

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3386S.11T
 Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SS for SCS for SB Nos. 775, 751 & 640
 Subject: Children and Minors: Crimes and Punishment; Criminal Procedure; Courts; Education, Elementary and Secondary; Evidence; Sexual Offenses; Victims of Crime; Law Enforcement Officers and Agencies
 Type: Original
 Date: June 6, 2022

Bill Summary: This proposal modifies provisions relating to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue	Less than (\$512,803)	Less than (\$850,447)	Less than (\$1,017,714)	Less than (\$1,289,754)
Total Estimated Net Effect on General Revenue	Less than (\$512,803)	Less than (\$850,447)	Less than (\$1,017,714)	Less than (\$1,289,754)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Federal Funds*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

*Income and expenses estimated at \$127,000 annually nets to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue	4.52 FTE	5.52 FTE	5.52 FTE	7.52 FTE
Federal Funds	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE
Total Estimated Net Effect on FTE	6 FTE	7 FTE	7 FTE	9 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 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§1.016 – Law

Oversight assumes this section will not have a direct fiscal impact.

§§210.1500, 211.031, 567.020, 573.010 – Child Trafficking

Officials from the **Department of Social Services (DSS)** state the following:

DLS

The Division of Legal Services (DLS) estimates that it will require an additional one (1) full-time employee in the form of a litigation or permanency attorney to litigate cases from the additional children coming into care.

§595.226 adds additional redacting requirements. The DLS will also need 1 Lead Admin Support Assistant to meet the additional requirements.

According to Global Orphan Prevention, relying upon data accessed from the U.S. Department of State, child sex trafficking impacts more than 17,000 young people every year. This is believed to be a low estimate. It is approximated that 2% of these young people are in Missouri, meaning that there are approximately 340 (17,000 x .02), prostitute victims under the age of 18 annually.

Prior to 9/22/17, the child abuse and neglect hotline used a code for incidents of prostitution. These were allegations of sexual abuse victims under 18. On 9/22/17, the prostitution code was replaced by a code for human trafficking. (HT = Reports of a child determined to be both a victim of sexual abuse and sex trafficking.) The HT code would include allegations related to prostitution as well as other types of human trafficking as well.

The chart below shows the children picked up using the HT code for FY19, FY20 and FY21. Of the total of those years 755, 46 children entered foster care in the first 30 days, or about 6%.

**MISSOURI DEPARTMENT OF SOCIAL SERVICES
FY19-21 NUMBER OF HT KIDS AND THOSE ENTERED FOSTER CARE**

	NUMBER OF KIDS WITH HTCODE	NUMBER OF HT KIDS ENTERED FOSTER CARE IN 30 DAYS
FY19	260	14
FY20	244	11
FY21	251	21
TOTAL	755	46

If this percentage holds true, 340 new cases annually would result in about 20 children entering care yearly.

This legislation may require updates to the FACES system in order for DSS to issue an annual report to the Department of Public Safety and to the Attorney General's human trafficking task force.

- Number of child sex trafficking victims during the previous year is covered by the HT code and would not require a FACES update.
- Tracking the agency or organization victims were told to contact; and documenting annual updates on each child victim either would require a FACES update to capture this data or would have to be collected and aggregated by staff.

Oversight assumes DSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DSS could absorb the costs related to any updates to the FACES system for this proposal.

CD states three hundred and forty additional reports a year works out to 28 investigations or assessments per month, requiring two (2) FTE investigator/assessors.

The Children's Division would also require two (2) FTE Program Development Specialists to provide administrative support and to serve as the point for the committee to arrange meetings dates and locations, and to collaborate with all council members to:

- Collect and analyze data relating to sex trafficking and sexual exploitation of children;

- Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children; and
- Generate and submit a report of the council's activities to the governor and general assembly and the joint committee on child abuse and neglect including statutory or regulatory changes relating to the response to sex trafficking and sexual exploitation of children and services for child victims.

Oversight notes the one (1) DLS FTE is 100 percent General Revenue funded and the four (4) CD FTE are split 63% GR; 37% Federal. Oversight notes DSS has broken out the CD FTE positions in this version to reflect the salary and fringe costs for (2) FTE investigator/assessors and two (2) FTE Program Development Specialists, rather than four (4) FTE Program Development Specialists in the previous version to better reflect the duties required in this proposal. Oversight does not have any information contrary to that provided by DSS. Therefore, Oversight will reflect DSS'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.

