

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3713-10
Bill No.: HCS for SS #2 for SCS for SB 523
Subject: Public Safety Department; Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies; Drugs and Controlled Substances; Emergencies
Type: Original
Date: May 4, 2020

Bill Summary: This proposal modifies provisions relating to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND (excludes DOD)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue*	(Unknown, potentially significantly greater than \$3,236,876)	(Unknown, potentially significantly greater than \$3,846,133)	(Unknown, potentially significantly greater than \$4,069,414)	(Unknown, potentially significantly greater than \$4,731,771)
Total Estimated Net Effect on General Revenue	(Unknown, potentially significantly greater than \$3,236,876)	(Unknown, potentially significantly greater than \$3,846,133)	(Unknown, potentially significantly greater than \$4,069,414)	(Unknown, potentially significantly greater than \$4,731,771)

* Oversight notes the fiscal impact from the repeal of §211.438, which removes a sufficient appropriation contingency of expansion of services, could be a substantial impact to the state.

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 90 pages.

ESTIMATED NET EFFECT ON GENERAL REVENUE, OTHER STATE FUNDS AND FEDERAL FUNDS (DOD only)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Department of Public Safety*	\$0 or \$22,485,373	\$0 or \$44,970,747	\$0 or \$44,970,747
Department of the Defense	\$0 or (\$22,485,373, or could exceed \$22,685,373)	\$0 or (\$44,970,747, or could exceed \$45,170,747)	\$0 or (\$44,970,747, or could exceed \$45,170,747)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Could exceed (\$200,000)	\$0 or Could exceed (\$200,000)	\$0 or Could exceed (\$200,000)

* The current appropriation for the Office of the Adjutant General is out of several state and federal funds (see page 8 for a breakout).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS (excludes DOD)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Criminal Record System (0671)	Unknown to (Could exceed \$86,240)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
Colleges and Universities	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Mo Veterans Health and Care (0606)	(\$88,000)	(\$12,000 to \$90,794)	(\$12,000 to \$84,214)	(\$12,000 to \$89,329)
Water Patrol Division (0400)	\$0	\$0	Less than \$25,000	Could exceed \$25,000
Juvenile Justice Preservation (0739)	\$0	\$0	\$0	\$0
Community Crime Reduction Program	\$0	\$0	\$0	\$0
Various State Funds	Less than \$200,000	Less than \$200,000	Less than \$200,000	Less than \$200,000
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS (excludes DOD)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2030)
General Revenue	Up to 7	Up to 7	Up to 7	Up to 10
Department of Public Safety*	-469.05 FTE	-469.05 FTE	-469.05 FTE	-469.05 FTE
Department of the Defense*	469.05 FTE	469.05 FTE	469.05 FTE	469.05 FTE
Department of the Defense (new)	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE	Could exceed 2 FTE
Mo Veterans and Care Fund	0 FTE	0 to 1 FTE	0 to 1 FTE	0 to 1 FTE
Total Estimated Net Effect on FTE	Could exceed 9 FTE	Could exceed 10 FTE	Could exceed 10 FTE	Could exceed 13 FTE

* Reallocation of FTE nets to 0.

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§32.056 - Persons whose motor vehicle and driver's license records are to be kept confidential

In response to similar legislation (HB 1418), officials at the **Department of Revenue (DOR)** assumed the §32.056 includes a person employed by the Missouri Department of Corrections, any jailer of corrections of the state or any political subdivision of the state to provisions related to the restricted release by the Department of information contained in the Departments motor vehicle or driver registration records.

Administrative Impact

Missouri Department of Corrections has a total of 10,228 employees that would fall into this proposed legislation which will result in an increase of confidential record transactions processed by the DOR by an estimated 20,456 records.

The average time it takes to process a new or renewal application is approximately ten minutes. At 21 working days a month (168 working hours per month), one FTE can process 12,096 per year. With the increased phone calls, correspondence, and applications, the DOR will require 2 additional FTE to process the increase in confidential record transactions, and 1 FTE to handle the anticipated increase in incoming phone calls.

To implement the proposed legislation, the Motor Vehicle Bureau will be required to:

- Increase FTE by 3
- Update procedures, forms, correspondence letters, and the Department website; and
- Train staff.

FY 2020 - Motor Vehicle Bureau

Revenue Processing Tech II	3 FTE @ \$30,504.00	= \$91,512
Management Analysis Spec I	120 hrs. @ \$18.42 per hr.	= \$ 2,210
Revenue Manager	20 hrs. @ \$20.59 per hr.	= \$ 412
Total		= \$94,134

FY 2020 - Personnel Services Bureau

Administrative Analyst III	30 hrs. @ \$19.43 per hr.	= \$ 583
Management Analysis Spec I	15 hrs. @ \$18.42 per hr.	= \$ 276
Total		= \$ 859

Total Cost = **\$94,993**

ASSUMPTION (continued)

Oversight inquired of DOR in regards to the 20,456 transaction records. DOR stated these transactions are in addition to any transactions that are currently being completed for renewing motor vehicle and license records for the individuals noted in this proposal. In addition, DOR also stated 20,456 is the estimated maximum number of new transactions that would occur due to this proposal. Oversight notes this proposal also includes jailers of “any political subdivision of the state.” Therefore, **Oversight** will range the fiscal impact of this proposal as up to \$152,511 in FY 2021, \$158,826 in FY 2022 and \$160,085 in FY 2023 (up to 3 FTE required).

Oversight notes, in response to similar legislation (HB 1418), the **Department of Corrections**, the **Department of Public Safety**, **Missouri State Highway Patrol** and the **Missouri Department of Transportation** have stated the proposal would not have a direct 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 organizations.

§§40.003, 41.005, 45.010, 45.020, 45.030, 650.005 - State department of defense

In response to similar legislation (HCS HB 2209), officials from the **Department of Public Safety (DPS)**, **Missouri National Guard (MNG)** stated they believe there is a potential fiscal impact of \$150,000 - \$200,000 to their personal services. This potential impact would cause reorganizing into a department structure which would create Division Directors, a Deputy Director and Department Director. The unknown at this time is the MNG’s ability to pay a percentage of certain employees with federal money depending on their funding source and involvement with military missions.

Oversight notes the concerns of the MNG and realizes with a restructure new duties and pay ranges may be established or affected. Therefore, Oversight will reflect a cost of \$0 or Could exceed (\$200,000) to the DOD’s budget for additional salaries (including fringe benefits) as well as other department-specific personnel that may be required (budget, general counsel, etc.) by creating another department.

In response to similar legislation (HCS HB 2209), officials from the **Office of Administration (OA)**, **General Services (GS)** stated if the creation of a Department of Defense and the other changes are interpreted to increase the number of people covered by state workers' compensation benefits and the Legal Expense Fund (LEF), then there could be an increase in costs to the state for workers' compensation benefits and costs to the LEF, if claims are successfully brought.

The number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

ASSUMPTION (continued)

The state self-assumes its own liability for workers' compensation benefits and under the state Legal Expense Fund, Section 105.711, RSMo. The LEF is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified and individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

Oversight assumes the new personnel caused by creating a new department would not materially change the number of people covered by state workers' compensation benefits would have no fiscal impact upon the OA/GS and will reflect a zero impact for fiscal note purposes.

In response to similar legislation (HCS HB 2209), officials from the **Governor's Office** stated this proposal creates the "Department of Defense" and grants authority to the Governor to appoint a director, by and with advice and consent of the senate. There should be no added cost to the Governor's Office as a result of this measure.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

In response to similar legislation (HCS HB 2209), officials from the **OA, Divisions of: Accounting, Personnel, Information Technology Services, and Purchasing** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

Oversight notes the **Department of Public Safety** and the **Missouri Senate** have each stated the proposal would not have a direct 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 will range the fiscal impact of the transfer from \$0 (joint resolution is rejected by the voters) or to the annual appropriation for the Department of Public Safety, Office of the Adjutant General.

ASSUMPTION (continued)

According to HB 8 (2019), the total amount appropriated to the Office of the Adjutant General for FY 2020, by fund is:

General Revenue	\$7,904,523
Missouri National Guard Trust Fund	\$5,275,256
Federal Drug Seizure Fund	\$240,000
Veterans' Commission Capital Improvement Trust Fund	\$635,628
Federal Funds	\$30,388,904
Adjutant General Revolving Fund	\$25,000
Missouri Military Family Relief Fund	\$150,000
National Guard Training Site Fund	\$351,436
Total	\$44,970,747

Since the transfer would be effective January 1, 2021, Oversight will reflect six months of impact in FY 2021.

§67.142 - Local subdivisions prohibited from regulating dogs in breed-specific manner

In response to similar legislation (HCS HBs 2241 & 2244), officials at the **City of Springfield** assumed a negative impact from this proposal. Currently, the City has heightened ownership requirements for pit bulls, including registration, muzzling while not on owner's property, and posting a sign on the property. The City would lose approximately \$25,000 in registration fees annually, and there may be additional unquantifiable costs related to animal control issues.

Oversight notes, in response to similar legislation (HCS HBs 2241 & 2244), the **Missouri Department of Agriculture**, the **City of Columbia**, the **City of Kansas City**, the **City of Brentwood** and the **City of O'Fallon** have stated the proposal would not have a direct 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 organizations.

Oversight notes there are several cities with ordinances in place regarding registration, proper confinement and the posting of signs for certain breeds of dogs. Such cities include Springfield, Liberty, Independence, Florissant, Ferguson and Carthage Missouri. Oversight is unclear on how much the cities charge for registration and how many dogs are registered in those cities. Oversight assumes that should this proposal be enacted, registration fees in those cities and possibly others not listed could be eliminated from the cities revenue. Therefore, Oversight will reflect a \$0 or unknown, greater than \$25,000 negative impact to local political subdivision for this proposal.

ASSUMPTION (continued)

§§84.344 and 285.040 - Residency rules for law enforcement officers/employees

In response to similar legislation (HCS #2 HB 1604), officials from **St. Louis City** stated the Fiscal Manager of the St. Louis Metropolitan Police Department assumes no measurable fiscal impact from the passage of this legislation. §285.040 of the proposed legislation would remove the residency requirement for all City of St. Louis employees. The City’s Department of Personnel stated that the fiscal impact of this bill cannot be determined.

Oversight notes §285.040 removes the residency requirement for all employees of the City of St. Louis. Oversight assumes this section of the proposal could have a potential indirect impact on the City of St. Louis; however, Oversight will reflect no direct fiscal impact for this proposal.

Oversight notes, in response to similar legislation (HCS #2 HB 1604), the **Department of Public Safety, Missouri State Highway Patrol, the City of Kansas City and the St. Louis County Department of Justice Services** have stated the proposal would not have a direct 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 organizations.

§§94.900 and 94.902 - Authorized city sales taxes for public safety

In response to similar legislation (HCS HB 1701), officials from the **Office of Administration (OA), Division of Budget and Planning (B&P)** assumed this proposal allows the cities of Clinton in Henry County, and Cole Camp and Lincoln in Benton County to impose a public safety sales tax of 0.25%, 0.5%, 0.75% or 1%. The impact of this will depend upon the sales tax rate the cities select. The charts below show the Department of Revenue (DOR) collections fees and sales tax collections each city may generate based upon each tax rate:

0.25%	DOR Collections			Sales Tax Collections Data		
	FY 2021	FY 2022	FY 2023	FY 2021	FY 2022	FY 2023
City						
Clinton	1,135	4,539	4,539	112,339	449,356	449,356
Cole Camp	93	373	373	9,222	36,888	36,888
Lincoln	58	230	230	5,699	22,796	22,796
	1,286	5,142	5,142	127,260	509,040	509,040

ASSUMPTION (continued)

0.50%	DOR Collections			Sales Tax Collections Data		
City	FY 2021	FY 2022	FY 2023	FY 2021	FY 2022	FY 2023
Clinton	2,269	9,078	9,078	224,678	898,712	898,712
Cole Camp	186	745	745	18,444	73,776	73,776
Lincoln	115	461	461	11,398	45,591	45,591
	2,570	10,284	10,284	254,520	1,018,079	1,018,079

0.75%	DOR Collections			Sales Tax Collections Data		
City	FY 2021	FY 2022	FY 2023	FY 2021	FY 2022	FY 2023
Clinton	3,404	13,617	13,617	337,017	1,348,068	1,348,068
Cole Camp	279	1,118	1,118	27,666	110,664	110,664
Lincoln	173	691	691	17,097	68,387	68,387
	3,856	15,426	15,426	381,780	1,527,119	1,527,119

1.00%	DOR Collections			Sales Tax Collections Data		
City	FY 2021	FY 2022	FY 2023	FY 2021	FY 2022	FY 2023
Clinton	4,539	18,156	18,156	449,356	1,797,424	1,797,424
Cole Camp	373	1,490	1,490	36,888	147,552	147,552
Lincoln	230	921	921	22,796	91,183	92,183
	5,142	20,567	20,567	509,040	2,036,159	2,037,159

Since the bill indicates that this sales tax would take effect starting April 1, only Q4 of FY21 sales collections would be impacted with the full year collection amounts generated in FY22 and FY23.

As a voter-approved tax, the collected revenues will not impact general and total state revenues; however, DOR will retain 1% to offset collection costs. Therefore, this portion could increase general and total state revenues by the DOR fee amounts shown in the charts above.

B&P defers to DOR for more specific estimates of actual collection costs.

In response to similar legislation (HCS HB 1701), officials from the **Department of Revenue (DOR)** assumed this proposal would allow any city of the third classification with more than nine thousand but fewer than ten thousand inhabitants and located in any county of the third classification with a township form of government and with more than twenty thousand but fewer than twenty-three thousand inhabitants to implement a sales tax for public safety. DOR believes the only City to qualify under this description is the City of Clinton.

ASSUMPTION (continued)

Additionally, this proposal would allow any city of the fourth classification with more than one thousand fifty but fewer than one thousand two hundred inhabitants and located in any county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than two thousand one hundred but fewer than two thousand four hundred inhabitants as the county seat to also implement a sales tax for public safety. DOR believes this would apply to the City of Lincoln and the City of Cole Camp.

The sales tax may be imposed in an amount of up to one-fourth, one-half, three-fourths, or one percent. The tax shall be imposed solely for the purpose of improving the public safety.

DOR shows that the **City of Clinton** has taxable sales of:

CY	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
2015	40,147,895	44,618,974	44,443,717	44,037,435	173,248,021
2016	41,389,150	45,465,065	45,533,177	44,893,260	177,280,651
2017	40,038,915	47,066,194	45,477,582	43,884,475	176,467,167
2018	40,961,939	47,940,212	46,462,280	46,505,858	181,870,288
2019	41,173,575	47,416,316			
Source:	http://dor.mo.gov/publicreports/				
Sales Tax only (no use tax)					
DOR reports are generated by calendar year not fiscal year					
City of Clinton Taxable Sales Report Data					

Using the taxable sales and a 2% inflation rate in the future, DOR calculated the amount DOR would collect and the City of Clinton would collect as:

ASSUMPTION (continued)

Clinton								
	1/4 of 1% Tax		1/2 of 1% Tax		3/4 of 1% Tax		1% Tax	
Fiscal Year	DOR 1% Fee	Clinton County Collection	DOR 1% Fee	Clinton County Collection	DOR 1% Fee	Clinton County Collection	DOR 1% Fee	Clinton County Collection
2021	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2022	\$3,618	\$358,180	\$7,236	\$716,360	10,854	1,074,540	\$14,472	\$1,432,720
2023	\$4,920	\$487,125	\$9,841	\$974,250	14,761	1,461,374	\$19,682	\$1,948,499

DOR notes that this proposal would become effective on August 28, 2020, and the first election would be the April 6, 2021, election. Therefore this will not have a fiscal impact in FY 2021. This sales tax would begin October 1, 2021 (FY 2022) if adopted by the voters. Therefore, the impact in FY 2022 would be for 9 months.

