

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4960S.03I
Bill No.: SB 1117
Subject: Civil Procedure; Crimes and Punishment; Criminal Procedure; Internet and E-Mail; Liability; Sexual Offenses
Type: Original
Date: January 25, 2026

Bill Summary: This proposal establishes provisions relating to the civil and criminal liability of disclosure of intimate digital depictions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2030)
General Revenue*	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 to Unknown)
Total Estimated Net Effect on General Revenue	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 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 <u>Other</u> 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 <u>All</u> 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)
Total Estimated Net Effect on FTE	0	0	0	0

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

§§537.043 and 573.570 – Disclosure of intimate digital depictions

Officials from the **Department of Corrections (DOC)** state this proposal establishes provisions relating to the civil and criminal liability of disclosure of intimate digital depictions.

Section 573.570 creates the offense of disclosure of a digital depiction, a class E felony, unless it is a second or subsequent offense or it is reasonable to expect that the offense could impact government activity or facilitate violence, in which case 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 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 will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will 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 will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will 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.

Combined Cumulative Estimated Impact

The impact of a new class C felony and a new class E felony on the department is estimated to be 17 additional offenders in prison and 26 on field supervision by FY2030.

	# to prison	Cost per year	Total Costs for prison	Total cost			Grand Total - Prison and Probation (includes 2% inflation)
				Change in for probation & parole officers	probation # to parole	probation & parole	
Year 1	5	(\$11,123)	(\$46,346)	0	\$0	8	(\$46,346)
Year 2	10	(\$11,123)	(\$113,455)	0	\$0	16	(\$113,455)
Year 3	14	(\$11,123)	(\$162,013)	0	\$0	25	(\$162,013)
Year 4	17	(\$11,123)	(\$200,665)	0	\$0	26	(\$200,665)
Year 5	17	(\$11,123)	(\$204,678)	0	\$0	30	(\$204,678)
Year 6	17	(\$11,123)	(\$208,772)	0	\$0	34	(\$208,772)
Year 7	17	(\$11,123)	(\$212,947)	0	\$0	38	(\$212,947)
Year 8	17	(\$11,123)	(\$217,206)	0	\$0	38	(\$217,206)
Year 9	17	(\$11,123)	(\$221,550)	0	\$0	38	(\$221,550)
Year 10	17	(\$11,123)	(\$225,981)	0	\$0	38	(\$225,981)

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.

In response to similar legislation, SB 411 (2025), officials from the **Office of State Courts Administrator (OSCA)** stated 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 the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by Section 573.570 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.

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.

In response to similar legislation, SB 411 (2025), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime [573.570] 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 Mental Health, Department of Labor and Industrial Relations, Department of Public Safety - Missouri Highway Patrol, Department of Social Services, Office of the Secretary of State, 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 local law enforcement 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 (§§537.043 and 573.570) Increased incarceration costs p.4-6	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 to Unknown)
Cost – OSCA (§§537.043 and 573.570) Increase in potential court costs p.6	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$46,346 to Unknown)	(\$113,455 to Unknown)	(\$162,013 to Unknown)	(\$200,665 to Unknown)

<u>FISCAL IMPACT</u> - Local Government	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2030)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

DISCLOSURE OF INTIMATE DIGITAL DEPICTIONS (Sections 537.043 and 573.570)
 This act establishes "The Taylor Swift Act" which establishes a cause of action against a person who discloses a digital depiction, as defined in this act, of an individual who is under eighteen years of age or an intimate digital depiction, as defined in this act, of an individual and who knows or recklessly disregards the fact that the individual has not consented to such disclosure as provided in the act. The depicted individual may recover damages as described in the act along

with injunctive relief. An action shall not be brought if the disclosure was made in good faith to or by a law enforcement officer in the course of reporting or investigating unlawful conduct or as part of a legal proceeding. Additionally, an action shall not be brought if the disclosure was a matter of legitimate public concern or interest or if the disclosure reasonably intended to assist the depicted individual.

This act provides that a person commits the offense of disclosure of a digital depiction if the person discloses, or threatens to disclose:

- (1) A digital depiction of an individual who is under eighteen years of age; or
- (2) An intimate digital depiction with the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual or with the actual knowledge that or reckless disregard for whether such disclosure or threat of disclosure will cause harm to the depicted individual.

Any such person shall be guilty of a class E felony for the first offense or a class C felony for any second and subsequent offenses or if the actions could reasonably be expected to affect the conduct of governmental proceedings or facilitate violence.

Furthermore, it shall not be a defense to civil or criminal actions brought pursuant to this act that there is a disclaimer stating that the digital depiction was unauthorized or that the depicted individual did not participate in the creation or development of the digital depiction. Lastly, a provider of an interactive computer service shall not be held civilly or criminally liable under this act for actions voluntarily taken in good faith to restrict access to or availability of digital depictions or actions taken to enable or make available to information content providers or other persons the technical means to restrict access to digital depictions.

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 Corrections
Department of Labor and Industrial Relations
Department of Mental Health
Department of Public Safety – Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Public Defender

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Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
January 25, 2026



Jessica Harris
Assistant Director
January 25, 2026