

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3820S.02I

Bill No.: SB 893

Subject: Crimes and Punishment; Department of Public Safety; Sexual Offenses

Type: Original

Date: January 19, 2026

Bill Summary: This proposal creates and modifies provisions regarding sexual offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue*	(\$244,168 to Unknown)	(\$431,338 to Unknown)	(\$601,652 to Unknown)	(\$1,183,767 to Unknown)
Total Estimated Net Effect on General Revenue	(\$244,168 to Unknown)	(\$431,338 to Unknown)	(\$601,652 to Unknown)	(\$1,183,767 to Unknown)

*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Crime Victims' Compensation Fund (1681)	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
Total Estimated Net Effect on Other State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue	1 FTE	1 FTE	1 FTE	2 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE	2 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 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§566.152 – Sophie’s Law

Officials from the **Office of the State Courts Administrator** did not respond to **Oversight**’s request for fiscal impact for this proposal.

Officials from the **Department of Corrections (DOC)** state this proposal creates and modifies provisions relating to sexual offenses.

This legislation creates a new class B felony offense of grooming of a minor unless sexual conduct, sexual performance, or a commercial sex act occurs, in which case it is a class A felony.

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 B and A felony.

Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and serve on average, 3.4 years prior 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 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2031.

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 until 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 2036 is 10 additional offenders in prison.

Officials from the **Department of Public Safety - Office of the Director (DPS)** state section 566.152 establishes Sophie’s Law. DPS states one (1) Program Coordinator will be needed to issue guidance to the public on identifying and recognizing actions and develop procedures and training for professionals on the investigating and prosecuting of perpetrators.

Oversight does not have any information contrary to that provided by DPS. Therefore, Oversight will reflect DPS's impact for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by Section 566.152, creating a class B felony, would take approximately fifty-seven 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 three 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.

§573.110 – Nonconsensual Dissemination of Private Sexual Images

DOC states this legislation modifies the class D felony offense of nonconsensual dissemination of private sexual images by removing the stipulation that the image is of a person who is at least 18 years old. It adds a class C felony offense of nonconsensual dissemination of private sexual images when the image was of a minor or of a vulnerable person.

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 C 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, with 2.1 years until first release. The remaining 3.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2030.

§573.112 – Threatening the Nonconsensual Dissemination of Private Sexual Images

DOC states this legislation modifies the offense of threatening the nonconsensual dissemination of private sexual images by removing the stipulation that the image is of a person who is at least 18 years old. It enhances the penalty from a class E felony offense to class D felony offense and creates a class C felony offense when it is their second offense. For the third and subsequent offenses, it is a class B felony. If the image was of a minor or vulnerable person, it is a class A

felony offense. If the threat is the proximate cause of serious physical injury or death of a person, it is a class A felony offense.

There were 2 new court commitments to prison and 4 new probation cases under section 573.112 during FY 2025.

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, 1.4 years until first release. The remaining 1.3 years could be on parole. Changing this to a class D non-violent felony would extend the sentence length to 5 years, with 2.8 years spent in prison.

The cumulative impact on the department is estimated to be 1 additional offender in prison and one less offender on field supervision by FY 2029.

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, with 2.1 years until first release. The remaining 3.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2030.

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 serve 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 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2031.

Image of a minor or vulnerable person

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 2036 is 10 additional offenders in prison.

Threat is cause of serious physical injury or death

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 2036 is 10 additional offenders in prison.

Combined Cumulative Estimated Impact for DOC

The combined cumulative estimated impact on the department is 71 additional offenders in prison and 72 additional offenders on field supervision by FY 2036.

			Change in probation & parole officers	Total cost for probation & parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
# to prison	Cost per year	Total Costs for prison				
Year 1	13	(\$11,123)	(\$120,499)	0	\$0	12
Year 2	26	(\$11,123)	(\$294,982)	0	\$0	24
Year 3	40	(\$11,123)	(\$462,895)	0	\$0	35
Year 4	51	(\$11,123)	(\$601,995)	0	\$0	38
Year 5	56	(\$11,123)	(\$674,234)	0	\$0	48
Year 6	59	(\$11,123)	(\$724,561)	1	(\$106,227)	58
Year 7	62	(\$11,123)	(\$776,631)	1	(\$98,047)	68
Year 8	65	(\$11,123)	(\$830,494)	1	(\$99,089)	70
Year 9	68	(\$11,123)	(\$886,201)	1	(\$100,142)	72
Year 10	71	(\$11,123)	(\$943,804)	1	(\$101,206)	72
						(\$1,045,010)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing the current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

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.

* 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.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

595.045 – Crime Victims’ Compensation Fund

DPS notes from information provided by the Office of the State Courts Administrator (OSCA), the following number of charges filed under §§573.110 and 573.112:

	<u>FY 2025</u>	<u>FY 2024</u>	<u>FY 2023</u>	<u>FY 2022</u>	<u>FY 2021</u>
§573.110	119	91	88	77	82
§573.112	17	22	17	10	16

Oversight notes from information provided by the OSCA, the following number of felony charges with guilty dispositions from 2021 through 2025:

	<u>FY 2025</u>	<u>FY 2024</u>	<u>FY 2023</u>	<u>FY 2022</u>	<u>FY 2021</u>
§573.110	16	15	27	17	13
§573.112	6	5	4	3	0

The average number of cases over this five-year period is 21. The provisions of this section state that offenders shall pay at least \$500 and not more than \$5,000 upon a plea of guilty or a find of guilt for the offenses under §§573.110 and 573.112. Because the number of guilty dispositions can vary from year to year, Oversight will reflect an impact to the Crime Victims’ Compensation Fund of Less than \$250,000 (21 x \$5,000) annually, for fiscal note purposes.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume 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 **Department of Social Services (DSS)** state any creation of a crime or modification of offense provisions in this legislation would potentially increase the number of youth committed to the Division of Youth Services. It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth’s case, making the impact more difficult to calculate. Historically, when a new crime is enacted, DYS sees an increase in commitments, as referrals to Juvenile Offices increase.

