceed...
Personal Service	(\$1,095,972)	(\$1,341,469)	(\$1,368,299)	(\$1,368,299)
Fringe Benefits	(\$610,346)	(\$742,957)	(\$753,710)	(\$753,710)
Exp. & Equip.	(\$49,104)	\$0	\$0	\$0
Office space/janitorial/utilities	(\$275,160)	(\$330,192)	(\$330,192)	(\$330,192)
<u>Total Cost - DPS</u>	<u>(\$2,030,582)</u>	<u>(\$2,414,618)</u>	<u>(\$2,452,201)</u>	<u>(\$2,452,201)</u>
FTE Change - DPS	13 FTE	13 FTE	13 FTE	13 FTE
<u>Costs – DPS/OA/ITSD Services (\$577.678)</u>	(Unknown, greater than \$250,000)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
Costs – DPS (§577.678) - Payment of Reward	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Cost – DOC (§577.678) Increased incarceration costs	(\$8,737)	(\$21,389)	(\$32,726)	(\$125,305)
Cost – MHP (§577.678)	Up to...	Up to...	Up to...	Could exceed...
Personal Service	(\$125,680)	(\$153,832)	(\$156,909)	(\$156,909)
Fringe Benefits	(\$110,221)	(\$134,911)	(\$137,609)	(\$137,609)
Exp. & Equip.	(\$7,000)	\$0	\$0	\$0
Laboratory Supplies	(\$83,333)	(\$102,000)	(\$104,040)	(\$104,040)
<u>Total Cost – MHP</u>	<u>Up to (\$326,234)</u>	<u>Up to (\$390,743)</u>	<u>Up to (\$398,558)</u>	<u>Could exceed (\$398,558)</u>
FTE Change - MHP	2 FTE	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON THE MISSOURI ILLEGAL ALIEN CERTIFIED BOUNTY HUNTER PROGRAM FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change on the Missouri Illegal Alien Certified Bounty Hunter Program Fund	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE	Up to 40 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
	<u>\$0</u>	<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

ILLEGAL ALIENS (Section 577.678)

This act creates the offense of trespass by an illegal alien which provides that a person shall be guilty of such offense if the person is an illegal alien who knowingly enters this state and remains here and is physically present in the state at the time a licensed bounty hunter or peace officer apprehends the person. Such an offense shall be a felony for a term of imprisonment without eligibility for probation or parole with certain exceptions as provided in the act.

Any person who commits the offense of trespass by an illegal alien shall be prohibited from voting in any election, receiving any permit or license to drive, receiving any public benefit, and becoming a legal resident of this state.

Additionally, the Department of Public Safety shall develop an information system for people to report violations of this act which shall include a toll-free telephone hotline, e-mail, and online reporting portal. Any person who makes a report in which an illegal alien is arrested shall receive a reward of \$1,000.

The Department of Public Safety shall develop the "Missouri Illegal Alien Certified Bounty Hunter Program" which shall certify applicants to be bounty hunters for the purpose of finding and detaining illegal aliens in this state. Any person with a license as a bail bond agent, general bail bond agent, or surety recovery agent may apply to the program as provided in the act.

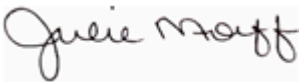
Finally, this act creates the "Missouri Illegal Alien Certified Bounty Hunter Program Fund" which shall consist of money appropriated by the General Assembly.

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 Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Revenue
Department of Public Safety
Department of Social Services
Office of the Governor

Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the Secretary of State
Office of the State Public Defender
Office of the State Treasurer
City of Kansas City
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department
Northwest Missouri State University
University of Central Missouri



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