In response to similar legislation from this year, Perfected HCS for HB 2032, officials from the **City of Springfield** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for these sections.

§210.1505 – Statewide Council on Sex Trafficking and Sexual Exploitation of Children

Officials from the **Missouri Senate (SEN)** state this proposal establishes the Statewide Council on Sex Trafficking and Sexual Exploitation of Children. The council is comprised of 2 Senators, 2 Representatives, 5 Department Directors, and 6 general public members.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 261 miles and the current mileage rate, as set by the Office of Administration, is 49 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of \$256 per meeting.

Oversight does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire council (15 individuals) would total approximately \$1,920 per meeting. Oversight assumes the council will meet quarterly or four meetings per year for a total of \$7,680. As this is not a material amount, Oversight will not reflect this in the fiscal note; however, if additional councils are added in other proposals, additional appropriation authority may be needed. Oversight notes the council expires on December 31, 2023.

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.

§§217.703, 559.036, 559.115 – Post Conviction Treatment Programs

Officials from the **Department of Corrections (DOC)** assume changes to §§559.036 and 559.115 will reflect no changes to admissions to DOC as these offenders could be required to receive a new structured cognitive behavioral program during their 120-day incarceration. **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.

§§455.073, 455.075, 455.085, 546.262, 546.263, 595.320 – Provisions relating to domestic violence

Officials from the **Department of Corrections (DOC)** assume this proposal deals with provisions related to Domestic Violence. This bill does not changes the existing penalties or adding new charges, DOC foresees no impact in terms of offender population changes.

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 the number of adult abuse and child protection order cases that have been filed and disposed over the last five years relating to domestic relations.

	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2017</u>	<u>FY 2016</u>	<u>5 Year Avg</u>
Adult Abuse Filed	41,609	43,552	43,846	44,359	43,877	43,449
Adult Abuse Disposed	39,104	42,884	43,680	43,931	43,133	42,546
Child Protection Orders Filed	7,584	8,705	8,729	8,783	8,462	8,453
Child Protection Orders Disposed	7,315	8,564	8,687	8,595	8,517	8,336

Source: Table 42 - OSCA's Annual Statistical Supplemental Report on Domestic Relations Cases

In response to similar legislation from this year, Perfected HB 1637, officials from the **City of Hughesville**, the **City of Springfield** and **Gordon Parks Elementary** each assumed 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 for these sections.

§478.600 – 11th Judicial Circuit

Oversight notes this version appears to not increase the number of judicial employees. Therefore, Oversight will not reflect a fiscal impact from this change.

§§491.015, 595.201, 595.226

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.

In response to a previous version, officials from the **Kansas City Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

§556.046 – Jury Instructions

Oversight assumes no fiscal impact for this section of the proposal.

§§566.010 and 566.086 – Expands the Definition of Sexual Contact and Perpetrators

Officials from the **Department of Corrections (DOC)** state for each new sex or child abuse related class E felony, the Department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years, of which 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years. The cumulative impact on the Department is estimated to be 9 additional offenders in prison and 17 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3
Probation									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3
Change (After Legislation - Current Law)									
Admissions	3	3	3	3	3	3	3	3	3
Probations	3	3	3	3	3	3	3	3	3
Cumulative Populations									
Prison	3	6	9	9	9	9	9	9	9
Parole				2	2	2	2	2	2
Probation	3	6	9	12	15	15	15	15	15
Impact									
Prison Population	3	6	9	9	9	9	9	9	9
Field Population	3	6	9	14	17	17	17	17	17
Population Change	6	12	18	23	26	26	26	26	26

§§566.149, 566.150 & 566.155 – Sexual Offenders

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to sexual offenses.

The first violation of the provisions of sections 566.150 and 566.155 is a class E felony and a second or subsequent violation of these sections is a class D felony. Thus, the bill essentially creates a new class E non-violent felony and a new non-violent class D felony for any person previously convicted under section 573.037.

For two new nonviolent class E felonies, the DOC estimates 2 people will be sentenced to prison and 4 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 4 additional offenders in prison and 15 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2
Probation									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4
Change (After Legislation - Current Law)									
Admissions	2	2	2	2	2	2	2	2	2
Probations	4	4	4	4	4	4	4	4	4
Cumulative Populations									
Prison	2	4	4	4	4	4	4	4	4
Parole			2	3	3	3	3	3	3
Probation	4	8	12	12	12	12	12	12	12
Impact									
Prison Population	2	4	4	4	4	4	4	4	4
Field Population	4	8	14	15	15	15	15	15	15
Population Change	6	12	18	19	19	19	19	19	19

For two new nonviolent class D felonies, the DOC estimates 6 people will be sentenced to prison and 10 to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison 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 17 additional offenders in prison and 43 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6
Probation									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)									
Admissions	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10
Cumulative Populations									
Prison	6	12	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30
Impact									
Prison Population	6	12	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60

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.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

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.

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Change in P&P Officers	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	8	(\$8,255)	(\$55,033)	14	0	\$0	(\$55,033)
Year 2	16	(\$8,255)	(\$134,722)	28	0	\$0	(\$134,722)
Year 3	21	(\$8,255)	(\$180,359)	45	0	\$0	(\$180,359)
Year 4	21	(\$8,255)	(\$183,966)	52	1	(\$84,020)	(\$267,986)
Year 5	21	(\$8,255)	(\$187,645)	58	1	(\$76,150)	(\$263,796)
Year 6	21	(\$8,255)	(\$191,398)	58	1	(\$76,969)	(\$268,367)
Year 7	21	(\$8,255)	(\$195,226)	58	1	(\$77,797)	(\$273,023)
Year 8	21	(\$8,255)	(\$199,130)	58	1	(\$78,637)	(\$277,767)
Year 9	21	(\$8,255)	(\$203,113)	58	1	(\$79,484)	(\$282,597)
Year 10	21	(\$8,255)	(\$207,175)	58	1	(\$80,342)	(\$287,517)

Oversight notes during the past two fiscal years, 57 people have been found guilty under §566.150:

	Felony guilty dispositions
FY 2021	29
FY 2020	28
Total	57

Of the 29 individuals convicted in FY 2021, three were charged with a D felony, and 26 were charged with an E felony. In FY 2020, all 28 individuals were convicted with an E felony.

Oversight notes this proposal adds offenders who have been convicted of possession of child pornography under §573.037 to the statute. Therefore, Oversight will assume DOC's estimated number of additional prisoners may be too high and will assume less than the estimate provided by DOC.

Oversight also inquired the **Department of Public Safety's Office of the Director (DPS-DO)** regarding the forensic exams in §595.201.2(2) of this proposal and DPS-DO responded as follows:

In SFY21, the DPS SAFE program paid providers 2,961 claims in the amount of \$1,733,429.07

Regardless of any omissions to [RSMo 595.201.2\(2\)](#), DPS SAFE is required to comply with [RSMo 595.220](#) and pay appropriate medical providers.

§§573.024, 573.206 and 573.350 – Child trafficking

Officials from the **Department of Corrections (DOC)** state §§573.024 & 573.206 create a new class E felony for the first offense of the sexual exploitation of a child and a new class C felony for the second offense. A new class C felony was created for the offense of patronizing a sexual performance by a child.

For 2 new class C felonies, the Department estimates eight people will be sentenced to prison and 12 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 30 additional offenders in prison and 62 additional offenders on field supervision by FY 2029.

Change in prison admissions and probation openings with legislation-Class C Felony

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
Change (After Legislation - Current Law)										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	12	12	12	12	12	12	12	12	12	12
Cumulative Populations										
Prison	8	16	24	30	30	30	30	30	30	30
Parole				2	10	18	26	26	26	26
Probation	12	24	36	36	36	36	36	36	36	36
Impact										
Prison Population	8	16	24	30	30	30	30	30	30	30
Field Population	12	24	36	38	46	54	62	62	62	62
Population Change	20	40	60	68	76	84	91	91	91	91

For each new sex or child abuse related class E felony, the Department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years, of which 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years.

The cumulative impact on the Department is estimated to be 9 additional offenders in prison and 17 additional offenders on field supervision by FY 2027.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	3	3	3	3	3	3	3	3	3	3
Cumulative Populations										
Prison	3	6	9	9	9	9	9	9	9	9
Parole				2	2	2	2	2	2	2
Probation	3	6	9	12	15	15	15	15	15	15
Impact										
Prison Population	3	6	9	9	9	9	9	9	9	9
Field Population	3	6	9	14	17	17	17	17	17	17
Population Change	6	12	18	23	26	26	26	26	26	26

Combined Cumulative Estimated Impact

The impact of two new class C felonies and a new class E felony on the department is estimated to be 39 additional offenders in prison and 79 on field supervision by FY2029.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	11	11	11	11	11	11	11	11	11	11
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
Change (After Legislation - Current Law)										
Admissions	11	11	11	11	11	11	11	11	11	11
Probations	15	15	15	15	15	15	15	15	15	15
Cumulative Populations										
Prison	11	22	33	39	39	39	39	39	39	39
Parole	0	0	0	4	12	20	28	28	28	28
Probation	15	30	45	48	51	51	51	51	51	51
Impact										
Prison Population	11	22	33	39	39	39	39	39	39	39
Field Population	15	30	45	52	63	71	79	79	79	79
Population Change	26	52	78	91	102	110	117	117	117	117

	# 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	11	(\$8,255)	(\$75,671)	0	\$0	15	(\$75,671)
Year 2	22	(\$8,255)	(\$185,242)	0	\$0	30	(\$185,242)
Year 3	33	(\$8,255)	(\$283,421)	0	\$0	45	(\$283,421)
Year 4	39	(\$8,255)	(\$341,651)	1	(\$79,810)	52	(\$421,461)
Year 5	39	(\$8,255)	(\$348,484)	1	(\$71,897)	63	(\$420,381)
Year 6	39	(\$8,255)	(\$355,453)	1	(\$72,673)	71	(\$428,126)
Year 7	39	(\$8,255)	(\$362,562)	1	(\$73,460)	79	(\$436,023)
Year 8	39	(\$8,255)	(\$369,814)	1	(\$74,255)	79	(\$444,069)
Year 9	39	(\$8,255)	(\$377,210)	1	(\$75,060)	79	(\$452,270)
Year 10	39	(\$8,255)	(\$384,754)	1	(\$75,873)	79	(\$460,627)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC’s estimated impact 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 a new crime (573.024, 573.206 and 573.350) 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 **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.

§573.550 – Offense of Providing Explicit Sexual Material to a Student

Officials from the **Department of Corrections** assume the proposal will have no fiscal impact on their organization because the proposed offense is a class A misdemeanor. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§589.404 – Sexual Offender’s duty to report

Officials from the **Department of Corrections (DOC)** assume this proposal adds some new definition terms to 589.404 as well as makes some changes to the definitions of Tier I, Tier II and Tier III sexual offenders in 589.414.

The bill adds provisions defines term “Sexual Conduct” and “Sexual Contact” as well as amends the definition of Tier I , Tier II and Tier III sexual offenders by changing reference to some sections as mentioned above. However, there is no change in the penalty clause, sentence lengths, and no new felony or misdemeanor is created. Thus, there is no significant operational impact on DOC by this change.

In response to similar legislation from this year, Perfected HB 2160, officials from the **Springfield Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

§632.305 – Application for detention for evaluation and treatment

In response to similar legislation from this year, HB 2110, officials from the **Greenwood Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

In response to similar legislation from this year, HB 2110, officials from the **Eldon Police Department** support the proposed changes because they would reduce barriers law enforcement encounter when they are presented with individuals experiencing mental health issues who may benefit from evaluation. Officials made no statement of fiscal impact. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Bill as a Whole

Officials from the **Office of the State Public Defender** assume the proposed legislation creates or expands offenses under sections 566.086, 573.024, 573.206 and 573.550 which could result in additional persons eligible for SPD representation. The exact number of cases is unknown, but it is anticipated that the fiscal impact would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. 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 **Department of Commerce and Insurance, the Department of Higher Education and Workforce Development, the Department of Labor and Industrial Relations, the Department of Public Safety (Missouri Gaming Commission), the Missouri Department of Transportation, St. Louis County, Phelps County Sheriff's Office, the St. Louis County Police Department, the Office of the State Auditor, the Office of the State Treasurer, the Missouri House of Representatives, the Joint Committee on Administrative Rules, the Attorney General's Office, the Department of Revenue, the Department of Public Safety (Division of Alcohol and Tobacco Control, Fire Safety, Office of the Director, Missouri National Guard, Missouri Highway Patrol, Missouri Veterans Commission), the Office of the Governor, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, the Missouri Lottery, the Missouri Consolidated Health Care Plan, the Missouri Higher Education Loan Authority, the Oversight Division, the Missouri Office of Prosecution Services, Legislative Research, the Missouri State Employee's Retirement System, the State Tax Commission, the Department of Elementary and Secondary Education, the Missouri Department of Conservation, the City of Claycomo, the City of Kansas City, the City of St. Louis and the St. Joseph 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.

Officials from the **Department of Corrections (DOC)** state the following:

The combined cumulative impact on the department is estimated to be 69 additional offenders in prison and 154 additional offenders on field supervision by FY 2029.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY
New Admissions									
Current Law	0	0	0	0	0	0	0	0	
After Legislation	22	22	22	22	22	22	22	22	
Probation									
Current Law	0	0	0	0	0	0	0	0	
After Legislation	32	32	32	32	32	32	32	32	
Change (After Legislation - Current Law)									
Admissions	22	22	22	22	22	22	22	22	
Probations	32	32	32	32	32	32	32	32	
Cumulative Populations									
Prison	22	44	63	69	69	69	69	69	
Parole	0	0	3	16	30	38	46	46	
Probation	32	64	96	102	108	108	108	108	
Impact									
Prison Population	22	44	63	69	69	69	69	69	
Field Population	32	64	99	118	138	146	154	154	
Population Change	54	108	162	187	207	215	222	222	

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole # to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	22	(\$8,255)	(\$151,342)	0	\$0	32 (\$151,342)
Year 2	44	(\$8,255)	(\$370,484)	1	(\$81,930)	64 (\$452,414)
Year 3	63	(\$8,255)	(\$541,076)	1	(\$74,541)	99 (\$615,617)
Year 4	69	(\$8,255)	(\$604,459)	2	(\$159,360)	118 (\$763,819)
Year 5	69	(\$8,255)	(\$616,548)	2	(\$152,300)	138 (\$768,848)
Year 6	69	(\$8,255)	(\$628,879)	2	(\$153,940)	146 (\$782,818)
Year 7	69	(\$8,255)	(\$641,456)	3	(\$242,876)	154 (\$884,332)
Year 8	69	(\$8,255)	(\$654,286)	3	(\$235,910)	154 (\$890,196)
Year 9	69	(\$8,255)	(\$667,371)	3	(\$238,452)	154 (\$905,824)
Year 10	69	(\$8,255)	(\$680,719)	3	(\$241,027)	154 (\$921,745)

* 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.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is

1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

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.

In response to a previous version, officials from the **Department of Public Safety (Capitol Police and State Emergency Management Agency)**, the **Kansas City Police Department**, the **University of Missouri System** and the **Hermann Area Hospital District** each assumed the proposal will have no fiscal impact on their organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, nursing homes, county prosecutors, public administrators, local law enforcement, schools, hospitals and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
GENERAL REVENUE FUND				
<u>Cost – DOC (§§566.010, 566.086, 566.149, 566.150, 566.155, 573.024 & 573.206) Increased incarceration costs) p. 16</u>	Less than (\$151,342)	Less than (\$370,484)	Less than (\$541,076)	Less than (\$641,456)
<u>Cost – DOC (§§566.010, 566.086, 566.149, 566.150, 566.155, 573.024 & 573.206) p. 16</u>				
Personal Service	\$0	(\$42,167)	(\$42,589)	(\$132,954)
Fringe Benefits	\$0	(\$28,025)	(\$28,306)	(\$88,365)
Equipment & Expense	\$0	(\$11,738)	(\$3,646)	(\$21,557)
Total Cost – DOC	\$0	(\$81,930)	(\$74,541)	(\$242,876)
FTE Change	0 FTE	1 FTE	1 FTE	3 FTE
<u>Cost – DSS-DLS (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) p. 3 & 5</u>				
Personal service	(\$51,667)	(\$62,620)	(\$63,246)	(\$63,879)
Fringe benefits	(\$25,087)	(\$30,312)	(\$30,522)	(\$30,734)
Equipment and expense	(\$7,766)	(\$7,053)	(\$7,229)	(\$7,408)
Total cost – DSS-DLS	(\$84,520)	(\$99,985)	(\$100,997)	(\$102,021)
FTE Change - DSS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DSS-DLS (§595.226) p. 3</u>				Could Exceed
Personal service	(\$31,122)	(\$37,719)	(\$38,097)	(\$38,097)
Fringe benefits	(\$22,763)	(\$27,440)	(\$27,567)	(\$27,567)
Equipment and expense	(\$17,927)	(\$11,195)	(\$11,474)	(\$11,474)
Total cost – DSS-DLS	(\$71,812)	(\$76,354)	(\$77,138)	(\$77,138)
FTE Change - DSS	1 FTE	1 FTE	1 FTE	1 FTE