Oversight assumes DSS could absorb any increase with current staff and funding levels. However, if additional duties require increased staffing, the DSS may request additional funding through the appropriations process.

Officials from **Missouri Office of Prosecution Services (MOPS)** state there is no measurable fiscal impact to the Missouri Office of Prosecution Services. The enactment of new crimes 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, Department of Economic Development, Department of Elementary and Secondary Education, Department of Health and Senior Services, Department of Mental Health, Department of Labor and Industrial Relations, Department of Revenue, Department of Public Safety - Missouri Highway Patrol, Office of Administration, University of Missouri, Newton County Health Department, Phelps County Sheriff's Department, Kansas City Police Department, and 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 that we have received from state agencies and political subdivisions; however, other county and city health departments, nursing homes, local law enforcement, schools, and hospitals were requested to respond to this proposed legislation but did not. Upon the receipt of additional 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. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
GENERAL REVENUE				
<u>Cost – DOC</u> (§§566.152, 573.110, 573.112) p.4-8				
Personal Service	\$0	\$0	\$0	(\$56,344)
Fringe Benefits	\$0	\$0	\$0	(\$40,528)
Exp. & Equip.	\$0	\$0	\$0	(\$4,334)
<u>Total Costs - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$101,206)</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Cost – DOC</u> (§§566.152, 573.110, 573.112) Increased incarceration costs p.4-8	(\$120,499 to Unknown)	(\$294,982 to Unknown)	(\$462,895 to Unknown)	(\$943,804 to Unknown)
<u>Cost – DPS</u> (§566.152) p.4				Could exceed...
Personal Service	(\$64,284)	(\$78,684)	(\$80,258)	(\$80,258)
Fringe Benefits	(\$39,468)	(\$47,983)	(\$48,616)	(\$48,616)
Exp. & Equip.	(\$9,917)	(\$9,690)	(\$9,884)	(\$9,884)
<u>Total Costs - DPS</u>	<u>(\$113,669)</u>	<u>(\$136,356)</u>	<u>(\$138,757)</u>	<u>(\$138,757)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DPS</u> (§566.152) One- Time ITSD Cost p.4	<u>(\$10,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$244,168 to Unknown)	(\$431,338 to Unknown)	(\$601,652 to Unknown)	(\$1,183,767 to Unknown)
Estimated Net FTE Change on General Revenue	1 FTE	1 FTE	1 FTE	2 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
CRIME VICTIMS' COMPENSATION FUND (1681)				
<u>Revenue Gain – DPS (§595.045) Fee for guilty plea under §§573.110 and 573.112 p.9</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>
ESTIMATED NET EFFECT ON THE CRIME VICTIMS' COMPENSATION FUND	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

THE OFFENSE OF GROOMING (Sections 566.152, 589.400, and 589.414)

This act establishes Sophie's Law, which provides for the offense of grooming of a minor. A person commits the offense when he or she is 18 years or older and engages in a pattern of conduct, as such term is defined in the act, with at least one overtly sexual act directed towards a person who is less than eighteen years of age that to a reasonable person would infer the intent to prepare, condition, or manipulate such person for sexual conduct, sexual exploitation, or sexual trafficking. The offense shall not apply to certain persons detailed in the act.

The offense of grooming of a minor is a class B felony unless sexual conduct, sexual exploitation, or sexual trafficking occurs, in which case it shall be a class A felony. No person convicted of such offense shall be eligible for probation, parole, or conditional release until serving a minimum of five years. The sentencing court shall also order the defendant to pay restitution to the victim as provided in the act. Furthermore, a person convicted of the offense shall register as a tier I sex offender.

DPS shall issue guidance, training, and procedures on the offense of grooming.

OFFENSES INVOLVING SEXUAL MATERIAL (Sections 573.010, 573.110, 573.112, 573.114, 589.400, 589.414 & 595.045)

This act establishes the offenses of nonconsensual dissemination of private sexual images and threatening the nonconsensual dissemination of private sexual images as "Evan's Voice Act" and modifies such offenses by removing the element that the victim be at least 18 years of age.

Current law provides that the offense of nonconsensual dissemination of private sexual images is a class D felony. This act provides that such offense shall be a class C felony when the image was of a minor or of a vulnerable person.

Currently, the offense of threatening the nonconsensual dissemination of private sexual images is a class E felony. This act provides that it shall be a class D felony, except it is a class C felony for second offenses and a class B felony for third and subsequent offenses. If the image was of a minor or vulnerable person or the offense is the proximate cause of serious physical injury or death, then the offense is a class A felony.

Restitution as provided in the act shall also be ordered by the sentencing court to victims of those found guilty of the offense of nonconsensual dissemination of private sexual images or of threatening the nonconsensual dissemination of private sexual images. Those found guilty of such offenses shall also register as a tier II sexual offender if the victim was less than 18 years of age or the coercion was sexual in nature. Under current law, upon a finding or plea of guilty, such offenders are required to pay \$46 to the Crime Victims' Compensation Fund. This act provides that the offenders shall pay at least \$500, but not more than \$5,000 to the Crime Victims' Compensation Fund.

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 Economic Development
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety
Department of Social Services
Office of Administration
Office of the State Public Defender
University of Missouri
Newton County Health Department
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



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