DOR shows that the **City of Lincoln** has taxable sales of:

CY	Jan-Mar	Apr-Jun	July-Sept	Oct-Dec	Total
2015	2,124,060	2,412,496	2,368,178	2,014,074	8,918,808
2016	2,138,130	2,369,529	2,437,892	2,142,464	9,088,015
2017	2,177,513	2,602,875	2,547,296	2,120,049	9,447,733
2018	2,444,106	2,542,249	2,617,362	2,318,717	9,922,434
2019	2,030,154	2,244,162			

Source: <http://dor.mo.gov/publicreports/>
 Sales Tax only (no use tax)
 DOR reports are generated by calendar year not fiscal year
 City of Lincoln Taxable Sales Report Data

Using the taxable sales and a 2% inflation rate in the future, DOR calculated the amount DOR would collect and the City of Lincoln would collect as:

ASSUMPTION (continued)

Lincoln								
1/4 of 1% Tax			1/2 of 1% Tax		3/4 of 1% Tax		1% Tax	
Fiscal Year	DOR 1% Fee	Lincoln County Collection	DOR 1% Fee	Lincoln County Collection	DOR 1% Fee	Lincoln County Collection	DOR 1% Fee	Lincoln County Collection
2021	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2022	\$196	\$19,397	392	38,794	588	58,191	\$784	\$77,587
2023	\$266	\$26,380	533	52,759	799	79,139	\$1,066	\$105,519

DOR notes that this proposal would become effective on August 28, 2020, and the first election would be the April 6, 2021 election. Therefore this will not have a fiscal impact in FY 2021. This sales tax would begin October 1, 2021, (FY 2022) if adopted by the voters. Therefore, the impact in FY 2022 would be for 9 months.

DOR shows that the **City of Cole Camp** has taxable sales of:

CY	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Total
2015	3,229,113	3,002,081	3,402,238	3,196,016	12,829,447
2016	3,095,340	3,003,988	3,225,042	3,279,187	12,603,558
2017	3,081,084	2,956,959	3,249,944	3,360,607	12,623,994
2018	3,278,248	3,220,758	3,474,064	4,684,461	14,657,531
2019	3,243,595	3,502,112			
Source: http://dor.mo.gov/publicreports/					
Sales Tax only (no use tax)					
DOR reports are generated by calendar year not fiscal year					
City of Cole Camp Taxable Sales Report Data					

Using the taxable sales and a 2% inflation rate in the future, DOR calculated the amount DOR would collect and the City of Cole Camp would collect as:

ASSUMPTION (continued)

Cole Camp								
	1/4 of 1% Tax		1/2 of 1% Tax		3/4 of 1% Tax		1% Tax	
Fiscal Year	DOR 1% Fee	Cole Camp County Collection	DOR 1% Fee	Cole Camp County Collection	DOR 1% Fee	Cole Camp County Collection	DOR 1% Fee	Cole Camp County Collection
2021	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2022	\$266	\$26,341	\$532	\$52,681	798	79,022	\$1,064	\$105,362
2023	\$362	\$35,823	\$724	\$71,646	1,086	107,470	\$1,447	\$143,293

DOR notes that this proposal would become effective on August 28, 2020, and the first election would be the April 6, 2021, election. Therefore this will not have a fiscal impact in FY 2021. This sales tax would begin October 1, 2021 (FY 2022) if adopted by the voters. Therefore, the impact in FY 2022 would be for 9 months.

In response to similar legislation (HCS HB 1701), officials from the **City of Clinton** assumed, based on financial data from FY 18-19, the City would expect to generate annual revenues of \$950,000 based on a one-half percent sales tax.

In response to similar legislation (HCS HB 1701), officials from the **City of Branson West** assumed if the Board of Alderman of the City decide to approve the tax at half a percent and it is passed, the approximate revenue that will be brought in is \$500,000 annually.

Oversight has calculated those cities within this proposal as follows:

ASSUMPTION (continued)

Taxable Sales by City

	CY 19 Taxable Sales Tax Jan- Mar	CY 19 Taxable Sales Tax Apr- Jun	CY 18 Taxable Sales Tax Jul- Sept	CY 18 Taxable Sales Tax Oct- Dec	Total FY 19 Taxable Sales Tax
Branson West	19,962,599	27,108,143	27,300,134	24,081,341	98,452,217
Claycomo	6,300,774	6,332,614	5,959,771	6,450,921	25,044,080
Clinton	41,173,575	47,416,316	46,462,280	46,505,858	181,558,029
Cole Camp	3,243,595	3,502,112	3,474,064	4,684,461	14,904,232
Hallsville	2,272,117	2,266,564	2,156,592	2,249,081	8,944,353
Kearney	30,832,259	34,565,728	33,602,628	32,563,846	131,564,461
Lincoln	2,030,154	2,244,162	2,617,362	2,318,717	9,210,395
Smithville	18,956,527	22,859,235	22,213,205	20,463,774	84,492,740
	124,771,599	146,294,873	143,786,036	139,317,998	554,170,507

2% Growth each year based on FY 19 Taxable Sales Tax

	2% Growth for FY 20 Taxable Sales	2% Growth for FY 21 Taxable Sales	2% Growth for FY 22 Taxable Sales	2% Growth for FY 23 Taxable Sales
Branson West	100,421,261	102,429,686	104,478,280	106,567,846
Claycomo	25,544,962	26,055,861	26,576,978	27,108,518
Clinton	185,189,190	188,892,974	192,670,833	196,524,250
Cole Camp	15,202,317	15,506,363	15,816,490	16,132,820
Hallsville	9,123,240	9,305,705	9,491,819	9,681,656
Kearney	134,195,750	136,879,665	139,617,258	142,409,603
Lincoln	9,394,603	9,582,495	9,774,145	9,969,627
Smithville	86,182,595	87,906,247	89,664,372	91,457,659
	565,253,917	576,558,995	588,090,175	599,851,979

ASSUMPTION (continued)

Oversight notes that this version of the proposal is based on a half-percent sales tax for the cities. Therefore, Oversight has generated those totals below based on the 2% growth in sales tax per year above.

Half-Percent Revenue Generated for each City

	.5% Revenue for FY 21	.5% Revenue for FY 22	.5% Revenue for (12 mo) FY 22	.5% Revenue for (8 mo)	.5% Revenue for FY 23
Branson	-	-	522,391	348,261	532,839
West	-	-	-	-	-
Claycomo	-	-	132,885	88,590	135,543
Clinton	-	-	963,354	642,236	982,621
Cole Camp	-	-	79,082	52,722	80,664
Hallsville	-	-	47,459	31,639	48,408
Kearney	-	-	698,086	465,391	712,048
Lincoln	-	-	48,871	32,580	49,848
Smithville	-	-	448,322	298,881	457,288
			2,940,451	1,960,301	2,999,260

Oversight notes while the cities within this proposal could start to generate sale tax revenue beginning October 1, 2021, the reporting will not occur until 1 month later. Therefore, Oversight will range the fiscal impact from \$0 (not approved by voters) the estimates calculated by Oversight for 8 months in FY 22. FY 23 will reflect a full year of sales tax revenue for this proposal.

§§160.665 and 590.207 - Keep Our Schools Safe Act

In response to similar legislation (HCS HB 1961), officials from the **Department of Elementary and Secondary Education (DESE)** assumed this proposal will likely have an impact on local school districts. DESE defers to them regarding the extent of any impact.

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (HCS HB 1961), the **Department of Public Safety, Missouri State Highway Patrol** stated the proposal would not have a direct 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 organization.

In response to similar legislation (HCS HB 1961), officials from **Gasconade County R-I School District** assumed the cost associated with each person being trained to be a school protection officers would be \$10,000 or more. A district would want to have at least one person trained per building so if there are 3 buildings, 3 people would have to be training, resulting in \$30,000 or more in cost for training.

Gasconade County School District would want to stipend them in some way to be this officer since there will be time used outside of regular contracts. Would look at around \$1,000 per individual.

In response to similar legislation (HCS HB 1961), officials from **Wellsville-Middletown R-I School District** state that their board has shown no inclination to allow for school protection officers or a person of any other designation that would allow any person who is not a law enforcement officer to carry firearms in the school. Therefore, it is assume this proposal would have no fiscal impact.

Oversight assumes because this bill permits, but does not require additional school resource officers, there will be no direct fiscal impact on state agencies and fiscal impacts on school districts will be at the discretion of the school districts.

§168.133 - Background checks for adult students and substitute teachers

In response to similar legislation (Perfected HB 1483), officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** stated the Department of Elementary and Secondary Education (DESE) anticipates this legislation would impact a relatively low number of individuals (approximately 100 applicants per year) equaling \$2,200 deposited in the Criminal Record System Fund annually.

100 applicants x \$22.00 = \$2,200 deposited in the Criminal Record System Fund annually.

The cost for a state and federal fingerprint based criminal record check is **\$33.25**, per request. The state portion of the record check fee is \$20.00 and the federal portion is \$13.25. If the submitting agency chooses to utilize the state fingerprint services vendor, then an additional \$8.50 is charged by the vendor for this service. Thus, the fee breakdown per request is as follows:

ASSUMPTION (continued)

State Fee: \$20.00
Federal Fee: \$13.25
Total (state and federal Fee) \$33.25
Total (state, federal and vendor fee): \$41.75

The total amount retained in the Criminal Record System Fund after paying the FBI is \$22.00 per request. This equals \$20.00 for the state fee, pursuant to Section 43.530, and \$2.00 of the federal fee, pursuant to 28 CFR 20.31(e) (2) and the current fee schedule as posted in the Federal Register.

Technical system changes would need to be completed by the MSHP's Criminal History vendor at an estimated cost of \$165,000, based on previous projects with a similar scope of work and utilizing one of MHP's vendors. The required changes would be based on the functionality of the system and the registration process. Allowing multiple registrations changes the functionality as well as how the coding and the system work. The changes are approximated to be effective January 1, 2022.

There are 560 public school districts and the initial registration is already law. The MHP assumes each additional registration costs \$5.00. Based on the estimation of 5 substitutes per district utilizing the additional registration option, this would equate to 2,800 substitutes. The following is the estimated fiscal impact based on the above 2,800 substitutes utilizing the extra registrations:

1 extra registration at \$5.00 x 2,800 = \$14,000
2 extra registrations at \$10.00 x 2,800 = \$28,000
3 extra registrations at \$15.00 x 2,800 = \$42,000
4 extra registrations at \$20.00 x 2,800 = \$56,000

Oversight assumes this proposal could reduce the number of initial background checks if some substitutes utilize the additional registration option rather than getting another background check. This would potentially be a net loss of \$15 per additional registration (\$20 state fee - \$5 additional registration fee).

Alternatively, **Oversight** assumes this proposal could induce substitute teachers to use the additional registration option who otherwise would have not have substituted for more than one school district. This would potentially be a gain of revenue for each additional registration.

ASSUMPTION (continued)

Oversight cannot estimate the number of background checks that would no longer be needed or the number of substitutes who utilize the additional registration option. Therefore, Oversight will show a (Could exceed \$165,000) loss to an unknown gain in revenue for the Criminal Records Systems Fund and a corresponding savings or costs to school districts in the implementation year, and unknown loss to unknown gain in the following years.

Oversight notes, in response to similar legislation (Perfected HB 1483), the **Department of Elementary and Secondary Education** stated the proposal would not have a direct 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 organization.

Oversight received a no responses from school districts related to the fiscal impact of this proposal. **Oversight** notes if school districts must perform background checks on adult students not counted for purposes of average daily attendance, the Criminal Record System Fund (0671) income would increase \$2,200 (using the estimate given by the MHP) and school districts cost would increase \$4,175 (100 x \$41.75).

§§173.2700, 173.2703, 173.2706, 173.2709, and 173.2712 - Private College Campus Protection Act

In response to similar legislation, (HCS HB 1282), officials from the **Department of Revenue (DOR), Motor Vehicle Division (MV)** assumed the proposed legislation establishes the "Private College Campus Protection Act" which allows any private college or university to appoint and employ college or university police officers. These officers will have the authority to enforce regulations established by the governing board of such college or university to control traffic on any thoroughfare owned or maintained by the college or university.

Administrative Impact:

The proposed legislation allowing a private college or university to appoint officers to enforce regulations established to control traffic on any thoroughfare owned or maintained by the college or university will result in an increase in the number of traffic convictions received and processed by the Department.

The DOR is unable to find data that would help it determine how significant that increase will be, but assumes it will be minimal enough to not require additional FTE and cause no impact.

Oversight notes DOR processed 561,645 total traffic convictions in FY 2018. DOR indicated a Revenue Processing Tech I can process an estimated 340 convictions a day at a salary of \$11.71 per hour for approximately \$0.30 per conviction processed.

ASSUMPTION (continued)

Oversight notes, the issuance of a traffic violation ticket would result in a fine, of which \$20.50 goes to fine revenue and the remaining amount goes to various state and local funds for court costs. However, all fines may not have been paid (for example, the court could have dismissed the ticket or set the fine at a different amount).

In response to similar legislation (HCS HB 1282), officials from the **Department of Public Safety (DPS), Office of the Director** assumed the proposal would have no fiscal impact on their organization.

Oversight does not know how many tickets may be issued as a result of this proposed legislation. However, it would take over 1,000 tickets to be issued to reach \$100,000 in fine and court cost revenue. Oversight will reflect a potential amount of revenue to the state and local political subdivisions of "Less than \$100,000" per year from this charge.

Additional fine revenue received by local school districts may count as a deduction in the following year in determining their state aid apportionment, if the district is not a 'hold harmless' district. For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions.

Below are examples of some of the state and local funds which court costs are distributed to:

ASSUMPTION (continued)

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

According to information on the Department of Higher Education website, in Missouri there are approximately 11 specialized/technical colleges, 24 independent four-year colleges and universities, and 17 theological institutions. **Oversight** assumes College of the Ozarks currently meets the criteria set forth in the bill, but is uncertain if other institutions may meet the criteria. Additionally, Oversight is uncertain regarding the legal framework of how this would be implemented.

As provided earlier, officials from the **DOR, MV** and the **DPS, DO** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for their respective organizations.

ASSUMPTION (continued)

§§190.092 and 190.1005 - Automated external defibrillators

In response to similar legislation (HCS HB 1460), officials from the **St. Louis County Police Department (St. Louis County PD)** stated they have approximately 38 automated external defibrillators (AEDs) that would need to be tested on the 90-day schedule. Each test/inspection would take approximately 15 minutes. The total testing time would be 9.5 hours (38 AEDs * 15 minutes/60 minutes per hour = 9.5 hours). Additionally, the testing would have to be done every quarter (12 months/4 = every 3 months or approximately 90 days) to stay within the time-line of the proposal. This increases the testing time to 38 hours (9.5 hours * 4 quarters = 38 hours).

Because the locations of the AED vary across St. Louis County boundaries, drive time would be a significant addition to the cost of the tests. Drive time to each AED device is difficult to estimate due to varying time-lines.

The St. Louis County PD would have to devote a minimum of 40 hours a year, or 120 hours every three years, to test the AEDs. Basing the salary on a Professional Staff 110, the average hourly wage with fringe benefits is \$31.82 per hours. The estimated total cost per year is \$1,273 per year (\$3,818 for the three years of the fiscal note) to the St. Louis County PD.

In response to similar legislation (HCS HB 1460), officials from the **Cooper County Public Health Center** stated this proposal would cost their county health center \$1,500 annually.

In response to similar legislation (HCS HB 1460), officials from the **City of Riverside** assumed no/minimal fiscal impact as a result of this legislation.

Oversight does not have any information to the contrary for local government costs for this proposal. For fiscal note purposes, Oversight will reflect the costs for all local governments as (Unknown).

In response to similar legislation (HCS HB 1460), officials from the **Office of Administration (OA), Facilities Management, Design and Construction (FMDC)** stated this bill modifies the requirements associated with an automated external defibrillator (AED). This bill states that any person or entity who acquires an AED shall comply with all regulations governing the placement of an AED; notify an agent of the local emergency medical services agency of the existence, location, and type of AED acquired; ensure that the AED is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer; ensure that the AED is tested at least biannually and after each use; and ensure that an inspection is made of all AEDs on

ASSUMPTION (continued)

the premises at least every ninety days for potential issues related to operability of the device. The bill also states that any person who in good faith renders emergency care by use of or provision of an AED shall not be held liable for any civil damages or subject to any criminal penalty as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. The person or entity who provides training to the person using an AED, the person or entity responsible for the site where the AED is located, and the person or entity that owns the AED shall likewise not be held liable for civil damages or subject to any criminal penalty resulting from the use of an AED.

If FMDC were to acquire AEDs for State facilities, this bill would impose a substantial burden on FMDC, as it would require routine inspection, testing and maintenance of AEDs. However, FMDC rarely acquires AEDs. FMDC also assumes that if another state agency acquires an AED for placement in a state facility that the acquiring agency will be responsible for complying with the requirements of this bill. Based on those assumptions, FMDC estimates that the fiscal impact will be less than \$10,000. FMDC anticipates being able to absorb these costs. However, until the FY21 budget is final, FMDC cannot identify specific funding sources.

Oversight does not have any information to the contrary. Therefore, Oversight assumes costs will be absorbed within current funding sources and will reflect no fiscal impact for OA for fiscal note purposes.

In response to similar legislation (HCS HB 1460), officials from the **University of Missouri Health Care (UMHC)** stated they had reviewed the proposed legislation and determined that, as written, it should not create expenses in excess of \$100,000 annually.

Oversight contacted UMHC officials and determined that expenses expected to be less than \$100,000 annually are “absorbable” within current funding levels. The organization can and has to absorb the costs to be compliant with the regulation, but it may be at the expense of other priorities.

Based on the responses received from the UMHC and other Colleges and Universities, **Oversight** assumes a range of \$0 or (Unknown) for Colleges and Universities.

Oversight notes, in response to similar legislation (HCS HB 1460), the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Public Safety**, the **City of Kansas City**, the **Columbia/Boone County Department of Public Health and Human Services**, the **St. Louis County Health Department** and the **Springfield Police Department** stated the proposal would not have a direct 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 organizations.

ASSUMPTION (continued)

In response to similar legislation (HB 1460), officials from the **Missouri Department of Conservation**, the **City of Hazelwood**, the **City of Springfield**, the **Adair County Health Department**, the **Boone County Sheriff's Department**, the **Joplin Police Department**, the **St. Louis County Department of Justice Services**, the **Brentwood Fire Department**, **State Technical College of Missouri**, the **St. Charles Community College** and the **University of Central Missouri** stated the proposal would not have a direct 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 organizations.

§§190.094, 190.100, 190.105, 190.143 and 190.196 - Emergency medical services

Oversight notes, in response to similar legislation (HCS HB 2125), the **Department of Health and Senior Services** and the **Department of Commerce and Insurance** stated the proposal would not have a direct 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 organizations.

Oversight notes, in response to similar legislation (HB 2125), the **Department of Labor and Industrial Relations** and the **University of Missouri Health Care** stated the proposal would not have a direct 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 organizations.

Oversight notes this proposal permits physician assistants and assistant physicians to serve as staff on ambulances and exempts them from any mileage requirements and requirements to hold an emergency medical technician's license. The proposal also adds physician assistants and assistant physicians to those who may supervise someone with a temporary emergency medical technician license.

§190.142 - Patient care performed by EMS personnel

Oversight notes this section of the proposal pertains to patient care being performed by emergency medical technicians. Currently, all levels of emergency medical technicians may perform only that patient care which is ordered by a physician. This bill proposes to include patient care which is ordered by a physician assistant.

Oversight assumes this change will have no fiscal impact on state or local governments.

ASSUMPTION (continued)

§190.243 - Triage protocols

Oversight notes this section of the bill pertains to transportation to trauma, STEMI, or stroke center or hospitals. This bill proposes to allow an ambulance service to create and implement a protocol to triage emergency calls during a pandemic, provided that the protocol has been approved by the ambulance service medical director and administrator.

Officials from the **Florissant Fire Department** state this change will have a detrimental consequence for our fire district and the ability to provide timely and effective 911 services.

Oversight assumes §190.243 could extend transport and returns times. Oversight will show a range of impact \$0 (no additional staff or resources are required to meet extended transport times) to an unknown cost if extended transport times require additional staff and resources to meet service requests.

§191.255 - Disclosure to federal government of list of persons with medical marijuana cards

In response to similar legislation (Perfected HCS #2 HB 1896), officials from the **Department of Corrections (DOC)** stated this legislation creates a class E felony offense when a state agency discloses to the federal government the statewide list of persons who obtained a medical marijuana card.

In order to provide information on the impact of this legislation, a standard impact for a new, nonviolent offense of a class E felony is used. In FY 2019, the average class E nonviolent sentence is 3.4 years. Incarcerated offenders serve 2.1 years in prison and 1.3 years on parole. Average term for probation is 3.0 years. An estimate, for each year, is one offender is sentenced to incarceration while two offenders are given probation.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$6,386)	(\$5,322)	2	absorbed	\$0	(\$5,322)
Year 2	2	(\$6,386)	(\$13,027)	4	absorbed	\$0	(\$13,027)
Year 3	2	(\$6,386)	(\$13,288)	7	absorbed	\$0	(\$13,288)
Year 4	2	(\$6,386)	(\$13,554)	7	absorbed	\$0	(\$13,554)
Year 5	2	(\$6,386)	(\$13,825)	7	absorbed	\$0	(\$13,825)
Year 6	2	(\$6,386)	(\$14,101)	7	absorbed	\$0	(\$14,101)
Year 7	2	(\$6,386)	(\$14,383)	7	absorbed	\$0	(\$14,383)
Year 8	2	(\$6,386)	(\$14,671)	7	absorbed	\$0	(\$14,671)
Year 9	2	(\$6,386)	(\$14,964)	7	absorbed	\$0	(\$14,964)
Year 10	2	(\$6,386)	(\$15,264)	7	absorbed	\$0	(\$15,264)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

ASSUMPTION (continued)

The DOC cost of incarceration is \$17,496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Oversight assumes state agencies or state employees would not share medical marijuana user/registry information with the federal government. In addition, Oversight assumes the minimal fiscal impact incurred by the DOC for this proposal will be absorbable within current funding levels. Therefore, Oversight assumes no fiscal impact for the DOC for this fiscal note.

Oversight notes, in response to similar legislation (Perfecting HCS #2 HB 1896), officials from the **Missouri Office of Prosecution Services** stated the proposal would not have a measurable fiscal impact on their organization. However, the creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Oversight notes, in response to similar legislation (Perfecting HCS #2 HB 1896), officials from the **Office of State Public Defender (SPD)** stated the proposal would not have a direct fiscal impact on their organization.

Oversight contacted SPD officials and determined the SPD assumes state agencies and employees will not be indigent and, therefore, will not require services from the SPD. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Oversight notes, in response to similar legislation (Perfecting HCS #2 HB 1896), officials from the **Department of Health and Senior Services**, the **Department of Commerce and Insurance** and the **Office of State Courts Administrator** stated the proposal would not have a direct 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 organizations.

Oversight notes, in response to similar legislation (Perfecting HCS #2 HB 1896), officials from the **Missouri Attorney General's Office** stated the proposal would not have a direct 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 organization.

ASSUMPTION (continued)

§§195.015 and 195.017 - Emergency rules

In response to the previous version of this proposal, officials from the **Department of Health and Senior Services (DHSS)** stated §195.015.4 of this proposed legislation requires the Division of Regulation and Licensure (DRL), Section for Health Standards and Licensure, Bureau of Narcotics and Dangerous Drugs (BNDD) to promulgate emergency rules within 30 days of publication in the federal register each time the Drug Enforcement Administration (DEA) designates a substance as a controlled substance or reschedules or deletes a substance. The DEA makes such changes an average of 20 times annually.

It is assumed it will take a Health and Senior Services Manager (salary \$68,802) approximately 16 hours to promulgate each emergency rule change. Based on 2,080 working hours per year, this would require 0.15 FTE to assume the duties set forth in the proposed section (16 hours X 20 rule changes ÷ 2,080 hours per year = 0.15) for a total personal service annual cost of \$10,320 (\$68,802 X 0.15).

The department anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Oversight obtained information from the U.S. Department of Justice, Drug Enforcement Administration (DEA), Diversion Control Division. Oversight determined that in the past 5 years (2015 - 2019), the DEA has taken scheduling actions on substances/controlled substances 91 times (average 18.2 actions per year). Based on this information the DHSS would need 0.15 FTE (16 hours X 19 rule changes ÷ 2,080 hours = 0.15, rounded) to manage the DEA's average annual change in substance/controlled substance schedules. Oversight assumes the additional duties can be performed within DHSS' current funding/staffing levels.

§195.805 - No marketing of medical marijuana products that appeal to persons under 18 years of age

In response to the previous version of this proposal, **DHSS** stated §195.805.1 and .2 prohibits edible marijuana-infused products sold in Missouri to be designed, produced, or marketed in a manner that is designed to appeal to persons under 18 years of age. It provides for enforcement actions on the part of the DHSS. The department expects to absorb these costs in the normal ebb and flow of its operations. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Oversight does not have any information to the contrary. Oversight assumes the DHSS has sufficient staff and resources to perform the additional work required by this proposal and will reflect no fiscal impact for the DHSS for fiscal note purposes.

ASSUMPTION (continued)

Oversight notes provisions of §195.805.2 provides for departmental sanctions, including administrative penalties, for any licensed or certified entity regulated by the Department of Health and Senior Services that designs, produces, or markets medical marijuana products that would appeal to persons under eighteen years of age. Administrative penalties are distributed to school districts based on the location of the entity receiving the penalty. It is unknown whether penalties will be imposed or how much in penalties may be distributed to school districts. Therefore, Oversight will present penalties to school districts as \$0 to Unknown, for fiscal note purposes.

DHSS stated §195.805.4 requires the DRL, Section for Medical Marijuana Regulation (SMMR) to promulgate new rules and regulations regarding edible marijuana-infused products as well as promulgate rules and regulations to establish a process by which a licensed or certified entity may seek approval of an edible product design, package, or label prior to the product's manufacture or sale.

This will require SMMR to establish a process by which a medical marijuana facility may seek pre-approval for its edible product design, package, or label. It is unknown the number of pre-approval requests that will be required from facilities. Research of other states indicates the volume of pre-approval requests is highly unpredictable; however, the volume is enough to require additional staff. Therefore, the number of staff needed is unknown up to one additional Health Program Representative II (salary of \$40,000) to provide public assistance and processing of applications for pre-approval who would be hired in July 2021.

In addition, the Medical Marijuana program has a contract for Information Technology (IT) systems in place for processing applications and tracking program activities. It is assumed a similar contract for processing facility preapproval product and packaging design applications and enhancements will be required for the activities under this legislation at a cost of \$88,000 for FY2021 and \$12,000 each year thereafter.

DHSS anticipates costs to the Missouri Veterans Health and Care Fund of \$88,000 for FY 2021; \$12,000 to \$95,038 for FY 2022; and \$12,000 to \$88,564 for FY 2023.

Oversight notes DHSS assumes it will need a total of 0 to 1 new FTE as a result of the provisions of this proposal. Oversight assumes the additional FTE can be housed within current DHSS locations. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DHSS needing additional rental space.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a range for the costs provided by DHSS, less rental space costs, for fiscal note purposes.

ASSUMPTION (continued)

§195.815 - Medical marijuana industry background checks

In response to similar legislation (Perfected HCS #2 HB 1896), officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** stated the Missouri Department of Health and Senior Services (DHSS) notes there are 348 medical marijuana “facilities” and assumes each facility will request background checks on 10 employees. DHSS has the ability to conduct the state fingerprint portion of the employee background check requirement pursuant to the Missouri Constitution Article XIV. This legislation, if enacted and approved by the Federal Bureau of Investigation (FBI) Criminal Justice Information Law Unit (CJILU), would authorize the federal fingerprint portion of the employee background check requirement. With the estimation of 348 facilities conducting background checks on 10 employees, it is assume that \$6,960 will be deposited into the Criminal Record System Fund which includes a \$2.00 FBI fee (CJISD retains \$2.00 of the FBI fee).

The state fee for a fingerprint based criminal record check is \$20.00 per request. The federal fee for a fingerprint based criminal record check is \$13.25 per request, of which, the CJIS Division retains \$2.00. This equates to \$22 of the total state and federal fingerprint background check fee that is retained in the Criminal Record System Fund per request.

State and Federal Fingerprint Fee Schedule:

State Fee = \$20.00

Federal Fee = \$13.25

Total State and Federal fee = \$33.25

Vendor Fee (if applicable) = \$8.50

Total State and Federal with Vendor fee = \$41.75

Total Retained in the Criminal Record System (CRS) Fund = \$22.00

Oversight obtained additional information from the Department of Health and Senior Services (DHSS) regarding the number of background checks that could be required as a result of this legislation. DHSS notes there are 348 medical marijuana “facilities” and assumes each facility will request background checks on 10 employees. Therefore, Oversight assumes \$76,560 (348 facilities x 10 employees x \$22/background check) will be deposited into the Criminal Record System Fund for FY 21.

Based on DHSS’ analysis, it is expected the DHSS will receive 38 to 75 background check requests per week once the industry is up and running. Therefore, for fiscal note purposes, **Oversight** will present an impact to the Criminal Records System Fund of \$43,472 (38 checks/week x 52 weeks x \$22 fee retained in CRS Fund) to \$85,800 (75 checks/week x 52 weeks x \$22 fee retained in CRS Fund) for FY 22 and FY 23.

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (Perfected HCS #2 HB 1896), the **Department of Health and Senior Services** has stated the proposal would not have a direct 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 this organization.

§§211.071, 556.061, and 570.027 - Vehicle hijacking

Oversight notes officials from the **Office of State Courts Administrator (OSCA)** stated no impact to the underlying bill (Perfected HB 1873). However, in response to this bill, OSCA states the bill will have the same impact as SB 793 from the 2018 legislative session. Therefore, Oversight will reflect a fiscal impact of \$0 to (Unknown) for purposes of this fiscal note.

In response to similar legislation (Perfected HB 1873), officials from the **Department of Corrections (DOC)** stated this bill creates the offense of vehicle hijacking and makes it an offense punishable as a class B felony, or as a class A felony given certain conditions.

The DOC has no prior data relating to these charges; therefore, the department estimates an impact comparable to the creation of a new class B felony.

For each new class B felony, the DOC estimates three people will be sentenced to prison and four to probation. The average sentence for a class B felony offense is 8.7 years, of which 5.1 years will be served in prison with 3.4 years to first release. The remaining 3.6 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be 15 additional offenders in prison and 12 on field supervision by FY 2025.

Section 211.071.1 requires a court having jurisdiction over a juvenile offender alleged to have committed the offense, hold a certification hearing in order to determine whether the juvenile should be tried as an adult. Presumably, more juvenile certification hearings will result in more juvenile offenders tried and sentenced as adults. The actual impact of §211.071.1 is difficult to determine as it is unknown how many juveniles will be found guilty and sentenced to a term of adult incarceration for this offense. DOC reflected a cost each year of the additional prisoners in the table below (i.e. \$59,796 in year 3 for 9 prisoners) plus an unknown amount.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	3	(\$6,386)	(\$15,965)	4	absorbed	\$0	(\$15,965)
Year 2	6	(\$6,386)	(\$39,082)	8	absorbed	\$0	(\$39,082)
Year 3	9	(\$6,386)	(\$59,796)	12	absorbed	\$0	(\$59,796)
Year 4	12	(\$6,386)	(\$81,322)	12	absorbed	\$0	(\$81,322)
Year 5	15	(\$6,386)	(\$103,686)	12	absorbed	\$0	(\$103,686)
Year 6	15	(\$6,386)	(\$105,760)	15	absorbed	\$0	(\$105,760)
Year 7	15	(\$6,386)	(\$107,875)	18	absorbed	\$0	(\$107,875)
Year 8	15	(\$6,386)	(\$110,033)	21	absorbed	\$0	(\$110,033)
Year 9	15	(\$6,386)	(\$112,233)	23	absorbed	\$0	(\$112,233)
Year 10	15	(\$6,386)	(\$114,478)	23	absorbed	\$0	(\$114,478)

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

ASSUMPTION (continued)

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated, in response to similar legislation (Perfected HB 1873), they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of vehicle-hijacking, a new class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

As this is a newly defined crime, SPD does not have any statistics relating to the number of possible cases.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund. Oversight also notes since this is a new crime, the SPD may need additional staff to provide representation for indigent persons charged with this proposed new crime and assumes if additional FTE are required in the future, the SPD will request additional funding through the appropriations process.

In response to similar legislation (Perfected HB 1873), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS and no measurable fiscal impact to prosecutors (since the proposed crimes have similar elements to the existing crimes of robbery in the first degree and robbery in the second degree).

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (Perfected HB 1873), the **Department of Public Safety, Missouri State Highway Patrol, the Department of Social Services, the Office of State Courts Administrator, the St. Louis County Police Department, the Springfield Police Department, and the St. Louis County Department of Justice Services** each stated the proposal would not have a direct 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.

§211.439 and repeal of §211.438 - Expansion of services to 18-year olds

In response to similar legislation (HCS SCS SB 662), officials from the **Office of the State Courts Administrator** assumed this proposal would have the same fiscal impact as SB 793 (2018). The total cost to state general revenue to implement the proposed legislation would be at least \$14,037,937.

Oversight notes the repeal of §211.438 removes the trigger requirement to appropriate sufficient funds for §211.439. This proposal, for §211.439, changes the effective date to January 1, 2022, suggesting the costs would not be incurred until January 1, 2022.

Oversight will show an (Unknown) transfer out from General Revenue to the Juvenile Justice Preservation (6 months for FY 22). Oversight notes the fiscal impact from the repeal of section 211.438, which removes a contingency of expansion of services, could be a substantial impact to the state.

§217.697 - Early parole of certain offenders over the age of 65

In response to similar legislation (HB 2034), officials from the **Department of Corrections (DOC)** stated HB 2034 proposes the early parole of certain offenders over the age of sixty-five.

To project the potential impact on the department over the next ten years, all offenders 56 years of age and older who meet the following conditions were considered:

- No conviction for a dangerous felony;
- Not a convicted sex offender;
- Offender will be 65 years or older by the time they have served at least 30 years in prison; and
- Serving a sentence of life without parole for a minimum of 50 years or more and was sentenced under §565.008.

The total potential impact on the department could be up to an additional 57 offenders eligible for release over the next ten fiscal years.

ASSUMPTION (continued)

The proposed legislation does not involve new admissions to prison or probation cases; therefore, the total cumulative impact on the offender population is reflected in the transfer of incarcerated offenders to the field population.

As this statute only states these offenders would become eligible to receive a parole hearing once the listed criteria is met, release would still be a decision for the Parole Board to make. Therefore, the impact could be none, should they choose not to release any additional offenders, all the way up to the above stated impact.

	# fewer in prison	Cost per year	Total Savings for prison	Change in probation & parole officers	Total cost for probation and parole	# to Probation and Parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	(21)	(\$6,386)	\$111,755	0	\$0	21	\$111,755
Year 2	(26)	(\$6,386)	\$169,357	0	\$0	26	\$169,357
Year 3	(30)	(\$6,386)	\$199,320	0	\$0	30	\$199,320
Year 4	(34)	(\$6,386)	\$230,414	0	\$0	34	\$230,414
Year 5	(38)	(\$6,386)	\$262,672	0	\$0	38	\$262,672
Year 6	(42)	(\$6,386)	\$296,128	0	\$0	42	\$296,128
Year 7	(49)	(\$6,386)	\$352,392	0	\$0	49	\$352,392
Year 8	(53)	(\$6,386)	\$388,782	1	(\$81,622)	53	\$307,160
Year 9	(55)	(\$6,386)	\$411,522	1	(\$72,635)	55	\$338,887
Year 10	(57)	(\$6,386)	\$435,016	1	(\$73,425)	57	\$361,591

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

ASSUMPTION (continued)

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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

§217.735 - Lifetime supervision of sexual offenders

In response to previous legislation (Perfecting HCS HB 1289), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

In response to previous legislation (Perfecting HCS HB 1289), officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Department of Social Services**, and the **Office of State Courts Administrator** each assumed the proposal would not have a direct 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 organizations.

§§217.850, 577.800, and 632.460 - Unmanned aircraft

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated, in response to similar legislation (Perfecting HCS HB 1898), they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes relating to the unlawful use of an unmanned aircraft near a correctional center. These new crimes range from a new class A misdemeanor to a class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

ASSUMPTION (continued)

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

In response to previous legislation (HB 1898), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight notes, in response to similar legislation (Perfected HCS HB 1898), the **Department of Corrections (DOC)** stated the proposal would not have a direct fiscal impact on their organization. DOC notes the legislation includes the requirement that the department post a warning sign, no smaller than 11" x 14". The cost of the sign from Missouri Vocational Enterprise (MVE) is approximately \$65 each. Therefore, the cost to place one sign at all 22 prisons would be \$1,430 (\$65 x 22). These costs will be absorbed by the Department.

Oversight notes §577.800.5 requires a 11" x 14" warning sign at each high capacity venue. Oversight assumes the cost for these signs will be minimal and, therefore, can be absorbed.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to similar legislation (HB 1898), officials from the **Department of Mental Health** and the **Metropolitan St. Louis Sewer District** stated the proposal would not have a direct fiscal impact on their respective organizations.

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (Perfected HCS HB 1898), the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety, Division of Fire Safety and Missouri State Highway Patrol**, the **Department of Transportation**, the **Office of State Courts Administrator**, the **Springfield Police Department**, the **St. Louis County Police Department**, and the **St. Louis County Department of Justice Services** each stated the proposal would not have a direct 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.

§221.111 - Two-way telecommunications devices in correctional centers and jails

Oversight notes, in response to similar legislation (Perfected HB 1296), the **Department of Corrections (DOC)** stated the proposal would not have a direct fiscal impact on their organization. The DOC states there are very few violations of two-way telecommunication devices and their component parts by visitors, and it is already on the list of illegal contraband in correctional centers and jails.

In response to a similar proposal from 2019 (HB 70), DOC stated a six-year average was approximately 30 violations annually. Currently, the violation is a minor violation-confiscation, and the offender spends up to 20 days in disciplinary segregation and loss of privileges. With the passage of this bill, courts would make the determination as to any extra time imposed on the offender's sentence. If the court decides the sentence will run concurrently with the sentence the offender is already serving, the offender's time in prison or on parole would not be extended. However, if the offender now must serve additional time at the end of his or her scheduled sentence, this would (at some point depending on when the prisoner would have been released if not for this new charge) increase the prison population and result in additional costs for DOC.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to similar legislation (Perfected HB 1296), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

Oversight notes, in response to similar legislation (Perfected HB 1296), the **Department of Public Safety, Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **State Public Defender's Office** each stated the proposal would not have a direct 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.

ASSUMPTION (continued)

§270.400 - Feral hogs

In response to similar legislation (HCS HB 1292), officials from the **Missouri Department of Conservation (MDC)** assumed this proposal will have a negative unknown fiscal impact caused by conflicting language between this statutory language and the Wildlife Code of Missouri that could lead to enforcement actions.

Oversight assumes MDC would not have a direct fiscal impact from this proposal.

Oversight notes, in response to similar legislation (HCS HB 1292), officials from the **Missouri Department of Agriculture** stated the proposal would not have a direct 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 organization.

§306.127 - Boating safety identification cards

In response to similar legislation (Perfectured HB 1935), officials from the **Department of Public Safety, Missouri State Highway Patrol (MHP)** assumed the proposal will have no fiscal impact on their organization. MHP notes the Water Patrol Division currently has a system in place regarding the temporary boater identification cards.

Oversight inquired of MHP as to how many temporary boater safety identification cards have been issued. **MHP** stated the following:

CY 2019: 3,561 cards purchased at a cost of \$7.75 each for a total of \$27,597.75 (net)
CY 2018: 2,798 cards purchased at a cost of \$7.75 each for a total of \$21,684.50 (net)
CY 2017: 2,696 cards purchased at a cost of \$7.75 each for a total of \$20,894.00 (net)

MHP notes the temporary boater safety identification cards are sold for \$9; however, Jet Pay (payment processing vendor) collects \$1.25 of the \$9.

CY 2019: 3,561 payments processed at \$1.25 each (to Jet Pay) for a total of \$4,451.25
CY 2018: 2,798 payments processed at \$1.25 each (to Jet Pay) for a total of \$3,497.50
CY 2017: 2,696 payments processed at \$1.25 each (to Jet Pay) for a total of \$3,370.00

Oversight notes the fund balance in the Water Patrol Division Fund (0400) as of December 31, 2019 was \$1,912,364.

ASSUMPTION (continued)

Oversight also notes that the authority to issue temporary boater safety identification cards and collect the associated fees in §306.127, RSMo expires on December 31, 2022. This proposal extends that expiration date to December 31, 2032. Therefore, Oversight will reflect a revenue extension (continuance) of “Less than \$30,000” beginning January 1, 2023 for this proposal. In addition, Oversight will reflect a continuing cost of “Less than \$5,000” beginning January 1, 2023 for a net fiscal impact of “Less than \$25,000.”

§307.179 - Rear-facing child passenger systems for children under two years of age

Oversight notes, in response to similar legislation (HB 2199), officials from the **Department of Transportation**, the **Department of Revenue**, the **Department of Public Safety**, **Missouri State Highway Patrol** and the **Office of the State Courts Administrator** have stated the proposal would not have a direct 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 organizations.

Oversight notes there were 1,020 infractions (\$83 fine) in 2019 for failure to secure a child less than eight years old in a child restraint or booster seat. Of the \$83 fine, \$20.50 goes to fine revenue and the remaining \$62.50 goes to various state and local funds for court costs. However, all fines may not have been paid (for example, the court could have dismissed the ticket or set the fine at a different amount).

Oversight also notes it would take approximately 1,200 tickets to be issued to reach \$100,000 in fine and court cost revenue. Oversight will reflect a potential amount of revenue to the state and local political subdivisions of “Less than \$100,000” per year from this charge.

Additional fine revenue received by local school districts may count as a deduction in the following year in determining their state aid apportionment, if the district is not a 'hold harmless' district. For simplicity, Oversight will only reflect the increase in fine revenue as a positive impact to local political subdivisions.

Below are examples of some of the state and local funds to which court costs are distributed:

ASSUMPTION (continued)

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff's Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

§§311.060, 311.660, and 313.220 - Persons found guilty of criminal offenses

Oversight notes, in response to similar legislation (Perfected HB 1468), the **Department of Revenue**, the **Department of Public Safety, Alcohol and Tobacco Control** and the **Lottery Commission** each stated the proposal would not have a direct 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.

ASSUMPTION (continued)

§311.199- Sale of intoxicating liquor in container other than original packaging

Oversight notes the **Department of Public Safety, Alcohol and Tobacco Control** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

§311.293 - Permitted hours of sale of intoxicating liquor

Oversight notes, in response to similar legislation (HB 1699), the **Department of Revenue**, the **Department of Public Safety, Alcohol and Tobacco Control** and the **City of Kansas City** have each stated the proposal would not have a direct 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 **City of Brentwood** responded to HB 1699 but did not provide a fiscal impact.

In response to similar legislation (HB 1699), officials from the **City of Springfield** stated there is a potential positive fiscal impact to the City of Springfield. However, the impact is unquantifiable without knowing how the proposed legislation will affect the City's general fund.

Oversight assumes any potential impact on cities and counties would be indirect. Therefore, for purposes of this fiscal note, Oversight will present a zero impact to local governments.

§311.332 - Alcohol

Oversight notes, in response to similar legislation (HB 1632), the **Department of Public Safety, Alcohol and Tobacco Control** stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

§320.091 - Donated fire equipment and immunity

Oversight notes, in response to similar legislation (HB 2097), the **Department of Public Safety, Division of Fire Safety** and **Missouri State Highway Patrol**, the **Office of the State Courts Administrator**, the **City of Kansas City** and the **City of Springfield** stated the proposal would not have a direct 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 organizations.

ASSUMPTION (continued)

In response to similar legislation from last year (HCS for HB 369), officials from the **City of Columbia** and the **Kearney Fire & Rescue Protection District** each assumed no fiscal impact to their respective entities from this proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

§565.002 - Expands definition of special victim

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated, in response to similar legislation (HCS HBs 1809 & 1570), that they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the enhanced penalties for crimes against sporting officials - now defined as “special victims”, which enhances the penalties. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD’s current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

In response to similar legislation (HCS HBs 1809 & 1570), officials from the **Department of Corrections (DOC)** stated this involves a small population and specialized circumstances and is expected to have no significant impact on the DOC.

ASSUMPTION (continued)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect a zero impact for fiscal note purposes for the DOC.

In response to similar legislation (HCS HBs 1809 & 1570), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

Oversight notes, in response to similar legislation (HCS HBs 1809 & 1570), the **Department of Public Safety, Missouri State Highway Patrol** and the **Office of State Courts Administrator** each stated the proposal would not have a direct 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.

§575.150 - Resisting or interfering with arrest

In response to similar legislation (HB 1620), officials from the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the enhanced penalties for the offense of resisting or interfering with an arrest - a new class E felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2019, SPD's Trial Division opened 1,454 cases under charge code 575.150 of the 62,002 total cases opened.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

ASSUMPTION (continued)

According to “The Missouri Project” (RubinBrown, June 2014), the number of hours that should be spent on a misdemeanor case is 13.3. This number takes into account time for travel and in-court appearances. In contrast, the number of hours that should be spent on a C/D/E felony case is 28.5. This equates to a difference of 15.2 additional hours spent on a felony case versus a misdemeanor case ($28.5 - 13.3 = 15.2$). **SPD** notes of the 1,454 cases, 510 individuals were misdemeanor cases. If just ten percent of the previously charged with a misdemeanor will now be charged with a felony, this equates to an additional 775 hours ($15.2 \text{ hours} \times 51 \text{ cases}$) annually. With 2,080 work hours in a year, the SPD would need one attorney to meet the requirements of this legislation ($775 / 2,080$).

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

In response to similar legislation (HCS B 1620), officials from the **Department of Corrections (DOC)** stated HB 1620 modifies the offense of resisting or interfering with arrest. Section 575.150 creates a class E felony for resisting arrest by fleeing in a motor vehicle from law enforcement and increases to a D felony for subsequent convictions. It also increases the penalty for resisting arrest by fleeing in a motor vehicle from law enforcement in which the person demonstrates disregard for the safety of any person or property and it results in serious bodily injury or death to another person from a class E felony to a class D felony. This penalty increases to a C felony for subsequent offenses.

The potential impact of this bill is difficult to determine because department records do not differentiate between resisting arrest offenses that involve motor vehicles and those that do not. Therefore, DOC assumes that offenses under §577.150 that were sentenced as class E felonies will continue to be sentenced as class E felonies unless the offender has a prior sentence under this section, in which case the sentence would be reclassified as a class D felony.

In FY 2019, there were 272 offenders sentenced to prison related to 575.150. Of those, 26 had prior sentences that were related to 575.150. Offenders serving these sentences served, on average, 2.2 years to first release. This is approximately 55% of their sentence, which is the average used in our standard response for a new violent class E felony.

The differences between the department's standard responses for a violent class E felony and violent class D felony are summarized in the table below.

	Class E	Class D	Diff
First release	2.2	3.0	0.8
Total prison	2.8	3.9	1.1
Total Parole	1.2	1.8	0.6
Total Sentence	4.0	5.7	1.7

ASSUMPTION (continued)

As shown in the table, the reclassification will establish a sentence that is 1.7 years longer. On average, an offender serving a prison term for a violent class D felony serves 3 years to first release, or 0.8 years more than offenders with a violent class E felony. Given our assumption of 33% of the remaining sentence due to returns from parole for violations, offenders with a violent class D felony will serve, on average, an additional 0.9 years in prison, or 0.3 years more than for a violent class E felony. This equates to a total of 1.1 more years in prison for a violent class D felony than a violent class E felony. Offenders with a violent class D felony are estimated to serve 1.8 years of their sentence under parole supervision, which is 0.6 years longer than for a violent class E felony.

From FY 2021 to FY 2024, the total population number stays the same, but offenders who would have been released to parole will remain in prison longer, lowering the parole population temporarily. In FY 2025, the total population is expected to increase. By FY 2026, there will be an additional 29 offenders in prison and 16 offenders under field supervision.

Although the bill also introduces the potential for a class C felony for repeated aggravated resisting arrest, the impact of creating the aggravated resisting arrest offense as a first offense is what is taken into account in this response. This is done by using the department's standard response to the creation of a new violent class D felony offense.

For each new violent class D felony, the department estimates four people will be sentenced to prison and four to probation. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The estimated combined cumulative impact of this bill is an additional 44 offenders in prison and (12) offenders under field supervision by FY 2024.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	4	(\$6,386)	(\$21,287)	4	absorbed	\$0	(\$21,287)
Year 2	8	(\$6,386)	(\$52,110)	8	absorbed	\$0	(\$52,110)
Year 3	17	(\$6,386)	(\$112,948)	7	absorbed	\$0	(\$112,948)
Year 4	44	(\$6,386)	(\$298,182)	(12)	absorbed	\$0	(\$298,182)
Year 5	44	(\$6,386)	(\$304,146)	18	absorbed	\$0	(\$304,146)
Year 6	44	(\$6,386)	(\$310,229)	39	absorbed	\$0	(\$310,229)
Year 7	44	(\$6,386)	(\$316,434)	39	absorbed	\$0	(\$316,434)
Year 8	44	(\$6,386)	(\$322,762)	39	absorbed	\$0	(\$322,762)
Year 9	44	(\$6,386)	(\$329,218)	39	absorbed	\$0	(\$329,218)
Year 10	44	(\$6,386)	(\$335,802)	39	absorbed	\$0	(\$335,802)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

In response to similar legislation (HCS HB 1620), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

Oversight notes, in response to similar legislation (HCS HB 1620), the **Department of Revenue**, the **Department of Public Safety**, **Missouri State Highway Patrol** and the **Office of State Courts Administrator** each stated the proposal would not have a direct 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.

§575.180 - Failing to execute an arrest warrant

Oversight notes, in response to similar legislation (Perfectured HB 1342), the **Department of Revenue**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Office of State Courts Administrator**, the **Joplin Police Department**, the **Springfield Police Department**, the **St. Louis County Police Department** and the **St. Louis County Department of Justice Services** stated the proposal would not have a direct 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.

Oversight notes, in response to similar legislation (HCS SB 774), the **Department of Corrections (DOC)** stated this section makes a misdemeanor a class E felony for failure to execute an arrest warrant if the offense involved is a felony. This bill introduces a new class E felony that has a potential impact on the DOC.

For each new nonviolent class E felony, the DOC estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be two additional offenders in prison and seven on field supervision by FY 23.

Oversight notes, it appears DOC is responding to existing law as the new legislation provides an affirmative defense to prosecution if the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant although the provisions of the subsection do not apply in specified circumstances. Therefore, **Oversight** assumes no fiscal impact to the DOC for this section of the proposal.

ASSUMPTION (continued)

§577.011 - Completion of victim impact program for persons guilty of driving while intoxicated

In response to similar legislation (Perfectured HCS HB 1488), officials from the **Office of the State Courts Administrator**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Missouri Department of Transportation** and the **Department of Revenue** each assumed no fiscal impact to their respective agencies from this proposal. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

§§578.018 and 578.030 - Confiscation of animals

In response to similar legislation (Perfectured HCS HB 2111), officials from the **Department of Agriculture**, the **Department of Corrections**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Office of the State Courts Administrator** and the **Attorney General's Office** 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 on the fiscal note for these agencies.

In response to similar legislation (Perfectured HCS HB 2111), officials from the **Office of Prosecution Services** assumed the proposal will have no measurable fiscal impact. The creation of a new crime creates additional responsibilities for county prosecutors, which may in turn result in additional costs which are difficult to determine. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated, in response to similar legislation (HB 2111), they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons charged with the proposed new crime of intentionally euthanizing or sterilizing an animal without proper authority would be charged with a new Class B misdemeanor - subsequent offenses would be a new Class A misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

SPD notes in FY 2019, the Trial Division did not open any cases under charge code 578.018.

ASSUMPTION (continued)

Oversight assumes there will be minimal (if any) new cases as a result of this proposal, based on the SPD not opening any cases under charge code 578.018 in FY 2019. Therefore, Oversight will not reflect a fiscal impact on the SPD on this fiscal note.

In response to similar legislation (Perfected HCS HB 2111), officials from the **St. Louis County Police Department** assumed this proposal would require the department have a police officer apply for all animal confiscation warrants rather than animal control officers.

While the police department currently assists the health department with these cases, the animal control officers would no longer be able to function without police involvement.

The proposal also removes the ability to post search warrant materials on the property. The proposal would require that a resident of the property be served with the appropriate materials. In some cases this may make executing the search warrant impossible.

The proposal would change the usual disposition hearing following an animal confiscation from thirty days to ten days. There are serious implications of moving the hearing to ten days rather than thirty. For example, many tests completed by the veterinarian and lab will not be completed within ten days. If the tests are completed in the rushed time frame, the case may be found in favor of the pet owner and the police would have wasted time and manpower.

The increase in man hours, paperwork and overtime are difficult to estimate. The police officer's process, if involved in animal confiscation case would be as follows:

The officer would have to compile evidence and apply for a warrant. After approval, the officer would then have to respond to the location where the animal is being maintained with the health department and animal control to serve the warrant. If the owner of the animal is not on-scene, the officer must locate a resident of the property and serve them in person, which may be impossible. After completing all necessary reports and having them approved, the officer would have to respond to a disposition hearing within ten days. During this process, the officer involved would no longer be able to respond to other calls and additional officers would have to complete the work the missing officer would generally complete, generating overtime costs.

According to an officer assigned to the Problem Properties Unit, the current process to confiscate animals takes an average of 24 to 40 hours to complete from start to finish. If the process were changed, there could be an increase of hours worked.

Oversight assumes local law enforcement agencies could incur increased costs related to this proposal; therefore, Oversight will reflect an "Unknown" cost to law enforcement agencies on the fiscal note.

ASSUMPTION (continued)

In response to similar legislation (HB 2111), officials from the **St. Louis County Department of Justice Services** and **Springfield Police Department** assumed the proposal would have no fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight assumes any confiscated animal care costs, should the animal owner be acquitted, has an inability to pay before the initial disposition hearing, or upon conviction, would be incurred by veterinarians, local government dog pounds, animal shelters, animal rescue facilities, or another third party with existing animal care facilities approved by the court.

§§579.040 and 579.076 - Entities exempted from unlawful delivery/manufacture of drug paraphernalia

In response to similar legislation (Perfectured HB 1486), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation would require any entity that possesses, distributes, or delivers hypodermic needles or syringes for the purpose of operating a syringe exchange program or mitigating health risks that are associated with unsterile drug use to register with the DHSS. The proposed legislation would also not allow a registered entity to be within five hundred feet of any school building, unless it was in operation prior to the school building. DHSS would be responsible for registering entities, and it is assumed that DHSS would also be responsible for ensuring that the entity was not within five hundred feet of a school as part of the registration process. The duties associated with the registration of entities would require an additional 50 hours per year by a Health Program Representative, which would be a total cost of \$1,025.50 annually. (HPR average salary \$42,665 and average hourly salary of \$20.51 X 50 hours = \$1,025.50).

The department anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Oversight does not have any information to the contrary. Oversight assumes the DHSS has sufficient staff and resources to perform the additional work required by this proposal and will reflect no fiscal impact for the DHSS for fiscal note purposes.

Oversight notes, in response to similar legislation (Perfectured HB 1486), the **Missouri Office of Prosecution Services** stated the proposal would not have a measurable 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 organization.

In response to similar legislation (HB 1486), officials from the **Cooper County Public Health Center** assumed unknown revenues and savings, as well as unknown costs and potential losses, related to this proposal.

ASSUMPTION (continued)

Oversight notes the Cooper County Public Health Center did not elaborate on the unknown fiscal impact of this proposal and did not provide any additional follow-up information. Therefore, Oversight assumes the Cooper County Public Health Center's unknown revenues/savings and unknown costs/losses will be minimal and absorbable within current funding levels and no fiscal impact will be assumed for fiscal note purposes.

Oversight notes, in response to similar legislation (Perfected HB 1486), the **Department of Public Safety, Director's Office** and the **Office of State Courts Administrator** each stated the proposal would not have a direct 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 organizations.

In response to similar legislation from the current session (SB 668), officials from the **Columbia/Boone County Department of Public Health and Human Services** stated the proposal would not have a direct 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 this organization.

In response to similar legislation (HCS SB 774), officials from the **Department of Corrections (DOC)** stated bill adds that unlawful delivery of drug paraphernalia is a class A misdemeanor and as a class E felony if done for commercial purposes. This creates one new class A misdemeanor offense and one new class E felony offense.

The misdemeanor offense does not fall under the purview of DOC. However, for a new nonviolent class E felony, the DOC estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years of which, 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the Department is estimated to be two additional offenders in prison and seven on field supervision by FY2023.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$6,386)	(\$6,386)	2	absorbed	\$0	(\$6,386)
Year 2	2	(\$6,386)	(\$13,027)	4	absorbed	\$0	(\$13,027)
Year 3	2	(\$6,386)	(\$13,288)	7	absorbed	\$0	(\$13,288)
Year 4	2	(\$6,386)	(\$13,554)	7	absorbed	\$0	(\$13,554)
Year 5	2	(\$6,386)	(\$13,825)	7	absorbed	\$0	(\$13,825)
Year 6	2	(\$6,386)	(\$14,101)	7	absorbed	\$0	(\$14,101)
Year 7	2	(\$6,386)	(\$14,383)	7	absorbed	\$0	(\$14,383)
Year 8	2	(\$6,386)	(\$14,671)	7	absorbed	\$0	(\$14,671)
Year 9	2	(\$6,386)	(\$14,964)	7	absorbed	\$0	(\$14,964)
Year 10	2	(\$6,386)	(\$15,264)	7	absorbed	\$0	(\$15,264)

Oversight does not have any information to the contrary. Therefore, Oversight assumes this is a minimal amount and can be absorbed within DOC's funding levels until this bill is fully implemented.

§§579.065 and 579.068 - Substance offenses

In response to similar legislation (Perfected HB 1450), officials from the **Department of Public Safety, Missouri State Highway Patrol (MHP)** stated from January 1 to December 9, 2019, the Crime Laboratory Division qualitatively tested 937 items containing a weighable amount (>0.01 gram) of powder, liquid, or solid containing fentanyl/fentanyl derivatives. The proposed legislation would necessitate an additional, quantitative, test be performed.

Due to the nature of fentanyl/fentanyl derivatives as an abused drug, it would be expected that the concentration of the drug in any given sample would be less than 10%. Four hundred and twelve of the 937 items tested, had a weight of less than 0.10 gram. To meet the lowest threshold of 10 milligrams in the proposed bill, at the concentrations anticipated in the samples, it is likely that multiple items from these cases will need both additional qualitative testing and quantitative testing. The MHP estimates this number to be approximately 400 items. The additional qualitative testing would take approximately 400 personnel hours per year.

The laboratory does not currently have a method in place to perform quantitative testing on fentanyl/fentanyl derivatives. It is anticipated, developing and testing a method would take a full-time employee approximately three months or 520 personnel hours.

ASSUMPTION (continued)

If the method developed was similar to our current quantitative method(s), the cost for standards to generate a curve would be approximately \$855. Approximately 32 samples would be able to be run on each curve. The total estimated cost for running the method would be (\$26.71/sample x 1337 samples) \$35,711 per year.

The 937 items already qualitatively tested plus the additional estimated 400 items that would be qualitatively tested, result in an estimated 1,337 items that would require quantitative testing on the new method. Based on quantitative methods in place currently, the MHP estimates a full-time employee would be able to quantitative analyze 40-50 items per month. The quantitative testing would take approximately 5,150 personnel hours per year (3 FTE).

Oversight does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

In response to similar legislation (Perfected HB 1450), officials from the **Department of Corrections (DOC)** stated §579.065 (1) removes the upper weight limits of various drugs, and adds one gram or more of flunitrazepam for the first offense, any amount of gamma-hydroxybutyric acid for the first offense, and more than ten milligrams of fentanyl in the 1st degree drug trafficking offense. The trafficking of all these drugs as a 1st degree offense is a class B felony.

However, trafficking these drugs in larger quantities, as per weights specified by this bill, is a class A felony. Similarly, trafficking one gram or more of flunitrazepam for a second or subsequent offense, any amount of gamma-hydroxybutyric acid for a second or subsequent offense, or twenty milligrams or more of fentanyl is also a class A felony.

Section 579.068 establishes the drug trafficking offenses in 2nd degree. This section also removes the upper weight limits of various drugs, and adds more than ten milligrams of fentanyl in the 2nd degree drug trafficking offense. The trafficking of all these drugs as a 2nd degree offense is a class C felony, and is a class B felony for larger quantities. Trafficking of less than one gram of flunitrazepam, in the 2nd degree, is a class C felony. It is a class B felony for a repeated offense.

Flunitrazepam is not approved by the FDA and is illegal. The effects of overdosing is known and may be increased with the use of opioids. Gamma-Hydroxybutyric is an approved Schedule 1 drug that is used to treat narcolepsy. Both drugs have illegal street uses but the impact of changing the felony class is considered to have little impact upon on the DOC. Very few offenders receive prison sentences for possession unless the offenders have multiple convictions.

ASSUMPTION (continued)

Offenders sentenced to probation will serve the same time on probation (three years after earning compliance credits).

The bill adds felony classes A and B for these drugs (flunitrazepam, fentanyl and gamma-hydroxybutyric acid) if they are charged under trafficking 1st degree, depending upon quantity of drugs involved and first or subsequent offense. Similarly, it adds them to felony B and C, if the offense is charged under trafficking 2nd degree.

The DOC is expecting that the average sentence length and average first releases from the prison as well as parole and probation sentences will remain the same for these new offenders; however, their number may increase because of the addition of new drugs under this legislation.

In FY2019, there were seven new admissions under charges of 1st degree drug trafficking class A felony, with 12.5 years of average sentence, and 7.2 years average time for first release, 4 new probations with average term of 5 years. For 1st degree class B felony, there were six new admissions with average sentence of 8.7 years and four new probations with average term of 5 years.

For 2nd degree drug trafficking felony class A, there were five new admissions with an average sentence of 10.7 years, 6.7 years to first release and 5 new probations with 4.2 years average probation term. For class B felony, there were 30 new admissions, 9.7 years average sentence, 2.8 years to first release and 6 new probations with 4.7 years average term.

For 2nd degree drug trafficking class C felony, there were 11 new admissions with 7.2 years average sentence length, 1.3 years to first release, and 14 new probations with 3.8 years average term length.

Estimating that the changes in the bill result in an increase of at least 30% new admissions and probations, based on the addition of three new drugs to the list, and assuming the same sentence lengths, the likely impact will be approximately 96 new prison admissions and 109 additional field population by FY2030.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to Probation and Parole	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	18	(\$6,386)	(\$95,790)	0	\$0	10	(\$95,790)
Year 2	35	(\$6,386)	(\$227,980)	0	\$0	20	(\$227,980)
Year 3	54	(\$6,386)	(\$358,776)	0	\$0	30	(\$358,776)
Year 4	69	(\$6,386)	(\$467,604)	0	\$0	41	(\$467,604)
Year 5	82	(\$6,386)	(\$566,818)	0	\$0	50	(\$566,818)
Year 6	87	(\$6,386)	(\$613,407)	1	(\$70,320)	62	(\$683,728)
Year 7	91	(\$6,386)	(\$654,442)	1	(\$71,083)	76	(\$725,526)
Year 8	94	(\$6,386)	(\$689,538)	1	(\$71,854)	87	(\$761,392)
Year 9	96	(\$6,386)	(\$718,293)	1	(\$72,635)	100	(\$790,929)
Year 10	96	(\$6,386)	(\$732,659)	2	(\$146,849)	109	(\$879,507)

If this impact statement has changed from statements submitted in previous years, it is because the DOC has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. Increases/decreases smaller than 51 offenders 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** stated, in response to similar legislation (Perfected HB 1450), they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of trafficking fentanyl, or gamma-hydroxybutyric acid, or flunitrazepam. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2019, SPD's Trial Division opened 193 drug cases of the 62,002 total cases opened.

Statute	Description	Number of Cases
579.065	Trafficking Drugs 1 st Degree	55
579.068	Trafficking Drugs 2 nd Degree	138
	Total Cases	193

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

ASSUMPTION (continued)

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

In response to similar legislation (Perfected HB 1450), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

Oversight notes, in response to similar legislation (Perfected HB 1450), the **Office of State Courts Administrator** stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

§589.805 - Community Crime Reduction Grant Program

In response to similar legislation (SB 572), officials from the **Department of Public Safety (DPS)** stated §589.805 requires the DPS to establish a pilot program known as the “Community Crime Reduction Grant Program” to qualifying municipal police departments as provided under subsection 2.

DPS is also required to administer the grants issued and promulgate all necessary rules and regulations for the administration of this section.

Due to the effort required to establish the grant program and to then administer the grants, DPS will require one (1) FTE Program Specialist (at \$46,171). This would be a new grant program to the department. Costs relative to this new grant program would be as follows:

Program Specialist	\$46,171
Fringe Benefits	\$26,853
Chair	\$574
File Cabinet	\$599
Calculator	\$40
ITSD One-Time Costs (PC/Monitor/Software)	\$1,425
On-Going Office Supplies	\$372
On-Going ITSD Expenses	<u>\$478</u>
Total	\$76,512

The grant program covered by this legislation is subject to appropriation by the general assembly. There is also a dedicated fund created to support this section. DPS will need administrative support funding to adequately achieve the intent of this legislation.

ASSUMPTION (continued)

The appropriation/gifts will set the size or level of the grant program overseen by DPS. Depending on how this grant program is established and managed, there could be an increase in maintenance costs to our grant management system that cannot be calculated at this point.

Oversight does not have any information contrary to that provided by DPS. Therefore, Oversight will reflect DPS's estimated impact for fiscal note purposes.

In response to similar legislation (SB 572), officials from the **Columbia Police Department (CPD)** stated the City of Columbia would qualify for funding. Since it is not possible to estimate how much would actually be available to the City of Columbia, we assume a positive fiscal impact since new funds would be available on a matching basis for officers and for the full cost of training specified in the bill.

Oversight contacted the CPD to determine the number of sworn and civilian employees, starting salary for an officer, fringe benefit rate, and an estimate of the City of Columbia's population. According to CPD, the City's approved budget document estimates a 2020 population of 124,537 and states the CPD has 184 sworn and 41 civilian employees. Therefore, using a future estimated population of 125,000, meeting the "two officers per one thousand people" threshold as stated in the bill would require 250 police officers. Oversight assumes this refers to sworn officers and does not include civilian employees. Therefore, CPD would need to add approximately 66 (250-184) police officers to meet the threshold.

CPD states the starting salary for a police officer is \$46,354 and fringe benefits are calculated at a rate of 67.36 percent. Therefore, an additional 66 police officers would equate to \$5,120,152 (66 x (\$46,354 x 1.6736)) in costs. Under §589.805.3(1), the state would provide fifty percent (\$2,560,076) of this funding. Additional costs may be incurred under subdivision (2), where the state pays for the new officers to attend at least one seminar relating to fair and impartial policing and one seminar related to racial sensitivity.

Oversight does not have any information contrary to that provided by CPD. Therefore, Oversight will reflect CPD's impact for fiscal note purposes.

Oversight notes, in response to similar legislation (SB 572), officials from the **State Treasurer's Office** and the **St. Joseph Police Department** each stated the proposal would not have a direct 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.

ASSUMPTION (continued)

§§589.400, 589.401, 589.404, and 589.414 - Sexual offenders

In response to previous legislation (Perfecting HCS HB 1289), officials from the **Department of Corrections (DOC)** stated the DOC is responsible for supervising those who are charged with failure to register. Failure to register as a sex offender is in violation of §589.425, RSMo, with penalties of class D, E, or unclassified felonies. While this bill proposes no new penalties, the expanded registry population increases the potential of a violation of §589.425, RSMo. In FY 2019, there were 267 new court commitments to the department under §589.425, RSMo. Of those, 187 were probation cases, 29 were new commitments for 120 days, and 51 were prison sentences. As of January 13, 2020, the Missouri sex offender registry had 16,469 offenders in the registry (Missouri State Highway Patrol 2020). Based on the results of an audit by the Office of State Auditor (Galloway 2018), we can expect approximately 8 percent of those offenders (1,318) are noncompliant with registration at any given time.

Given the proposed legislation increases the monitoring requirements for offenders who are already supervised by the department, it increases the likelihood that an offender will fail to register. However, given that the cases affected by this proposal are already monitored and the estimate that 20 percent of noncompliant cases result in a new court commitment for failure to register under §589.425, RSMo, the department does not expect a significant impact on operations. Therefore, passage of this legislation is expected to have no impact on the department.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to previous legislation (Perfecting HCS HB 1289), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

Oversight notes, in response to previous legislation (Perfecting HCS HB 1289), officials the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Department of Social Services**, the **Office of State Courts Administrator**, the **State Public Defender's Office**, and the **Springfield Police Department** each stated the proposal would not have a direct fiscal impact on their respective organizations.

In response to a previous legislation (HB1289), officials from the **St. Louis County Police Department** and the **St. Louis County Department of Justice Services** each stated the proposal would not have a direct fiscal impact on their respective organizations.

ASSUMPTION (continued)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§610.021 - Closed meetings

Oversight notes, in response to similar legislation (HB 1366), the following state departments and local governments have stated the proposal would not have a direct 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 organizations.

These state departments assumed this proposal will have no direct fiscal impact:

The Office of the Attorney General, the Missouri Department of Agriculture, the Department of Commerce and Insurance, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Health and Senior Services, the Department of Mental Health, the Department of Natural Resources, the Department of Revenue, the Department of Public Safety, Divisions of: Fire Safety, Missouri State Highway Patrol, Missouri Gaming Commission, State Emergency Management Agency, Missouri National Guard, Division of Alcohol Control, and Capitol Police, the Joint Committee on Administrative Rules, the Missouri Lottery, the Missouri Consolidated Health Care Plan, the Missouri Department of Conservation, the Missouri Ethics Commission, House Appropriations, the Missouri Office of Prosecution Services, the Missouri State Employees' Retirement System, the MoDOT & Patrol Employees' Retirement System, the Office of Administration (OA), the OA, Administrative Hearing Commission, the Office of State Courts Administrator, the Missouri State Auditor's Office, the Missouri Senate, the Office of Secretary of State, the Office of State Treasurer, the Missouri State Tax Commission.

These local governments assumed this proposal will have no direct fiscal impact:

The Jackson County Election Board, the Kansas City Public School Retirement System, the City of Riverside, the Springfield Police Department, the Platte County Board of Elections, the St. Louis County Police Department, the St. Louis Metropolitan Sewer District, the St. Louis County Department of Justice Services, the Sheriffs' Retirement System, the Employees' Retirement System of the City of St. Louis, the Joint Committee on Public Employee Retirement, State Technical College of Missouri, the St. Louis County Directors of Elections, and the City of Kansas City.

ASSUMPTION (continued)

§640.042 - Hazardous waste sites

In response to similar legislation (Perfectured HB 1694), officials from the **Department of Natural Resources (DNR)** assumed the proposal would have no fiscal impact on their organization.

Oversight inquired of DNR as to whether they have an existing interactive map of hazardous waste sites. DNR stated they do have a map of hazardous waste sites (<https://dnr.mo.gov/ESTART/>). In addition, DNR has a handful of high priority, high visibility sites that have their own web pages and those pages allow individuals to sign up for updates. The vast majority of the sites in the ESTART mapper do not have their own separate web page dedicated to the site.

Oversight notes that DNR has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for DNR.

§§640.142, 640.144 and 640.145 - Water safety and security

In response to similar legislation (Perfectured HCS HB 2120), officials from the **Department of Natural Resources**, the **Department of Economic Development** and the **Department of Corrections** 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 on the fiscal note for these agencies.

In response to similar legislation (Perfectured HCS HB 2120), officials from the **City of Kansas City** assumed the proposal will have no fiscal impact on their organization. Exceptions have been created in various provisions of the proposal for cities with populations in excess of 30,000.

In response to similar legislation (Perfectured HCS HB 2120), officials from the **City of St. Louis Water Division** assumed the proposal will have no fiscal impact on their organization.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight notes that cities with a population of less than 30,000 could incur costs to upgrade their water systems and perform the required inspections listed in this proposal; therefore, Oversight will reflect an “unknown” cost to local political subdivisions.

ASSUMPTION (continued)

Bill as a whole

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

In response to similar legislation throughout the current session which includes rule-making provisions, officials from the **Office of the Secretary of State (SOS)** have stated 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 the 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 assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

<u>FISCAL IMPACT - State Government</u>	FY 2021	FY 2022	(FY 2023)	Fully Implemented (FY 2030)
GENERAL REVENUE FUND				
<u>Additional Revenue</u>				
- DOR (§§94.900 & 94.902) 1% collection fee p. 16	\$0	\$0 to \$19,603	\$0 to \$29,993	\$0 to \$29,993
<u>Savings - DOC</u>				
(§217.697) Decreased incarceration costs p. 35	\$0 to \$111,755	\$0 to \$169,357	\$0 to \$199,320	\$0 to \$435,016
<u>Cost - DOR</u>				
(§32.056) p. 5 & 6	Up to...	Up to...	Up to...	Up to...
Personal services	(\$76,260)	(\$92,427)	(\$93,351)	(\$100,085)
Fringe benefits	(\$59,886)	(\$65,255)	(\$65,562)	(\$67,798)
Expense and equipment	(\$16,365)	(\$1,144)	(\$1,172)	(\$1,394)
<u>Total Costs - DOR</u>	<u>(\$152,511)</u>	<u>(\$158,826)</u>	<u>(\$160,085)</u>	<u>(\$169,277)</u>
FTE Change - DOR	Up to 3 FTE	Up to 3 FTE	Up to 3 FTE	Up to 3 FTE
<u>Costs - OSCA</u>				
(§211.071) Raises the age for a juvenile p. 31	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs - DOC</u>				
(§§211.071, 556.061, and 570.027) Increased incarceration costs p. 32	(\$15,965 to Unknown)	(\$39,082 to Unknown)	(\$103,686 to Unknown)	(\$114,478 to Unknown)

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

	FY 2021	FY 2022	(FY 2023)	(FY 2030)
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**GENERAL
 REVENUE FUND**
 (continued)

<u>Costs - SPD</u> (§§211.071, 556.061, and 570.027) Salaries, fringe benefits, and equipment and expense p. 33	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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<u>Costs - DOC</u> (§217.697) Change in P&P Officers p. 35				\$0 or....
Personal Services	\$0	\$0	\$0	(\$42,383)
Fringe Benefits	\$0	\$0	\$0	(\$26,708)
Equipment and Expense	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$4,334)</u>
<u>Total Savings - DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$73,425)</u>
FTE Change - DOC	0 FTE	0 FTE	0 FTE	0 or 1 FTE

<u>Costs - SPD</u> (§§217.850, 577.800, and 632.460) Salaries, fringe benefits, and equipment and expense p. 36	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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<u>Costs - SPD</u> (§565.002) Salaries, fringe benefits, and equipment and expense p. 43	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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FISCAL IMPACT -
State Government

	FY 2021	FY 2022	(FY 2023)	Fully Implemented (FY 2030)
GENERAL REVENUE FUND (continued)				
<u>Costs - SPD</u> (§575.150) Salaries, fringe benefits, and equipment and expense p. 44 & 45	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - DOC</u> (§575.150) Increased incarceration costs p. 47	(\$21,287)	(\$52,110)	(\$112,948)	(\$335,802)
<u>Costs - DOC</u> (§§579.040 & 579.076) Increased incarceration costs p. 53	\$0	\$0	\$0	(\$15,264)
<u>Costs - MHP</u> (§§579.065 and 579.068) p. 53 & 54				
Personal Service	(\$147,240)	(\$178,455)	(\$180,239)	(\$193,241)
Fringe Benefits	(\$131,456)	(\$159,325)	(\$160,917)	(\$172,526)
Expense and Equipment	<u>(\$86,785)</u>	<u>(\$84,728)</u>	<u>(\$86,846)</u>	<u>(\$103,232)</u>
Total Costs - MHP	<u>(\$365,481)</u>	<u>(\$422,508)</u>	<u>(\$428,002)</u>	<u>(\$468,999)</u>
FTE Change - MHP	3 FTE	3 FTE	3 FTE	3 FTE

