

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5037S.01I
 Bill No.: SB 1320
 Subject: Evidence
 Type: Original
 Date: February 3, 2026

Bill Summary: This proposal modifies provisions relating to the admissibility of certain evidence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
General Revenue*	(\$55,615 to Unknown)	(\$136,416 to Unknown)	(\$185,158 to Unknown)	(\$332,325 to Unknown)
Total Estimated Net Effect on General Revenue	(\$55,615 to Unknown)	(\$136,416 to Unknown)	(\$185,158 to Unknown)	(\$332,325 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)
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 2036)
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 2036)
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 2036)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§490.692 - Admissibility of Certain Evidence

Officials from the **Department of Corrections (DOC)** state §490.692 allows for affidavits to be signed electronically and without a notary. It also adds a penalty for a falsely made affidavit that subjects the signer to the same penalties as perjury (§575.040).

It will add a Class E nonviolent felony if the perjury is committed in any proceeding not involving felony charges.

It will add a Class D nonviolent felony if the perjury is committed in any proceeding involving felony charges.

It will add a Class B felony if the perjury is committed during a criminal trial for the purpose of securing the conviction of an accused for any felony except murder.

It will add a Class A felony if the perjury is committed during a criminal trial for the purpose of securing the conviction of an accused for murder.

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, D, B, and A felony.

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

The cumulative impact on the DOC is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2029.

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 DOC 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 DOC assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the DOC 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 DOC 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 DOC assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the DOC 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

The total impact of adding an A,B, Non-violent D and Non-violent E felony on the DOC is estimated to be 25 additional offenders in prison and 33 on field supervision by FY 2036.

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	6	(\$11,123)	(\$55,615)	0	\$0	7	(\$55,615)
Year 2	12	(\$11,123)	(\$136,146)	0	\$0	14	(\$136,146)
Year 3	16	(\$11,123)	(\$185,158)	0	\$0	23	(\$185,158)
Year 4	18	(\$11,123)	(\$212,469)	0	\$0	26	(\$212,469)
Year 5	20	(\$11,123)	(\$240,798)	0	\$0	29	(\$240,798)
Year 6	21	(\$11,123)	(\$257,895)	0	\$0	30	(\$257,895)
Year 7	22	(\$11,123)	(\$275,579)	0	\$0	31	(\$275,579)
Year 8	23	(\$11,123)	(\$293,867)	0	\$0	32	(\$293,867)
Year 9	24	(\$11,123)	(\$312,777)	0	\$0	33	(\$312,777)
Year 10	25	(\$11,123)	(\$332,325)	0	\$0	33	(\$332,325)

The DOC 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 DOC's current capacity (27,368) which is habitable, but the department 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).
1. 3.Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
3. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the DOC 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 DOC'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 has no information to the contrary. Therefore, Oversight will present the fiscal impact of this proposal as provided by DOC.

Officials from the **Department of Commerce and Insurance, Office of the State Courts Administrator, Office of the Secretary of State, Office of the State Public Defender and Missouri Office of Prosecution Services** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2036)
GENERAL REVENUE				
<u>Cost – DOC (\$490.692) Increase in incarceration, probation and parole costs p.3-5</u>	(\$55,615 to Unknown)	(\$136,416 to Unknown)	(\$185,158 to Unknown)	(\$332,325 to Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(\$55,615 to Unknown)	(\$136,416 to Unknown)	(\$185,158 to Unknown)	(\$332,325 to Unknown)

<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

Under current law, certain business records are required to be notarized in order to be entered into evidence in a court proceeding. This act repeals those requirements and provides that such records shall not be deemed invalid for the reason that it uses an electronic signature or that it does not include a notarization. Additionally, any affidavit falsely made shall subject the signer to criminal penalties for perjury.

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

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SOURCES OF INFORMATION

Department of Commerce and Insurance

Department of Corrections

Office of the State Courts Administrator

Office of the Secretary of State

Office of the State Public Defendern

Missouri Office of Prosecution Services

Julie Morff

Director

A handwritten signature in black ink, appearing to read "Jessica Harris".

Jessica Harris

Assistant Director

February 3, 2026