

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1011S.01I  
 Bill No.: SB 60  
 Subject: Drugs and Controlled Substances; Crimes and Punishment; Courts; Prisons and Jails; Probation and Parole; Children and Minors  
 Type: Original  
 Date: January 20, 2025

Bill Summary: This proposal modifies the offense of endangering the welfare of a child in the first degree.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2034)
General Revenue	(\$8,737)	(\$21,389)	(\$32,726)	(\$3,280,577)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$8,737)</b>	<b>(\$21,389)</b>	<b>(\$32,726)</b>	<b>(\$3,280,577)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2034)
<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>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2034)
<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>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2034)
General Revenue	0 FTE	0 FTE	0 FTE	(5) FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>(5) FTE</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>				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2034)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

ASSUMPTION

§§556.061 and 568.045 – Endangering the welfare of a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies the offense of endangering the welfare of a child in the first degree.

The bill adds “endangering the welfare of a child in the first degree” to the list of sentences defined as dangerous felonies in section 556.061. This introduces the requirement that any new court commitment or probation revocation to prison on a sentence under section 568.045 will serve at least 85% of the term of those sentences in prison prior to release.

There were 101 new court commitments and 54 probation revocations to prison under section 568.045 in FY 2024. The average length of the sentence cycles for these offenders (after taking into account designations of concurrent and consecutive terms) was 11.1 years, with the expected average time to first release from prison being 4.6 years under current legislation and 7.3 years under the proposed legislation. The cumulative estimated impact is an additional 295 people in prison and 295 fewer people on community supervision by FY 2034.

**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	155	155	155	155	155	155	155	155	155	155
After Legislation	155	155	155	155	155	155	155	155	155	155
<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										
Probations										
<b>Cumulative Populations</b>										
Prison							47	202	295	295
Parole							-47	-202	-295	-295
Probation										
<b>Impact</b>										
Prison Population							47	202	295	295
Field Population							-47	-202	-295	-295
<b>Population Change</b>										

The bill adds language in section 568.045 specific to the involvement of fentanyl or carfentanil in an offense of endangering the welfare of a child in the first degree. The penalty for this offense is considered a new class B felony without the possibility of probation and a minimum prison term requirement of 85% of the sentence.

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.

**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	6	7	8	8	8
Parole									1	1
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	6	7	8	8	8
Field Population									1	1
<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 303 additional offenders in prison and 294 fewer offenders on field supervision by FY 2034.

**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	155	155	155	155	155	155	155	155	155	155
After Legislation	156	156	156	156	156	156	156	156	156	156
<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	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	6	54	210	303	303
Parole	0	0	0	0	0	0	-47	-202	-294	-294
Probation	0	0	0	0	0	0	0	0	0	0
<b>Impact</b>										
Prison Population	1	2	3	4	5	6	54	210	303	303
Field Population	0	0	0	0	0	0	-47	-202	-294	-294
<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>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total savings for <b>probation and parole</b>	# 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	54	(\$10,485)	(\$637,621)	0	\$0	(47)	(\$637,621)
Year 8	210	(\$10,485)	(\$2,529,231)	(3)	\$303,488	(202)	(\$2,225,743)
Year 9	303	(\$10,485)	(\$3,722,306)	(5)	\$441,729	(294)	(\$3,280,577)
Year 10	303	(\$10,485)	(\$3,796,752)	(5)	\$466,785	(294)	(\$3,329,967)

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.

In response to similar legislation from 2024 (SB 1368), 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 **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Phelps County Sheriff's 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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other local law enforcement 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 2034)
<b>GENERAL REVENUE</b>				
<u>Savings</u> – DOC (§§556.061 and 568.045)				
Personal Service	\$0	\$0	\$0	\$253,575
Fringe Benefits	\$0	\$0	\$0	\$187,135
Exp. & Equip.	\$0	\$0	\$0	\$1,019
<u>Total Savings - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$441,729</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(5) FTE
<u>Cost</u> – DOC (§§556.061 and 568.045) Increased incarceration costs	<u>(\$8,737)</u>	<u>(\$21,389)</u>	<u>(\$32,726)</u>	<u>(\$3,722,306)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$8,737)</u></b>	<b><u>(\$21,389)</u></b>	<b><u>(\$32,726)</u></b>	<b><u>(\$3,280,577)</u></b>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE	(5) FTE

<u>FISCAL IMPACT</u> <u>– Local</u> <u>Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2034)
	<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

**ENDANGERING THE WELFARE OF A CHILD (Section 556.061 and 568.045)**

Under current law, a person commits the offense of endangering the welfare of a child in the first degree if he or she unlawfully manufactures or possesses amphetamine, methamphetamine, or any of their analogues. This act adds fentanyl and carfentanil.

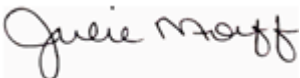
Additionally, this act provides that if a person is found guilty of the offense of endangering the welfare of a child in the first degree involving fentanyl or carfentanil then the person shall serve a term of imprisonment of not less than five years and not more than ten years. Such person shall not receive a suspended imposition or execution of sentence from the court and shall not pay a fine in lieu of a term of imprisonment. Finally, such person shall not be eligible for conditional release or parole until he or she has served at least five years of imprisonment.

This act also adds the offense of endangering the welfare of a child in the first degree to the definition of "dangerous 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  
Department of Social Services  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
January 20, 2025



Jessica Harris  
Assistant Director  
January 20, 2025