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

	FY 2021	FY 2022	(FY 2023)	(FY 2030)
GENERAL REVENUE FUND (continued)				
<u>Costs - DOC</u> (§§579.065 and 579.068) Increase incarceration costs p. 56	(\$95,790)	(\$227,980)	(\$358,776)	(\$732,659)
Personal Service	\$0	\$0	\$0	(\$84,766)
Fringe Benefits Expense and Equipment	\$0	\$0	\$0	(\$53,415)
	\$0	\$0	\$0	(\$8,668)
<u>Total Costs - DOC</u>	<u>(\$95,790)</u>	<u>(\$227,980)</u>	<u>(\$358,776)</u>	<u>(\$879,508)</u>
 FTE Change - DOC	 0 FTE	 0 FTE	 0 FTE	 2 FTE
 <u>Costs - SPD</u> (§§579.065 and 579.068) Salaries, fringe benefits, and equipment and expense p. 57 & 58	 (Less than \$100,000)	 (Less than \$100,000)	 (Less than \$100,000)	 (Less than \$100,000)
 <u>Costs - DPS</u> (§589.805) establish and administer grant program p. 58 & 59				
Personal service	(\$38,476)	(\$46,633)	(\$47,099)	(\$50,497)
Fringe benefit Expense and Equipment	(\$22,378)	(\$27,007)	(\$27,162)	(\$28,290)
	(\$3,346)	(\$871)	(\$893)	(\$1,164)
<u>Total Costs - DPS</u>	<u>(\$64,200)</u>	<u>(\$74,511)</u>	<u>(\$75,154)</u>	<u>(\$79,951)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

**GENERAL
 REVENUE FUND**
 (continued)

Costs - DPS
 (§589.805)

Appropriation to
 Community Crime
 Reduction Program
 Fund (Subject to
 appropriation) p. 59

	FY 2021	FY 2022	(FY 2023)	
	(Could exceed \$2,133,397)	(Could exceed \$2,560,076)	(Could exceed \$2,560,076)	(Could exceed \$2,560,076)

Transfer Out -
 OSCA (§211.438
 repealed) - to
 Juvenile Justice
 Preservation Fund -
 contingency of
 expansion of service
 from 17 to 18
 removed. p. 34

<u>(Unknown - potentially significant)</u>	<u>(Unknown - potentially significant)</u>	<u>(Unknown - potentially significant)</u>	<u>(Unknown - potentially significant)</u>
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**ESTIMATED NET
 EFFECT ON THE
 GENERAL
 REVENUE FUND**

<u>(Unknown, potentially significantly greater than \$3,236,876)</u>	<u>(Unknown, potentially significantly greater than \$3,846,133)</u>	<u>(Unknown, potentially significantly greater than \$4,069,414)</u>	<u>(Unknown, potentially significantly greater than \$4,731,771)</u>
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Estimated Net FTE
 Change on the
 General Revenue
 Fund

Up to 7	Up to 7	Up to 7	Up to 10
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FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

FY 2021 FY 2022 (FY 2023)

**DEPARTMENT
 OF PUBLIC
 SAFETY**

Reallocation -
 Adjutant General
 funding and 469.05
 FTE from DPS to
 the Department of
 Defense (§§40.003,
 41.005,45.010,
 45.020, 45.030,
 650.005) p. 6-8

\$0 or
\$22,485,373

\$0 or
\$44,970,747

\$0 or
\$44,970,747

\$0 or
\$44,970,747

**ESTIMATED NET
 EFFECT TO THE
 DEPARTMENT
 OF PUBLIC
 SAFETY (Across
 all funds)**

\$0 or
\$22,485,373

\$0 or
\$44,970,747

\$0 or
\$44,970,747

\$0 or
\$44,970,747

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

FY 2021 FY 2022 (FY 2023)

**DEPARTMENT
 OF DEFENSE**

Reallocation -
 Adjutant General
 funding and 469.05
 FTE into the
 Department of
 Defense (§§40.003,
 41.005,45.010,
 45.020, 45.030,
 650.005) p. 6-8

\$0 or \$0 or \$0 or \$0 or
 (\$22,485,373) (\$44,970,747) (\$44,970,747) (\$44,970,747)

Cost - MNG-DOD
 Additional Personal
 Services expenses
 (could exceed 2
 FTE) (§§40.003,
 41.005,45.010,
 45.020, 45.030,
 650.005) p. 6-8

\$0 or (Could \$0 or (Could \$0 or (Could \$0 or (Could
exceed exceed exceed exceed
\$200,000) \$200,000) \$200,000) \$200,000)

**ESTIMATED NET
 EFFECT TO THE
 DEPARTMENT
 OF DEFENSE
 (Across all funds)**

\$0 or \$0 or \$0 or \$0 or
(\$22,485,373, or (\$44,970,747, or (\$44,970,747, (\$44,970,747, or
could exceed could exceed or could could exceed
\$22,685,373) \$45,170,747) exceed could exceed
\$45,170,747) \$45,170,747) \$45,170,747) \$45,170,747)

Estimated Net FTE
 Change on the
 Department of
 Defense

Could exceed 2 Could exceed 2 Could exceed 2 Could exceed 2
 FTE FTE FTE FTE

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

	FY 2021	FY 2022	(FY 2023)	
CRIMINAL RECORD SYSTEM FUND (0671)				
<u>Income</u> - from background checks on adult students not counted towards average daily attendance (\$168.133) p. 17	\$2,200	\$2,200	\$2,200	\$2,200
<u>Income or (Loss)</u> - from backgrounds checks no longer needed for different districts (\$168.133) p. 18	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
<u>Income</u> - DPS, MHP (\$195.815) - Increase in background check fees p. 30	\$76,560	\$43,472 to \$85,800	\$43,472 to \$85,800	\$43,472 to \$85,800
<u>Costs</u> - DPS, MHP - Criminal history system changes (\$168.133) p. 18	<u>(\$165,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND	<u>Unknown to (Could exceed \$86,240)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

	FY 2021	FY 2022	(FY 2023)	(FY 2030)
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**COLLEGES AND
 UNIVERSITIES**

Costs - Colleges and
 Universities

(§190.092) - AED maintenance and upkeep p. 22 & 23	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
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**ESTIMATED NET
 EFFECT ON
 COLLEGES AND
 UNIVERSITIES**

	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
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**MO VETERANS
 HEALTH AND
 CARE FUND
 (0606)**

Costs - DHSS

(§195.805) p. 29	\$0 to...	\$0 to...	\$0 to...	\$0 to...
Personal service	\$0	(\$40,400)	(\$40,804)	(\$43,747)
Fringe benefits	\$0	(\$24,937)	(\$25,071)	(\$26,048)
Equipment and expense	<u>\$0</u>	<u>(\$13,457)</u>	<u>(\$6,339)</u>	<u>(\$7,534)</u>
Total <u>Costs</u> - DHSS	<u>\$0</u>	<u>(\$78,794)</u>	<u>(\$72,214)</u>	<u>(\$77,329)</u>
FTE Change - DHSS	0 FTE	0 to 1 FTE	0 to 1 FTE	0 to 1 FTE

Costs - DHSS

(§195.805) - IT contract costs p. 29	<u>(\$88,000)</u>	<u>(\$12,000)</u>	<u>(\$12,000)</u>	<u>(\$12,000)</u>
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**ESTIMATED NET
 EFFECT ON THE
 MO VETERANS
 HEALTH AND
 CARE FUND**

	<u>(\$88,000)</u>	<u>(\$12,000 to \$90,794)</u>	<u>(\$12,000 to \$84,214)</u>	<u>(\$12,000 to \$89,329)</u>
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Estimated Net FTE
 Change on the MO
 Veterans Health and
 Care Fund

	0 FTE	0 to 1 FTE	0 to 1 FTE	0 to 1 FTE
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FISCAL IMPACT -
State Government

	FY 2021	FY 2022	(FY 2023)	Fully Implemented (FY 2030)
WATER PATROL DIVISION FUND (0400)				
<u>Revenue Extension</u> - MHP - Extension of Fee (§306.127) from 12/31/2022 to 12/31/2032 p. 40	\$0	\$0	Less than \$30,000	Could exceed \$30,000
<u>Cost - MHP</u> (§306.127) processing fee to Jet Pay p. 40	<u>\$0</u>	<u>\$0</u>	<u>(Less than \$5,000)</u>	<u>(Could exceed \$5,000)</u>
ESTIMATED NET EFFECT ON THE WATER PATROL DIVISION FUND	<u>\$0</u>	<u>\$0</u>	<u>Less than \$25,000</u>	<u>Could exceed \$25,000</u>
JUVENILE JUSTICE PRESERVATION FUND (0739)				
<u>Transfer In - from</u> General Revenue (repeal of §211.438) p. 34	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost - program</u> distributions to local courts (repeal of §211.438) p. 34	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON THE JUVENILE JUSTICE PRESERVATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT -
State Government

Fully
 Implemented
 (FY 2030)

FY 2021 FY 2022 (FY 2023)

**COMMUNITY
 CRIME
 REDUCTION
 PROGRAM FUND**

Transfer-in - from
General Revenue
Fund (§589.805)
 p. 59

Could exceed	Could exceed	Could exceed	Could exceed
\$2,133,397	\$2,560,076	\$2,560,076	\$2,560,076

Costs - DPS
 (§589.805) Grants
 (Subject to
 appropriation) p. 59

<u>(Could exceed</u>	<u>(Could exceed</u>	<u>(Could exceed</u>	<u>(Could exceed</u>
<u>\$2,133,397)</u>	<u>\$2,560,076)</u>	<u>\$2,560,076)</u>	<u>\$2,560,076)</u>

**ESTIMATED NET
 FISCAL IMPACT
 TO THE
 COMMUNITY
 CRIME
 REDUCTION
 PROGRAM FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**VARIOUS STATE
 FUNDS**

Revenue - Court
costs for tickets for
traffic violations
 (§§173.2700,
 173.2703, 173.2706,
 173.2709, and
 173.2712) p. 20

Less than	Less than	Less than	Less than
\$100,000	\$100,000	\$100,000	\$100,000

FISCAL IMPACT -
State Government

	FY 2021	FY 2022	(FY 2023)	Fully Implemented (FY 2030)
VARIOUS STATE FUNDS (continued)				

Revenue - Court costs for tickets for failure to property secure a child in a motor vehicle
 (§307.179) p. 40

<u>Less than</u> <u>\$100,000</u>	<u>Less than</u> <u>\$100,000</u>	<u>Less than</u> <u>\$100,000</u>	<u>Less than</u> <u>\$100,000</u>
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ESTIMATED NET EFFECT ON VARIOUS OTHER STATE FUNDS

<u>Less than</u> <u>\$200,000</u>	<u>Less than</u> <u>\$200,000</u>	<u>Less than</u> <u>\$200,000</u>	<u>Less than</u> <u>\$200,000</u>
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FISCAL IMPACT -
Local Government

	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
POLITICAL SUBDIVISIONS				

Revenues - additional sales tax for Public Safety -
 (§§94.900 & 94.902)
 p. 9-16

\$0	\$0 to \$1,960,301	\$0 to \$2,999,260	\$0 to \$2,999,260
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Revenue - fine revenue and court costs to various local political subdivisions for tickets written by private college campus police
 (§§173.2700, 173.2703, 173.2706, 173.2709, and 173.2712) p. 20

Less than \$100,000	Less than \$100,000	Less than \$100,000	Less than \$100,000
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FISCAL IMPACT -
Local Government

POLITICAL
SUBDIVISIONS
 (continued)

Revenue - School
 Districts (§195.805)
 - Penalty income
 p. 29

	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

Revenue - Fine
 revenue and court
 costs for tickets for
 failure to properly
 secure a child in a
 motor vehicle
 (§307.179) p. 40

	Less than \$100,000	Less than \$100,000	Less than \$100,000	Less than \$100,000
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Revenue - Animal
 Rescue Facilities -
 Bond or security for
 animal care costs
 from the animal
 owner (§§578.018
 and 578.030) p. 50

	Unknown	Unknown	Unknown	Unknown
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Income - Columbia
 Police Department
 (§589.805) -
 Community Crime
 Reduction grants
 from DPS p. 59

	Could exceed \$2,133,397	Could exceed \$2,560,076	Could exceed \$2,560,076	Could exceed \$2,560,076
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Transfer in -
 Juvenile Justice
 Preservation Fund
 Sweep - §211.438
 repealed p. 34

	Unknown	Unknown	Unknown	Unknown
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FISCAL IMPACT -
Local Government

**POLITICAL
 SUBDIVISIONS**
 (continued)

Savings or Costs -
 School Districts - for
 substitutes utilizing
 the additional
 registration option
 (§168.133) p. 18 &
 19

FY 2021
 (10 Mo.)

FY 2022

FY 2023

Fully
 Implemented
 (FY 2030)

Unknown to
 (Unknown)

Unknown to
 (Unknown)

Unknown to
 (Unknown)

Unknown to
 (Unknown)

Costs - School
 Districts -
 background checks
 on adult students not
 counted towards
 average daily
 attendance
 (§168.133) p. 18 &
 19

(\$4,175)

(\$4,175)

(\$4,175)

(\$4,175)

Costs - All Local
 Governments
 (§190.092) - AED
 maintenance and
 upkeep p. 22

(Unknown)

(Unknown)

(Unknown)

(Unknown)

Costs - Potential cost
 for extended
 transport time for
 fire districts
 (§190.243) p. 25

\$0 to (Unknown)

\$0 to (Unknown)

\$0 to (Unknown)

\$0 to (Unknown)

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2030)
POLITICAL SUBDIVISIONS (continued)				
<u>Cost - Animal Rescue Facilities - Care of animals held until final disposition of charges and acquittal or inability to pay (§§578.018 and 578.030) p. 50</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Cost - Law Enforcement Agencies - Increased duties in the animal confiscation process (§§578.018 and 578.030) p. 50</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Columbia Police Department (§589.805) - Adding officers to meet 2 per 1,000 population threshold p. 59</u>	(Could exceed \$4,266,794)	(Could exceed \$5,120,152)	(Could exceed \$5,120,152)	(Could exceed \$5,120,152)
<u>Cost - Update water systems and perform inspections (§§640.142, 640.144 and 640.145) p. 62</u>	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT -</u>				Fully
<u>Local Government</u>	FY 2021	FY 2022	FY 2023	Implemented
	(10 Mo.)			(FY 2030)

**POLITICAL
 SUBDIVISIONS**
 (continued)

<u>Loss - Cities -</u> reduction in registration fees for breed-specific dogs (\$67.142) p. 8	\$0 or (Unknown, greater than \$25,000)	\$0 or (Unknown, greater than \$25,000)	\$0 or (Unknown, greater than \$25,000)	\$0 or (Unknown, greater than \$25,000)
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<u>Loss - 1% collection</u> fee kept by DOR (§§94.900 & 94.902) p. 16	<u>\$0</u>	<u>\$0 to (\$19,603)</u>	<u>\$0 to (\$29,993)</u>	<u>\$0 to (\$29,993)</u>
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ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>
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FISCAL IMPACT - Small Business

This proposal would allow for a sales tax increase in the cities listed above that would impact small businesses depending on if a half percent sales tax rate is approved by the voters. (§§94.900 & 94.902)

This proposal may have a fiscal impact on small business deciding to have an AED on the premises. (§190.092)

This proposal will negatively impact small businesses in the medical marijuana industry if they pay the background check fees for potential employees. (§195.815)

This proposal may impact small business that make or sell medical marijuana products. (§195.805)

Certain small businesses that sell intoxicating liquor could be impacted by this proposal. (§311.293)

FISCAL IMPACT - Small Business (continued)

Certain small businesses in the intoxicating liquor industry could be impacted by this proposal. (§311.332)

Small business animal shelters and veterinary facilities might incur additional costs as a result of this proposal. (§§578.018 and 578.030)

There may be a direct fiscal impact to those public water systems that meet the definition of a small business as a result of this proposal. This may include not only those systems that will be regulated, but also any small business that may have to adjust water rates to allow the water system to comply with this bill. (§§640.142, 640.144 and 640.145)

FISCAL DESCRIPTION

This bill includes anyone employed by the Department of Corrections, corrections officers, and jailers in the list of persons whose home address and vehicle information is to be kept confidential by the Department of Revenue under Section 32.056, RSMo. (§32.056)

Beginning December 31, 2020, this bill creates a "Department of Defense" and transfers the powers, duties, and functions vested in the Office of Adjutant General, the state militia, and the Office of the State Judge Advocate from the Department of Public Safety, via Type I transfer.

