

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5789-07  
Bill No.: SS#3 for SB 1  
Subject: Firearms; Weapons; Crimes and Punishment; Criminal Procedure; Department of Public Safety; St. Louis City; Victims of Crime; Courts, Juvenile; Attorneys; