

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5440S.14P  
 Bill No.: Perfected SS#3 for SB 888  
 Subject: Children and Minors; Courts; Courts, Juvenile; Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies  
 Type: #Updated  
 Date: March 9, 2026

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Bill Summary: This proposal modifies provisions relating to the criminal systems.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

#FUND AFFECTED	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
#General Revenue*	(Unknown)	More or less than \$1,454,042	More or less than (\$869,943,502)	More or less than (\$24,518,020)
#Total Estimated Net Effect on General Revenue	(Unknown)	More or less than \$1,454,042	More or less than (\$869,943,502)	More or less than (\$24,518,020)

\*Oversight assumes due to the capacity projections noted by DOC and the length of offenders' sentences under this proposed legislation which would increase the offender population by 1,715 by year ten, Oversight has made the decision to reflect the cost of one new prison (could exceed \$825,000,000) along with operational costs (approximately \$50,000,000) beginning in FY 2029.

**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)
<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 2036)
#General Revenue	0 FTE	2 FTE	10 FTE	17 FTE
<b>#Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>2 FTE</b>	<b>10 FTE</b>	<b>17 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 2036)
<b>#Local Government</b>	<b>\$0</b>	<b>(Unknown) or Unknown</b>	<b>(Unknown) or Unknown</b>	<b>(Unknown) or Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

# Officials from the **Attorney General's Office, Office of the Secretary of State and Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

#### §211.342 – Juvenile Detention Center

#Officials from the **Office of Administration - Budget and Planning (B&P)** state §211.342 of the proposal allows counties to establish a 1% sales tax for the purpose of establishing juvenile detention centers. B&P defers to local government for the fiscal impact. To the extent that increased sales taxes are collected by the Director of DOR, any collection fee would be an increase to TSR. B&P defers to DOR on the estimate of any tax collections.

#Officials from the **Department of Revenue (DOR)** state this proposal would grant counties the ability to create a juvenile detention center. It would also allow counties within the same circuit to establish one juvenile detention center to share. This proposal also grants the counties the ability to adopt by a vote of the citizens of a county a sales tax to fund their portion of the juvenile detention center. The sales tax can be up to 1% on all retail sales in the county. The tax is to be collected by DOR who is allowed to retain 1% of the amount collected to reimburse the expense of collection.

The language of this proposal would become effective August 28, 2026, and it appears the first election in which the sales tax could be voted on would be the April 2027 municipal election. This proposal adds language stating that the sales tax would become effective the first day of the second quarter following the election. DOR notes that upon receipt of the election we would notify the vendors in the area of the new sales tax, and it would become effective October 1, 2027.

DOR is unable to predict which counties may choose to adopt this sales tax. DOR notes that once a new county passes the sales tax and notifies DOR, we would get the new county set up. It will require the Department to make changes to Revenue Premier, Rate Manager, MyTax portal, Avalara Sales and use tax rate map, and website changes. These changes are estimated at \$1,887 per system change (\$7,548) for each county that passes it.

#**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to administrative and computer updates that could occur from the impact of a new county sales tax from the provisions of this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

Oversight notes the first election in which the sales tax could be voted on would be in the April 2027 municipal election. If the sales tax is approved by the voters, then the first day the sales tax could take effect would begin October 1, 2027 (FY28). DOR's administrative collection of the sales tax from the counties would be in November of 2027. Oversight is also not aware of how many counties would choose to adopt this sales tax. Therefore, Oversight will assume the unknown revenue collection from DOR's 1% fee will not meet the \$250,000 threshold.

Oversight does not have information to the contrary and therefore, Oversight will reflect a \$0 (no voter approval) or unknown revenue impact to general revenue for DOR's administrative collection of sales tax for the counties who vote in a sales tax to fund a Juvenile Detention Center within their judicial circuit beginning in FY28. Oversight will also reflect a \$0 (no voter approval) or unknown revenue to the County Juvenile Detention Center Sales Tax Trust Fund beginning in FY28.

#Officials from the **Department of Social Services (DSS)** state this legislation, 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. 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 would have a \$0 or (Unknown) fiscal impact. If DSS has an impact, it is assumed it could exceed \$250,000 annually.

#Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the criminal justice system as follows:

#### §556.061 – Dangerous Felonies

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 §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 §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, failure to register as a sex offender as a third offense as dangerous felonies, and endangering the welfare of a child in the first degree when punished under § 568.045.

