

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5319S.02I  
 Bill No.: SB 882  
 Subject: Department of Corrections; Crimes and Punishment; Criminal Procedure; Prisons and Jails  
 Type: Original  
 Date: February 17, 2026

Bill Summary: This proposal modifies provisions relating to criminal offenses, including minimum prison terms and conditional release.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2035)
General Revenue*	\$0 or (Unknown)	\$0 or (Unknown)	Less than \$1,241,691	Less than \$3,856,217 to (Could exceed \$9,149,428)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>Less than \$1,241,691</b>	<b>Less than \$3,856,217 to (Could exceed \$9,149,428)</b>

\*Oversight is presenting the potential savings or the potential costs as estimated by DOC based on different scenarios.

\*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 2035)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

**ESTIMATED NET EFFECT ON FEDERAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2035)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2035)
General Revenue*	0 FTE	0 FTE	2 FTE	6 to (16) FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>0 FTE</b>	<b>2 FTE</b>	<b>6 to (16) 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.

**ESTIMATED NET EFFECT ON LOCAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2035)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

#### §556.061 – Dangerous Felonies

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to criminal offenses, including minimum prison terms, and conditional release.

Section 556.061 is modified to include all statutory rape in the first degree and all statutory sodomy in the first-degree cases to be dangerous felonies, not just those where the victim is less than 12 years old at the time of the offense. It also adds abuse through forced labor when punished under subsection 4 of section 566.203, trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor or attempted trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor when punished under subsection 4 of section 566.206, trafficking for the purposes of sexual exploitation or attempted trafficking for the purposes of sexual exploitation when the offense was effected by force, abduction, or coercion, sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, and the failure to register as a sex offender as a third offense as dangerous felonies.

During FY 2025, there were 31 first releases from prison that would qualify as dangerous felonies under the proposed bill that were not required to serve 85 percent of their prison sentence under current statute. The average stay for these 31 releases was 12.0 years, with the average sentence being 20.0 years. If everyone in this group were to have been required to serve 85 percent, the stay length would have instead been 17.0 years. The estimate impact of this section is 105 additional offenders in the prison population and 105 less in the field population by FY 2044.

#### §§557.021 and 558.011 – General Sentencing Provisions and Imprisonment

Section 558.011 changes language regarding authorized terms of imprisonment, with class A felonies being 60 to 80 percent as determined by the sentencing court, class B felonies serving between forty and sixty percent, class C felonies between thirty and fifty percent, class D between 17 and 37 percent, class E felony between 17 and 37 percent. This excludes dangerous felonies. If the sentencing court does not have a percentage given, the minimum length will apply. It also removes conditional release language. This does not affect the powers of the governor, or sections 565.020, 566.125 and section 559.115 relating to probation. Life sentences are 30 years.

Since 557.021 is replacing 558.011 in setting mandatory minimum sentences, DOC will consider both of these sections together. Given there are proposed a range of minimum percentages required for A, B, C, D and E felonies, DOC will provide estimates at both ends of the range.

Some assumptions are made in creating these projections. It is assumed that those serving a minimum prison term (MPT) under 558.011 would instead serve the new MPT under 557.021. For all other offenders, the maximum of the new MPT or the actual amount of time served is utilized.

#### Class A Felonies (60% to 80%)

In FY 2025, there were 275 first releases from prison where the most serious sentence was a class A felony. These offenders served an average of 15.7 years to first release on an average sentence of 18.7 years. If offenders in this group had instead served at least 80% of their stay, they would have served 16.8 years to first release. This would lead to an increase of 193 offenders in prison and a decrease of 193 under field supervision by FY 2044.

If instead, offenders in this group had served at least 60% of their stay, they would have served an average of 16.6 years to first release, leading to an increase in the prison population of 165 offenders and a decrease in the field population of 165 offenders by FY 2044.

#### Class B Felonies (40% to 60%)

In FY 2025, there were 397 first releases on class B felonies. The average stay for these offenders was 6.7 years on an average sentence of 10.9 years. If instead these offenders were to serve at least 60% of their sentence, the average sentence length would be 7.8 years. This would result in an increase of the prison population of 278 offenders and a decrease in the field population of 278 offenders by FY 2035.

If instead these offenders were to serve at least 40% of their sentence, the average stay length would be 6.8 years. This would lead to a decrease in the prison population of 40 offenders and an increase in the field population of 40 offenders by FY 2035.

#### Class C Felonies (30% to 50%)

In FY 2025, there were 334 first releases whose most serious offense was a class C felony. These offenders served 3.8 years on average of a 7.9 year average prison sentence. If instead all of these offenders had served a minimum of 50% of their sentence, the average sentence would have been 4.6 years. Going forward, this would lead to an increase in the prison population of 167 offenders and a decrease in the field population of 167 offenders by FY 2032.

If instead, these offenders were required to serve a minimum of 30% of their sentence, the average prison sentence would have been 3.6 years. This would lead to a decrease in the prison population of 67 offenders and an increase in the field population of 67 offenders by FY 2032.

**Class D Felonies (17% to 37%)**

In FY 2025, there were 1,902 first releases whose most serious offense was a class D felony. Of these offenders, the average stay was 2.0 years with an average sentence length of 5.4 years. If these offenders were required to serve a minimum of 37% of their sentence, the average stay would have been 2.3 years, resulting in an increase in the prison population of 380 and a decrease in the field population of 380 by FY 2030.

If instead, these offenders were required to serve a minimum of 17% of their sentence, the average stay would have been 1.8 years. This would lead to a decrease in the prison population of 190 offenders and an increase in the field population of 190 offenders by FY 2030.

**Class E Felonies (17% to 37%)**

In FY 2025, there were 624 first releases who most serious offense was a class E felony. Of these offenders, the average stay was 1.7 years and the average sentence length was 3.7 years. If these offenders were required to serve a minimum of 37% of their sentence, the average stay would have been 1.7 years, resulting in no impact to the prison or field populations.

If instead those with class E felonies were required to serve a minimum of 17% of their sentence, the average stay would have been 1.4 years, resulting in a 125 offender decrease in the prison population and a 125 offender increase in the field population by FY 2029.

Cumulative Combined Estimated Impact for DOC

**Low End of Range**

Taken together, this proposal would decrease the prison population by 342 offenders and increase the field population by 342 offenders by FY 2035 on the low end.

	# to prison	Savings per year	Total Savings for <b>prison</b>	Change in & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$11,123)	\$0	0	\$0	0	\$0
Year 2	0	(\$11,123)	\$0	0	\$0	0	\$0
Year 3	(125)	(\$11,123)	\$1,446,546	2	(\$204,855)	125	\$1,241,691
Year 4	(315)	(\$11,123)	\$3,718,202	6	(\$604,687)	315	\$3,113,515
Year 5	(315)	(\$11,123)	\$3,792,566	6	(\$576,010)	315	\$3,216,556
Year 6	(382)	(\$11,123)	\$4,691,224	7	(\$688,341)	382	\$4,002,883
Year 7	(382)	(\$11,123)	\$4,785,048	7	(\$686,333)	382	\$4,098,715
Year 8	(382)	(\$11,123)	\$4,880,749	7	(\$693,620)	382	\$4,187,129
Year 9	(342)	(\$11,123)	\$4,457,070	6	(\$600,853)	342	\$3,856,217
Year 10	(342)	(\$11,123)	\$4,546,211	6	(\$607,235)	342	\$3,938,976

**High End of Range**

Taken together, this proposal will increase the prison population by 825 offenders and decrease the field population by 825 offenders by FY 2035 on the high end of the range.

	# 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	0	(\$11,123)	\$0	0	\$0	0	\$0
Year 2	0	(\$11,123)	\$0	0	\$0	0	\$0
Year 3	0	(\$11,123)	\$0	0	\$0	0	\$0
Year 4	380	(\$11,123)	(\$4,485,450)	(7)	\$664,969	(380)	(\$3,820,482)
Year 5	380	(\$11,123)	(\$4,575,159)	(7)	\$672,012	(380)	(\$3,903,147)
Year 6	547	(\$11,123)	(\$6,717,538)	(10)	\$970,191	(547)	(\$5,747,347)
Year 7	547	(\$11,123)	(\$6,851,889)	(10)	\$980,475	(547)	(\$5,871,413)
Year 8	547	(\$11,123)	(\$6,988,926)	(10)	\$990,885	(547)	(\$5,998,014)
Year 9	825	(\$11,123)	(\$10,751,703)	(16)	\$1,602,275	(825)	(\$9,149,428)
Year 10	825	(\$11,123)	(\$10,966,737)	(16)	\$1,619,294	(825)	(\$9,347,443)

Assuming the population remains the same, the department assumes minimal impact that could range from 342 fewer to prison to 825 more to prison.

