

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4858S.02I
 Bill No.: SB 903
 Subject: Crimes and Punishment; Telecommunications; Utilities
 Type: Original
 Date: February 2, 2026

Bill Summary: This proposal modifies and creates new provisions relating to telecommunications infrastructure.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
General Revenue*	(\$120,499 to Unknown)	(\$294,982 to Unknown)	(\$519,033 to Unknown)	(\$590,755 to Unknown)
Total Estimated Net Effect on General Revenue	(\$120,499 to Unknown)	(\$294,982 to Unknown)	(\$519,033 to Unknown)	(\$590,755 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 2030)
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 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
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 2030)
General Revenue	0 FTE	0 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	1 FTE	1 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 2030)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§569.117 – Trespass on a Critical Infrastructure Facility

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

Section 569.117 creates a new offense of trespass on a critical infrastructure facility if a person willfully and maliciously damages, tampers with, or destroys any critical infrastructure facility, as defined in section 569.086, or removes any component of the critical infrastructure facility. It is a class E felony if the damage is \$750 or more but less than \$25,000 and a class D felony if the damage is \$25,000 or more. If the damage causes interruption, impairment or degradation of service, it is a class C felony regarding of the value of damage.

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 E felony, a new class D felony and a new class C 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.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

For each new nonviolent class D felony, the department estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years could be served in prison with 1.7 years to first release. The remaining 2.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 8 additional offenders in prison and 16 additional offenders 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, 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.

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.

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by 569.117 would take approximately twenty-two 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 attorney. 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. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

Oversight assumes this proposal will create a minimal number of new cases 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.

§569.118 – Unauthorized Possession of Regulated Metals

Officials from the **DOC** state §569.118 creates a new offense of unauthorized possession of regulated metals if a person knowingly possesses copper, brass, aluminum, fiber optic cable, or any other metal used in telecommunications infrastructure without proof of ownership or lawful authority to possess such metals. It is a class E felony unless the value of the damage to property or loss caused by the offense is equal to or exceeds \$25,000 then it is a class C 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 E felony and a new class C 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.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders 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, 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.

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.

Officials from the **SPD** state per the National Public Defense Workload Study, the new charge contemplated by Section 569.118 would take approximately thirty-five 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 one to two 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 create a minimal number of new cases 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.

Responses regarding the proposed legislation as a whole

Officials from the **DOC** state:

Combined Cumulative Impact of the New Offenses for DOC

Taken together, the cumulative impact of the new class E, class D, and class C felonies could lead to an increase of 42 offenders in prison and 71 under field supervision by FY 2030.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation & parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	13	(\$11,123)	(\$120,499)	0	\$0	21	(\$120,499)
Year 2	26	(\$11,123)	(\$294,982)	0	\$0	42	(\$294,982)
Year 3	36	(\$11,123)	(\$416,605)	1	(\$102,428)	66	(\$519,033)
Year 4	42	(\$11,123)	(\$495,760)	1	(\$94,995)	71	(\$590,755)
Year 5	42	(\$11,123)	(\$505,676)	1	(\$96,001)	82	(\$601,677)
Year 6	42	(\$11,123)	(\$515,789)	1	(\$97,019)	90	(\$612,808)
Year 7	42	(\$11,123)	(\$526,105)	1	(\$98,047)	98	(\$624,152)
Year 8	42	(\$11,123)	(\$536,627)	1	(\$99,089)	98	(\$635,716)
Year 9	42	(\$11,123)	(\$547,359)	1	(\$100,142)	98	(\$647,502)
Year 10	42	(\$11,123)	(\$558,307)	1	(\$101,206)	98	(\$659,512)

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.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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 Natural Resources, Department of Public Safety - Missouri Highway Patrol, and Missouri Department of Transportation** 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 electric companies and coops 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</u> - State Government	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2030)
GENERAL REVENUE				
Cost – DOC (§§569.117 and 569.118) p.5-6				
Personal Service	\$0	\$0	(\$52,554)	(\$53,079)
Fringe Benefits	\$0	\$0	(\$37,802)	(\$38,179)
Exp. & Equip.	<u>\$0</u>	<u>\$0</u>	(\$12,072)	(\$3,737)
Total Costs - DOC	<u>\$0</u>	<u>\$0</u>	(\$102,428)	(\$94,995)
FTE Change - DOC	0 FTE	0 FTE	1 FTE	1 FTE
Cost – DOC (§§569.117 and 569.118) Increased incarceration costs p.5-6	(\$120,499 to <u>Unknown</u>)	(\$294,982 to <u>Unknown</u>)	(\$416,605 to <u>Unknown</u>)	(\$495,760 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$120,499 to <u>Unknown</u>)	(\$294,982 to <u>Unknown</u>)	(\$519,033 to <u>Unknown</u>)	(\$590,755 to <u>Unknown</u>)
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT</u> - Local Government	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2030)
	<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 act modifies and creates new provisions relating to telecommunications infrastructure.

TRESPASS ON CRITICAL INFRASTRUCTURE FACILITIES (Sections 569.086, 569.117)

The act modifies the definition of "critical infrastructure facility". (Section 569.086)

A person commits the offense of trespass on a critical infrastructure facility if he or she damages, tampers with, or destroys a critical infrastructure facility or removes any component of the critical infrastructure facility.

Classifications of the offense are described in the act. The value of damages shall be determined pursuant to current law.

Any person who violates these provisions shall be required to make restitution and perform community service, as specified in the act. (Section 569.117)

UNLAWFUL POSSESSION OF REGULATED METALS (Section 569.118)

A person commits the offense of unauthorized possession of regulated metals if he or she knowingly possess certain metals specified in the act without proof of ownership of such metals.

Penalties for unlawful possession of such metals are described in the act.

These provisions shall not prohibit lawful recycling operations or operation of any business engaged in lawful purchase, sale, or processing of regulated metals.

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

SOURCES OF INFORMATION

Attorney General's Office

Department of Commerce and Insurance

Department of Natural Resources

Department of Corrections

Department of Public Safety - Missouri Highway Patrol

Missouri Department of Transportation

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Office of the State Public Defender
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