During FY 2025, there were 81 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 81 releases was 6.5 years, with the

average sentence being 11.2 years. If everyone in this group were to have been required to serve 85 percent, the stay length would have instead been 9.8 years.

The estimated impact of this section is 178 additional offenders in the prison population and 178 less in the field population by FY 2037. In the first ten years, the estimated impact is an additional 154 offenders in the prison population and 154 less in the field population by FY 2036.

#### §558.011 – Prison Terms

Section 558.011 changes language regarding authorized terms of imprisonment, with class A felony offenders serving a minimum of 70 percent of the sentence length, class B felony offenders serving a minimum of 50 percent of the sentence length, class C felony offenders serving a minimum of between 30 and 50 percent of the sentence length, and class D felony offenders serving a minimum of between 20 and 50 percent of the sentence length and class E felony offenders serving a minimum of between 15 and 50 percent of the sentence length. This excludes dangerous felonies. If the sentencing court does not have a percentage given, the minimum length will apply. Those individuals sentenced under dangerous/persistent offender statute are required to serve the minimum percentage of the sentence class one class higher than the sentence class as found in the relevant statute of the crime the individual is charged under (for example, an individual convicted under §579.015 for class D felony Possession or control of a controlled substance who is found to be a persistent or dangerous offender by the sentencing court would have to serve the minimum percentage for a class C felony). This does not affect powers of governor, §§565.020, 566.125 and 559.115 relating to probation. Life sentences are 30 years.

Section 558.016 is modified to remove discretion in the application of the “persistent offender” or “dangerous offender” designations in accordance with the section.

Some assumptions are made in creating these projections. It is assumed that those serving an MPT (minimum prison terms) under §558.019 would instead serve the new MPT under §558.011. The DOC assumes the length of sentence will increase by a factor proportionate with the length of sentence from those who were released and would have met the definition of a persistent offender from FY2022 to FY2025 (For those going from B to A, a factor of 1.55 is applied to the actual sentence length. For those going from C to B, a factor of 1.42 is applied to the actual sentence length. For those going from D to C, a factor of 1.46 is applied to the actual sentence length. For those going from E to D, a factor of 1.4 is applied to the actual sentence length).

#### Class A Felonies (70%)

In FY 2025, there were 407 first releases from prison where the most serious sentence was a class A felony or have a class B felony and would be considered under class A felony parole guidelines after revised prior and persistent definitions are applied. These offenders served an average of 12.9 years to first release on an average sentence of 16.2 years. If offenders in this

group had instead served at least 70% of their stay, they would have served 15.3 years to first release with an average sentence length of 18.1 years.

Due to the long length of sentences, this will result in no impact for the first ten fiscal years.

#### Class B Felonies (50%)

In FY 2025, there were 416 first releases on class B felonies or have a class C felony and would be considered under class B felony parole guidelines after revised prior and persistent definitions are applied. The average stay for these offenders was 5.6 years on an average sentence of 10.1 years. If instead these offenders were to serve at least 50% of their sentence, the average sentence length would be 11.5 years with 7.0 years served to first release. This would result in an increase of the prison population of 582 offenders and no change in the field population by FY 2038. In the first ten fiscal years, this will result in an increase in the prison population of 582 offenders and a decrease in the prison population of 582 offenders by FY 2036.

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

In FY 2025, there were 1,002 first releases whose most serious offense was a class C felony or have a class D felony and would be considered under class C felony parole guidelines after revised prior and persistent definitions are applied. These offenders served 2.5 years on average of a 6.1-year average prison sentence. If these offenders had served under the proposed law the average sentence would have been 8.3 years with 3.7 years served to first release. Going forward, this would lead to an increase in the prison population of 1,503 offenders and an increase in the field population of 701 offenders by FY 2035.

#### Class D Felonies (20 to 50%)

In FY 2025, there were 1,341 first releases whose most serious offense was a class D felony or have a class E felony and would be considered under class D felony parole guidelines after revised prior and persistent definitions are applied. Of these offenders, the average stay was 1.9 years with an average sentence length of 4.9 years. If these offenders were required to serve under the proposed law, the average stay would have been 1.4 years with 5.2 years served to first release, resulting in a decrease of 268 offenders from the prison population and an increase of 670 offenders to the field population by FY 2032.

#### Class E Felonies (15 to 50%)

In FY 2025, there were 366 first releases who most serious offense was a class E felony. Of these offenders, the average stay was 1.6 years and the average sentence length was 3.6 years. If the current proposal were applied, the average stay would have been 1.5 years with an average sentence length of 3.6 years, resulting in a decrease to the prison population of 256 offenders and an increase in the field population of 256 offenders by FY2029.

#### **Cumulative Combined Estimated Impact**

In the first 10 years, this proposal will increase the prison population by 1,715 offenders and decrease the field population by 891 offenders by FY 2036.

	# to prison	Cost per year	Total savings and/or cost for <b>prison</b>	Change in probation & parole officers	Total savings and/or 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	(146)	(\$11,123)	\$1,656,437	2	(\$202,395)	146	\$1,454,042
Year 3	(524)	(\$11,123)	\$6,063,921	10	(\$1,007,423)	524	\$5,056,498
Year 4	(223)	(\$11,123)	\$2,632,251	4	(\$379,981)	223	\$2,252,270
Year 5	779	(\$11,123)	(\$9,379,077)	(12)	\$1,152,021	(645)	(\$8,227,056)
Year 6	979	(\$11,123)	(\$12,022,796)	(11)	\$1,067,210	(577)	(\$10,955,586)
Year 7	979	(\$11,123)	(\$12,263,252)	6	(\$588,286)	325	(\$12,851,538)
Year 8	1,353	(\$11,123)	(\$17,287,052)	18	(\$1,861,738)	953	(\$19,148,790)
Year 9	1,634	(\$11,123)	(\$21,294,888)	19	(\$1,912,763)	972	(\$23,207,651)
Year 10	1,715	(\$11,123)	(\$22,797,520)	17	(\$1,720,500)	891	(\$24,518,020)

Multiple unclassified felonies are given offense classes with penalties that are roughly equivalent to their penalties under current law. For those offenses where stipulations of the offense do not change, the DOC estimates no impact.

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 DOC's 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.

**#Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight assumes due to the capacity projections noted by DOC and the length of offenders' sentences under this proposed legislation, Oversight has made the decision to reflect the cost of one new prison (could exceed \$825,000,000) along with operational costs (approximately \$50,000,000) beginning in FY 2029.

#### Bill as a whole

**#Officials from the Office of the State Courts Administrator (OSCA)** state the proposed legislation modifies provisions relating to the criminal justice system.

The impact of any new legislation on the caseload of juvenile officers or the population of individuals in juvenile detention is difficult to predict. As drafted, the legislation would affect juvenile officer caseload complexity and could cause an unknown increase in the number of individuals in juvenile detention. For FY2027, based on the current juvenile caseload and detention population, the Judiciary has identified and requested a total of \$11,670,601 and 13.36 FTE. This includes the following:

- Based on the juvenile officer weighed workload model and support staff guidelines, no fewer than 13.36 FTE, with a personal services cost of \$817,516 and E&E of \$39,799 (\$28,281 one-time cost; \$11,518 on-going); and
- To staff and maintain juvenile detention centers at full capacity and in compliance with juvenile detention facility standards, a total of \$10,813,306, with personal services costs of \$1,057,306 and E&E of \$9,756,000 for security and mental health services.

Should the new legislation increase caseload or detention population beyond current staffing or current bed space, the necessary staffing resources will be reflected in future budget requests.

The proposed legislation is approximately 13.36 FTE and \$11,670,601 to an unknown amount.

**#Upon further inquiry, OSCA** noted the costs they provided for the fiscal note are New Decision Items (NDIs) listed in the Judiciary FY 2027 Appropriations book. OSCA indicated the cost noted above is based on the current juvenile caseload and detention population. The impact of any new legislation on the caseload of juvenile officers or the population of individuals in juvenile detention is difficult to predict. As drafted, the legislation would affect juvenile officer caseload complexity and could cause an unknown increase in the number of individuals in juvenile detention. Should the new legislation increase caseload or detention population beyond current staffing or current bed space, the necessary staffing resources will be reflected in future budget requests.

For purposes of this fiscal note, **Oversight** assumes cost associated with this proposal would be in addition to the cost noted above for existing caseloads/detention population. Oversight will reflect an unknown cost for OSCA based on a potential increase in the number of individuals in juvenile detention.

#Officials from the **Department of Mental Health, Department of Public Safety – Director’s Office and Missouri Highway Patrol, Missouri Department of Transportation, Phelps County Sheriff, 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, various county officials and local law enforcement agencies 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.

#This proposal has a delayed implementation date of January 1, 2028, for §§558.011, 558.019, and 558.031.

<u>FISCAL IMPACT – State Government</u>	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
<b>GENERAL REVENUE</b>				
<u>Revenue Gain – DOR</u> (\$211.342) 1% administration fee on county sales tax to fund a new Juvenile Detention Center p.3-4	\$0	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>#Cost</u> (\$211.342) – DSS costs related to juvenile facilities p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>#Savings/Cost – DOC</u> (§§556.061 & 558.011) p.4-8				
Personal service	\$0	(\$104,066)	(\$525,540)	(\$957,848)
Fringe benefits	\$0	(\$74,854)	(\$378,016)	(\$688,976)
Equip. & Exp.	\$0	(\$23,475)	(\$103,867)	(\$73,676)
<u>Total - DOC</u>	<u>\$0</u>	<u>(\$202,395)</u>	<u>(\$1,007,423)</u>	<u>(\$1,720,500)</u>
FTE Change - DOC	0 FTE	2 FTE	10 FTE	17 FTE
<u>#Savings/Cost - DOC</u> (§§556.061 & 558.011) Incarceration costs p.4-8	\$0	\$1,656,437	\$6,063,921	(\$22,797,520)
<u>#Cost – DOC</u> (§558.011) Cost of a new prison and operations p.4-8	\$0	\$0	(Likely to exceed \$875,000,000)	\$0
<u>#Cost – OSCA</u> (bill as a whole) To staff & maintain juvenile detention centers p.8-9	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<b>#ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(Unknown)</b>	<b>More or less than \$1,454,042</b>	<b>More or less than (\$869,943,502)</b>	<b>More or less than (\$24,518,020)</b>

<u>FISCAL IMPACT – State Government</u>	FY 2027	FY 2028	FY 2029	Fully Implemented (FY 2036)
#Estimated Net FTE Change on General Revenue	0 FTE	2 FTE	10 FTE	17 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2027	FY 2028 (6 Mo.)	FY 2029	Fully Implemented (FY 2036)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
#Cost – (bill as a whole) For an increase in juvenile detentions p.8-9	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Revenue Gain - Counties (§211.342) Sales tax to fund a new Juvenile Detention Center for the county p.3-4	\$0	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>\$0</b>	<b>(Unknown) or Unknown</b>	<b>(Unknown) or Unknown</b>	<b>(Unknown) or Unknown</b>

FISCAL IMPACT – Small Business

Small businesses could be impacted from this proposal if a new sales tax is voted in to fund a new Juvenile Detention Center.

FISCAL DESCRIPTION

FINGERPRINTING OF JUVENILES (SECTION 43.503)

Under current law, an arresting officer is required to take fingerprints to be sent to the central repository if an individual under seventeen years of age who is not currently certified as an adult is taken into custody for an offense that would be a felony if committed by an adult. This act requires that an officer take fingerprints from an individual under eighteen years of age for certain felony offenses. This act also repeals a provision that requires fingerprint cards to be

made in a manner that does not reveal the juvenile's name to the central repository. Records of a juvenile that has been fingerprinted shall be closed records.

#### CERTIFICATION OF A JUVENILE AS AN ADULT (SECTION 211.071)

Under current law, if a petition or motion to modify alleges that a child between fourteen and eighteen years of age has committed a felony offense, the court may, upon its own motion or motion by the juvenile officer, the child, or the child's custodian, order a hearing, and exercise its discretion to dismiss the motion or petition to modify and order the child to the court of general jurisdiction. This act modifies the provision so that it applies to offenses that are a class A or B felony, a felony sexual offense, or three felony offenses arising from distinct acts committed within one hundred eighty days of each other. Under this provision, the office of the prosecuting or circuit attorney shall also have the authority to make a motion and present evidence on their motion. Further, this act provides that where a juvenile officer forwards to the prosecuting attorney a class A or B felony that is not certified, the prosecuting attorney must notify the juvenile officer within fourteen days of the decision to certify the case.

Under current law, the juvenile officer may consult with the prosecuting attorney concerning any offense for which the child could be certified as an adult. This act requires the juvenile officer to consult with the prosecuting or circuit attorney. Additionally, the prosecuting or circuit attorney shall be provided with a copy of the completed Missouri Juvenile Detention Assessment Form (JDTA) that was used in determining detention. Use of the JDTA to determine that a child may be held shall be used as a guideline and shall not be mandatory.

Under this act, the juvenile officer shall consider all legally sufficient charges submitted by law enforcement when utilizing the JDTA form and shall provide a copy of the form to the law enforcement agency once a determination has been made. Juvenile officers shall share criminal history data with the Missouri Uniform Law Enforcement System to create a juvenile criminal history database that shall be accessible by criminal justice and law enforcement agencies. Such records maintained by the central repository shall be closed.