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.

#### Responses regarding the proposed legislation as a whole

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 **Department of Social Services (DSS)** state this legislation modifies the definition of "dangerous felony" to include additional crimes, which, as written, could cause the Division of Youth Services to see an increase in Dual Jurisdiction referrals, potentially impacting the number of individuals served annually by this programming. An increase in these referrals could increase the need for additional staffing and increased physical plant capacity. 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.

**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 the **Missouri Department of Transportation, Office of the State Public Defender, Phelps County Sheriff, Branson Police 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 2035)
<b>GENERAL REVENUE</b>				
<u>Savings/Cost</u> – DOC (§§556.061, 557.021, 558.011) Incarceration costs p.4-8	\$0	\$0	\$1,241,691	\$3,856,217 to (\$9,149,428 to Unknown)
<u>Cost</u> – OSCA (various sections) Potential cost relating to MPT & conditional release p.8	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>Less than \$1,241,691</b>	<b>Less than \$3,856,217 to (Could exceed \$9,149,428)</b>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	2 FTE	6 to (16) FTE

<u>FISCAL IMPACT</u> – Local Government	FY 2027 (10 Mo.)	FY 2028	FY 2029	Fully Implemented (FY 2035)
	<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 on small businesses would be expected as a result of this proposal.

## FISCAL DESCRIPTION

### CRIMINAL OFFENSES, MINIMUM PRISON TERMS AND CONDITIONAL RELEASE

This act modifies the definition of "dangerous felony" to include statutory rape in the first degree and statutory sodomy in the first degree, regardless of the age of victim. Additionally, the act includes the following offenses in the definition of "dangerous felony":

- Abuse through forced labor, when death results or when there is an attempt to kill or it involves kidnapping or certain sexual abuse;
- Trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor, or the attempt of such offense, when death results or when there is an attempt to kill or it involves kidnapping or certain sexual abuse;
- Trafficking for the purposes of sexual exploitation, or the attempt of such offense, when the offense was effected by force, abduction, or coercion;
- Sexual trafficking of a child in the first degree;
- Sexual trafficking of a child in the second degree; and
- Third offense of failing to register as a sex offender. (Section 556.061)

This act also modifies jail time credit. This act requires the form developed by the Office of the State Courts Administrator for offenders committed to the Department of Corrections to include a sentencing calculation, including jail time credit supplemented by a certificate of a sheriff or custodial officer. The act further requires the court, when pronouncing as sentence, executing a suspended sentence, or suspending the imposition of a sentence, to record as part of the judgment, the number of days before the pronouncement of the sentence that the person was in prison, jail, or custody which was related to the offense. The court shall retain jurisdiction to rule on motions challenging the number of days of jail time credit (Sections 217.305 and 558.031)

This act repeals the provisions requiring minimum prison terms for certain offenses and provides that offenders shall serve the following minimum percentage of the imposed term based upon the felony classification as follows:

- Class A: 60% to 80%
- Class B: 40% to 60%
- Class C: 30% to 50%
- Class D: 17% to 37%
- Class E: 17% to 37%

Current law provides that offenders guilty of a dangerous felony shall be required to serve a minimum prison term of 85% of the sentence imposed by the court or until the offender attains 70 years of age and has served at least 40% of the sentence imposed. This act repeals the 40% minimum prison term for offenders of dangerous felonies who have attained the age of 70. In cases where the sentencing court does not impose a specific term of imprisonment required to be served, the minimum percentage of the range associated with the felony class shall be the

required percentage of the term to be served. Additionally, this act repeals provisions relating to conditional release by the Parole Board. (Sections 558.011 and 558.019)

For consecutive sentences, the sentencing court shall calculate the minimum percentage of term by taking half the term of years for each felony offense and adding the half number together to determine the total number of years required to be served prior to parole eligibility. For concurrent sentences, the offender shall be required to serve the minimum prison term for each offense. (Section 558.026)

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

#### SOURCES OF INFORMATION

Department of Corrections  
Department of Social Services  
Missouri Department of Transportation  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff  
Kansas City Police Department  
Branson Police Department  
St. Louis County Police Department



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