This bill has an effective date contingent upon the passage and approval by the voters of an amendment to the Constitution creating a Department of Defense. (§§40.003, 41.005, 45.010, 45.020, 45.030, 650.005)

The bill specifies that the General Assembly occupies and preempts the entire field of legislation touching in any way the control or regulation of specific breeds of dogs. However, a village, town, city, or county can still prohibit dogs from running at large or to further control or regulate dogs within its boundaries so long as the ordinance, order, policy, or regulation is not breed specific. (§67.142)

This bill adds certain cities and villages to the list of cities and villages authorized to impose, upon voter approval, a sales tax of up to one-half of one percent for public safety purposes, including expenditures on equipment, city and village employee salaries and benefits, and facilities for police, fire and emergency medical providers.

Currently, the only additional cities described in §94.900 are Branson West, Smithville, Kearney, and Hallsville, and the only additional cities described in § 94.902 are Clinton, Lincoln, Cole Camp and Claycomo. (§§94.900 & 94.902)

FISCAL DESCRIPTION (continued)

This bill requires criminal background checks to be conducted on any person who is 18 years of age or older, who is not counted by the district for purposes of average daily attendance, and who requests enrollment in a course that takes place on school property during regular school hours.

The background check shall be conducted before the person enrolls in any such course, and a guilty plea or verdict for any crime or offense under §168.071, RSMo, shall prohibit enrollment as outlined in the bill.

In addition, this proposal allows a substitute teacher to designate up to five school districts to receive the result of a criminal background check. (§168.133)

This bill establishes the "Private College Campus Protection Act." The governing board of a private college or university may employ police officers, who must take an oath of office and complete police officer training to obtain a peace officer license. Private colleges and universities may establish and enforce traffic regulations for on-campus thoroughfares.

Currently, these provisions only apply to the College of the Ozarks.

Records created by the private college or university shall be accessible as other law enforcement agency records.

The provisions of this program shall sunset five years after the effective date of the effective date of this section. (§§173.2700, 173.2703, 173.2706, 173.2709, and 173.2712)

This bill modifies the Public Access to Automated External Defibrillator Act (§190.092).

The bill states that a person or entity that acquires an automated external defibrillator (AED) shall: (1) Comply with regulations regarding the placement of the AED; (2) Notify an agent of the local EMS agency of the AED and the AED's location; (3) Ensure that the AED is maintained and tested according to the guidelines set forth by the manufacturer; (4) Ensure that the AED is tested at least biannually and after each use; and (5) Ensure that an inspection is made of all AEDs at least every 90 days. (§190.092)

This bill provides that ambulance services shall not be prohibited from creating and implementing a protocol to triage emergency calls during a pandemic, provided that the protocol has been approved by the ambulance service medical director or administrator. (§190.243)

Any training or course in cardiopulmonary resuscitation shall also include instruction in the proper use of automated external defibrillators. The training or course shall follow the standards created by the American Red Cross or the American Heart Association, or equivalent. (§190.1005)

FISCAL DESCRIPTION (continued)

This bill creates a class E felony when a state agency, including employees, discloses to the federal government or any federal employee, or any unauthorized third party, the statewide list of persons who have obtained a medical marijuana card. (§191.255)

Under this act, if a substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Department of Health and Senior Services shall promulgate emergency rules to implement such change within 30 days of publication of the change in the Federal Register, unless the Department objects to such change. If the Department promulgates emergency rules under this act, the rules may remain in effect until the legislature concludes its next regular session following the imposition of the rules.

Additionally, this act updates the schedules of controlled substances in Missouri to mirror the most recent update to the schedules in 19 CFR 30-1.002 and further updates by the Drug Enforcement Agency in the Federal Register. (§§ 195.015 and 195.017)

This act prohibits the sale of edible marijuana-infused products that are designed, produced, or marketed in a manner to appeal to persons under 18 years of age, including candies, gummies, lollipops, cotton candy, or products in the shape of a human, animal, or fruit. Each individually wrapped edible marijuana-infused product containing any amount of tetrahydrocannabinols (THC) shall be stamped or the package or wrapping otherwise labeled with a diamond containing the letters "THC" and the number of milligrams of THC in that individually wrapped product.

Any medical marijuana licensed or certified entity regulated by the Department of Health and Senior Services found to have violated this act shall be subject to sanctions, including an administrative penalty. The Department shall develop a process by which a licensed or certified entity may seek approval of a product design, package, or label prior to manufacture or sale to determine compliance with these provisions. (§195.805)

Under the provisions of this bill, the Department of Health and Senior Services (DHSS) shall require all employees, officers, managers, staff, and owners of marijuana facilities to submit fingerprints for criminal background checks to the State Highway Patrol. The fingerprint submissions must be a part of the medical marijuana facility application. All fingerprint cards and fees must be sent to the State Highway Patrol. The fingerprints will also be forwarded to the FBI for a federal criminal background check.

This proposal contains an effective clause of July 1, 2020. (§195.815)

FISCAL DESCRIPTION (continued)

This bill creates the offense of vehicle hijacking, which is committed when an individual knowingly uses or threatens the use of physical force upon another individual to seize or attempt to seize possession or control of a vehicle. This offense is punished as a class B felony unless one of the aggravating circumstances listed in the bill was present during the commission of the offense, in which case it is punished as a class A felony.

Additionally, the definition of dangerous felony is modified to include the offense of vehicle hijacking when punished as a class A felony.

This bill specifies that, beginning January 1, 2021, if a person is charged with the offense of vehicle hijacking and is between the ages of 12 and 18, a mandatory hearing will be conducted to determine whether the case shall proceed in a juvenile court or the offender will be certified as an adult. As of the effective date of the bill and prior to January 1, 2021, if a person is charged with the offense of vehicle hijacking and is between the ages of 12 and 17, a mandatory hearing will be conducted to determine whether the case shall proceed in juvenile court or the offender will be certified as an adult. (§§211.071, 556.061, and 570.027)

§211.438 repealed - This proposal modifies provisions related to the Juvenile Justice Preservation Fund.

This bill specifies that any incarcerated offender 65 years of age or older who has no prior felony convictions of a violent nature, who is not a convicted sexual offender, who is serving a sentence of life without parole for a minimum of 50 years or more, and who was sentenced under Section 565.008, RSMo, for an offense committed prior to October 1, 1984, must receive a parole hearing upon serving 30 years or more of his or her sentence.

The Parole Board must determine whether there is a reasonable probability that the offender will not violate the law upon release and therefore is eligible for release based upon a finding that the offender meets specified criteria.

The bill requires any offender granted parole under these provisions to be placed on a minimum of five years supervision by the Division of Probation and Parole. (§217.697)

This bill creates the offense of unlawful use of an unmanned aircraft near a correctional center, mental health hospital, or certain open air facilities, including sports stadiums holding 5,000 or more persons, as defined in the bill.

FISCAL DESCRIPTION (continued)

A person commits such offense if he or she purposely operates an unmanned aircraft within a distance of 400 feet of a correctional center, mental health hospital, or open air facility as specified in the bill or allows an unmanned aircraft to make contact with a correctional center, mental health hospital, or open air facility, including any person or object on the premises of or within the facility. The bill provides exceptions to the offense including a law enforcement agency, fire department, or utility company under specified circumstances.

The offense of unlawful use of an unmanned aircraft near a correctional center or mental health hospital is an infraction unless the person uses the unmanned aircraft for the purpose of:

- (1) Delivering a weapon or other article that may be used in such a manner to endanger the life of an offender or correctional center or mental health hospital employee, in which case it is a class B felony;
- (2) Facilitating an escape from confinement, in which case it's a class C felony; or
- (3) Delivering a controlled substance, in which case it is a class D felony.

Each correctional center or mental health hospital shall post a sign of the provisions of the offense. The sign must be at least 11" by 14" and be posted in a conspicuous location. (§§217.850, 577.800, and 632.460)

This act extends, from December 31, 2022, to December 31, 2032, the sunset date for provisions regarding the issuance of temporary boating safety identification cards. (§306.127)

This bill requires child restraint seats to be rear facing for children under two years of age. (§307.179)

This bill expands the definition of "special victim" under §565.002, RSMo, to include sports officials at a sporting event while performing their duties as sports officials. (§565.002)

This bill specifies that a person commits the offense of resisting arrest by fleeing in a motor vehicle if he or she resists an arrest, stop or detention by fleeing from law enforcement in a motor vehicle and, during the course of fleeing, drives at a speed in a manner that demonstrates a disregard for the safety of a person or property, including that of the pursuing officer or other occupants of the fleeing vehicle. The offense of resisting arrest by fleeing in a motor vehicle is a class E felony. For a second or subsequent conviction, it is a class D felony.

FISCAL DESCRIPTION (continued)

If, during the commission of resisting arrest by fleeing in a motor vehicle, serious bodily injury or death to another person, including any officer, results, the person is guilty of the offense of aggravated resisting arrest by fleeing in a motor vehicle, which is a class D felony. For a second or subsequent conviction, it is a class C felony. (§575.150)

This bill changes the laws regarding the confiscation of animals.

In its main provisions, the bill:

- (1) Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or confiscate neglected or abused animals;
 - (2) Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, instead of being given a disposition hearing within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals.
- An animal cannot be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;
- (3) Allows a third party approved by the court to care for confiscated animals;
 - (4) Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final discharge without conviction;
 - (5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal while the case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into custody;
 - (6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent act or abuse of the animal which occurs while the animal is in its care, custody, and control;

FISCAL DESCRIPTION (continued)

(7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;

(8) Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner must not be liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law must be subject to licensure sanction by its governing body;

(10) Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions; and

(11) Requires, in the event that the animal owner is not liable for the costs incurred, the confiscating agency to be responsible for the usual and customary veterinary costs and fair market boarding fees and be liable for the life or death of the animal and for medical procedures performed while the charges were pending. (§§578.018 and 578.030)

This bill adds to the offense of trafficking drugs in the first degree knowingly distributing, delivering, manufacturing, or producing or attempting to distribute, deliver, manufacture, or produce more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing 20 milligrams or more of fentanyl, it is a class A felony. If it involves more than 10 milligrams, it is a class B felony. Additionally, one gram or more of flunitrazepam (Rohypnol) or any amount of gamma-hydroxybutyric acid (GHB) is a class B felony for the first offense and a class A felony for the second or subsequent offense.

FISCAL DESCRIPTION (continued)

The bill adds to the offense of trafficking drugs in the second degree knowingly possessing or having under one's control, purchasing or attempting to purchase, or bringing into the state more than 10 milligrams of fentanyl or any derivative thereof, or any mixture or substance containing a detectable amount of fentanyl. If the violation involves 20 milligrams or more of fentanyl or any derivative thereof, or any mixture or substance containing 20 milligrams or more of fentanyl, it is a class B felony. If it involves more than 10 milligrams, it is a class C felony. Additionally, the offense is a class C felony for the first offense and class B felony for the second or subsequent offense for the trafficking of less than one gram of flunitrazepam (Rohypnol). (§§579.065 and 579.068)

This act establishes a pilot program known as the "Community Crime Reduction Grant Program" which shall provide money to qualifying municipal police departments.

The grants provided under this act shall be subject to appropriation by the General Assembly and shall be equally dispersed among qualifying municipal police departments. To qualify, a municipal police department must:

- Employ less than two officers per one thousand people; and
- Serve a city with a population of 75,000 inhabitants to 125,000 inhabitants that is located in a first class county.

Grants received from the program shall be used as payment for the following:

- Up to 50% of the cost of employing new law enforcement officers needed to raise the department's officer to population ratio to two officers per one thousand people; and
- Up to 100% of the cost for law enforcement officers hired with grant money by the municipal police department to attend not less than one seminar relating to fair and impartial policing and one seminar relating to racial sensitivity at the University of Missouri Law Enforcement Training Institute.

Municipal police departments receiving grants under the program shall submit an annual report with information as provided in the act to the Department of Public Safety on or before December 31 of each year in which the Department received the grant money.

This act also creates the "Community Crime Reduction Program Fund" which shall consist of all gifts, bequests, transfers, and money appropriated by the General Assembly for the program. The state treasurer shall be the custodian of the Fund and may approve disbursements. Money from the Fund shall be used solely by the Department of Public Safety to issue grants to qualifying municipal police departments through the program.

FISCAL DESCRIPTION (continued)

The Department of Public Safety shall administer the grants issued under the program and promulgate all rules and regulations for the administration of the program.

The provisions in this act shall sunset after four years unless reauthorized by the General Assembly. (§589.805)

This proposal establishes provisions relating to water safety and security.

This legislation is not federally mandated but may be duplicative of parts of the American Water and Infrastructure Act (AWIA). (§§640.142, 640.144 and 640.145)

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

- Missouri Attorney General's Office
- Department of Elementary and Secondary Education
- Department of Commerce and Insurance
- Department of Higher Education and Workforce Development
- Department of Health and Senior Services
- Department of Labor and Industrial Relations
- Department of Mental Health
- Department of Natural Resources
- Department of Corrections
- Department of Revenue -
 - Motor Vehicle Division
- Department of Public Safety -
 - Alcohol and Tobacco Control
 - Capitol Police
 - Division of Fire Safety
 - Missouri National Guard
 - Missouri State Highway Patrol
 - Office of Director
 - Missouri Gaming Commission
 - State Emergency Management Agency
 - Missouri National Guard
- Department of Social Services
- Governor's Office

SOURCES OF INFORMATION (continued)

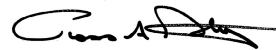
House Appropriations
Joint Committee on Administrative Rules
Missouri Lottery
Missouri Department of Agriculture
Missouri Consolidated Health Care Plan
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation
Missouri Office of Prosecution Services
Missouri State Employees' Retirement System
Missouri Senate
Office of Administration -
 Division of Accounting
 Administrative Hearing Commission
 Division of Budget & Planning
 General Services Division
 Division of Personnel
 Division of Purchasing
 Facilities Management, Design and Construction
Office of State Courts Administrator
Office of State Auditor
Missouri Senate
Office of Secretary of State
Office of State Public Defender
Office of State Treasurer
Missouri State Tax Commission
City of Branson West
City of Brentwood
City of Clinton
City of Columbia
City of Hazlewood
City of Kansas City
City of O'Fallon
City of Riverside
St. Louis City
City of Springfield
Adair County Health Department
Columbia/Boone County Department of Public Health and Human Services
Cooper County Public Health Center

SOURCES OF INFORMATION (continued)

St. Louis County Department of Health
Boone County Sheriff's Department
Joplin Police Department
Columbia Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services
St. Louis Metropolitan Police Department
St. Joseph Police Department
Springfield Police Department
Brentwood Fire Department
Kearney Fire & Rescue Protection District
Florissant Fire Department
Metropolitan St. Louis Sewer District
MoDOT & Patrol Employees' Retirement System
Sheriff's Retirement System
Joint Committee on Public Employee Retirement
State Technical College of Missouri
St. Charles Community College
University of Central Missouri
University of Missouri Health Care System
Gasconade County R-1 School District
Wellsville Middletown R-1 School District
Jackson County Election Board
Kansas City Public School Retirement System
Platte County Board of Elections
Employees' Retirement System of the City of St. Louis
St. Louis County Directors of Elections
City of St. Louis Water Division



Julie Morff
Director
May 4, 2020



Ross Strope
Assistant Director
May 4, 2020