#### JUVENILE DETENTION (SECTION 211.021, 211.331, 211.341, 211.342, & 211.436)

Currently, circuit judges of a judicial circuit may establish a place of juvenile detention for the counties within the circuit court. This act provides that the governing body of a county may provide for juvenile detention in coordination with all other counties within the same circuit court or with all counties of the same circuit court and all counties of an adjoining circuit court. The county governing body shall approve an ordinance, order, or resolution authorizing a place of detention, shall approve an agreement as specified in this act between the counties, and shall notify the presiding circuit judge.

The operation and support of a juvenile detention facility authorized pursuant to this act shall be regulated in accordance with the rules and standards of the Supreme Court of Missouri under the governance of the circuit judge. If two or more counties of adjoining judicial circuits have authorized a place of detention, the circuit judges shall jointly govern the affairs of the place of

detention. Furthermore, the counties authorizing a place of detention pursuant to this section may impose, by order, a sales tax up to one percent on all retail sales.

This act provides that a child shall not be placed in leg restraints unless they are charged with a class A or class B felony, or they are determined to be an immediate safety or flight risk.

#### JUVENILE COURT PROCEEDINGS (SECTION 211.319)

This act provides that all juvenile court proceedings for a criminal offense shall not be open to the general public.

#### LONG-TERM PROGRAM TREATMENT (SECTION 217.362 & 559.115)

The act repeals provisions that do not consider an offender's first incarceration in a Department of Corrections long-term substance abuse program or 120-day program as a previous prison commitment for the purpose of determining a minimum prison term.

#### PRISON TERMS (SECTION 217.690, 217.760, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026, 558.046, 566.125)

Under current law, any felony offense that is defined outside of this code without a penalty provision is a class E felony. This act adds that any such offense shall also be subject to the imprisonment terms of chapter 558.

Under current law, when a person is found guilty of a felony and sentenced, there is a certain percentage range of the sentence that must be served prior to parole eligibility. This act repeals such provisions and provides that offenders shall serve the following percentage of the imposed term prior to eligibility for parole based upon the felony classification as follows:

- Class A: 70%
  
- Class B: 50%
  
- Class C:
  - 40% for an offense that requires registration as a sex offender;
  - 30% for a first offense;
  - 35% for a second offense; and
  - 50% for a third or subsequent offense
  
- Class D:
  - 25% for an offense that requires registration as a sex offender;
  - 20% for a first offense;
  - 25% for a second offense; and
  - 50% for a third or subsequent offense
  
- Class E:
  - 25% for an offense that requires registration as a sex offender;

- 15% for a first offense;
- 20% for a second offense; and
- 50% for a third or subsequent offense

This act also removes references to the minimum percentage ranges and replaces them with references to the eligibility percentages established in these provisions. Where a person is sentenced to concurrent sentences, such person shall serve the eligibility percentage of the longest sentence prior to parole eligibility. A person that is sentenced to consecutive sentences shall serve the minimum percentage for each felony prior to parole eligibility.

Under current law, there are certain offenses that contain higher parole eligibility percentages. These provisions allow these higher percentages to be unaffected by the new eligibility percentages. Where a person is sentenced to the term of imprisonment for a higher class than the one for which they were found guilty due to their status as a prior or persistent offender, they shall serve the parole eligibility percentage of the higher class.

Any person found guilty of a dangerous felony shall be required to serve eighty-five percent of the given sentence prior to parole eligibility. This act provides that a sentence of life imprisonment shall be calculated to be thirty years. Any sentence that is over seventy-five years shall be calculated to be seventy-five years.

Under current law, a court may sentence a person to an extended term of imprisonment if certain conditions are made. This bill requires that they court sentence a person to an extended term of imprisonment if certain conditions are met.

Sections 558.011 and 558.019 have a delayed effective date of January 1, 2028.

#### DANGEROUS FELONIES (SECTION 556.061)

This act modifies the definition of "dangerous felony" to include statutory rape in the first degree and statutory sodomy in the first degree. The requirement that the victim of statutory rape in the first degree or sodomy in the first degree be under 12 for the offense to be a dangerous felony is removed. A person found guilty of a "dangerous felony" is required to serve eighty-five percent of their sentence prior to eligibility for parole. Additionally, the act includes the following offenses in the definition of "dangerous felony":

- Abuse through forced labor;
- Trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor, or the attempt of such offense;
- 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;
- Third offense of failing to register as a sex offender; and
- Endangering the welfare of a child in the first degree.