<u>Cost – DSS-CD</u> (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) p. 5				
Personal service	(\$96,522)	(\$116,984)	(\$118,154)	(\$119,336)
Fringe benefits	(\$63,428)	(\$76,501)	(\$76,894)	(\$77,290)
Equipment and expense	(\$45,179)	(\$28,209)	(\$28,914)	(\$29,637)
<u>Total cost – DSS-CD</u>	(\$205,129)	(\$221,694)	(\$223,962)	(\$226,263)
FTE Change - DSS	2.52 FTE	2.52 FTE	2.52 FTE	2.52 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>Less than</u> <u>(\$512,803)</u>	<u>Less than</u> <u>(\$850,447)</u>	<u>Less than</u> <u>(\$1,017,714)</u>	<u>Could Exceed</u> <u>(\$1,289,754)</u>
Estimated Net FTE Change for General Revenue Fund	4.52 FTE	5.52 FTE	5.52 FTE	7.52 FTE
FEDERAL FUNDS				
<u>Income – DSS-CD</u> (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) Program reimbursement	\$113,838	\$126,060	\$127,289	\$128,532
<u>Cost – DSS-CD</u> (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) p. 5				
Personal service	(\$56,687)	(\$68,705)	(\$69,392)	(\$70,086)
Fringe benefits	(\$37,251)	(\$44,929)	(\$45,160)	(\$45,392)
Equipment and expense	(\$19,900)	(\$12,426)	(\$12,737)	(\$13,054)
<u>Total cost – DSS</u>	(\$113,838)	(\$126,060)	(\$127,289)	(\$128,532)
FTE Change – DSS	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE

ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE
Change for Federal Funds				

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

This proposal will not have a direct impact on small businesses.

FISCAL DESCRIPTION

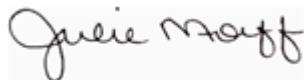
This bill modifies provisions relating to judicial proceedings.

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

SOURCES OF INFORMATION

- Attorney General’s Office
- Department of Higher Education and Workforce Development
- Department of Labor and Industrial Relations
- Department of Revenue
- Department of Public Safety
- Missouri Department of Transportation
- City of Kansas City
- Phelps County Sheriff’s Department
- Kansas City Police Department
- St. Joseph Police Department
- St. Louis County Police Department
- Office of the Governor
- Office of the State Auditor
- Office of the State Treasurer
- Missouri House of Representatives
- Joint Committee on Education

Joint Committee on Public Employee Retirement
Missouri Lottery
Missouri Consolidated Health Care Plan
Missouri State Employee's Retirement System
Missouri Higher Education Loan Authority
Oversight Division
Missouri Office of Prosecution Services
State Tax Commission
University of Missouri System
Office of the State Courts Administrator
Department of Elementary and Secondary Education
Missouri Department of Conservation
Department of Commerce and Insurance
Hermann Area Hospital District
Department of Corrections
Department of Social Services
Missouri Senate
Office of the Secretary of State
Office of the State Public Defender
City of Springfield
Joint Committee on Administrative Rules
Springfield Police Department
City of Hughesville
Gordon Parks Elementary
Greenwood Police Department
Eldon Police Department
Legislative Research
St. Louis County
City of Claycomo
City of St. Louis
Missouri Office of Prosecution Services



Julie Morff
Director
June 6, 2022



Ross Strobe
Assistant Director
June 6, 2022