#### CONDITIONAL RELEASE (558.011)

This act provides that conditional release terms shall not apply to any person that commits certain class A or B felony offenses after January 1, 2028. Under this act, conditional release provisions are removed from certain sexual offenses and offenses involving children.

#### JAIL TIME CREDIT (SECTION 558.031)

This act 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 a 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 custody related to the offense. Time in custody related to an offense means the time in which the offense was charged in a criminal proceeding, an arrest warrant was issued and served upon the person, and includes time served on house arrest. Time when a person was out on bond or otherwise released is not to be included.

Under this act, the court may take judicial notice of any time the defendant has served in custody by comparing arrest warrant service dates with files of release. Any defendant that was held in a juvenile detention facility prior to adjudication to stand trial as an adult may make a motion to receive credit for time served in such facility.

Under this act a person may challenge any jail time credit awarded or not awarded by filing a petition for a writ of habeas corpus.

Section 558.031 has a delayed effective date of January 1, 2028.

#### CRIMINAL OFFENSES (SECTION 566.030, 566.032, 566.060, 566.103, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060 & 589.425)

Currently, the offense of rape in the first degree has a penalty of five years unless certain factors are present. This act modifies this provision by classifying it as a class A felony and increasing the penalty to ten years but not more than thirty years. Under current law, if rape in the first degree is an aggravated sexual offense the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years. This act removes "a term of years not less than fifteen years" and add "life imprisonment without eligibility for probation or parole. Under current law, a person that was found guilty of rape in the first degree when the child was less than twelve years old, was not eligible for probation or parole until the offender has served at least thirty years of their sentence or has reached the age of seventy-five years and served at least fifteen years of their sentence. This act repeals this provision.

The authorized term of imprisonment for statutory rape in the first degree, under current law, is life imprisonment or a term of years not less than five years. This act replaces five years with ten years. Under current law, if statutory rape is an aggravated sexual offense the penalty is life

imprisonment or a term of years not less than ten years. This act increases the ten years to fifteen years.

Under current law, a person that is found guilty of sodomy in the first degree when the child was less than twelve years old, shall be sentenced to life imprisonment and is not eligible for probation or parole until the offender has served at least thirty years of their sentence or has reached the age of seventy-five years and served at least fifteen years of their sentence. The provision relating to release is repealed. Under this act, the penalty for sodomy in the first degree when the child was less than twelve years old is life imprisonment with or without parole. Where a person commits the offense of sodomy in the first degree and the victim is less than twelve years of age, current law states that "life imprisonment" shall mean imprisonment for the duration of the offender's life. This provision is repealed.

The offense of promoting online sexual solicitation shall be a class E felony, and shall be punishable by imprisonment, fine, or both.

Under current law, the offense of abusing an individual through forced labor carries a penalty of five years to life imprisonment. This act increases the penalty to ten years to life imprisonment.

This act adds "intoxicating or inhibiting substances" to the list of means a person can use to commit the offense of trafficking for the purposes of sexual exploitation.

Under current law, the offense of sexual trafficking of a child in the second degree if effected by force, abduction, or coercion, carries a penalty of life imprisonment without eligibility for parole until the defendant has served at least twenty-five years. This act modifies that provision by requiring that the defendant serve at least eighty-five percent of a life sentence.

Under current law, a person commits the offense of endangering the welfare of a child if the person commits certain acts to a child that is less than seventeen years old. This act provides that a person commits the offense of endangering the welfare of a child if they commit certain acts to a child that is less than eighteen years old.

Currently, the offense of abuse or neglect of a child is a class D felony with eligibility for probation, parole, or conditional release after serving no less than a year of their sentence. This act repeals the provision allowing for release from imprisonment after serving one year.

This act classifies failing to register a sex offender as a third offense as a class A felony. Currently, a person convicted of failing to register a sex offender as a third offense is eligible for conditional release of parole after serving at least two years of imprisonment. This act repeals that provision.

This act contains a severance clause.

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

SOURCES OF INFORMATION

Office of Administration - Budget and Planning  
Department of Mental Health  
Department of Corrections  
Department of Revenue  
Department of Public Safety –  
    Director's Office  
    Missouri Highway Patrol  
Department of Social Services  
Missouri Department of Transportation  
Office of the State Courts Administrator



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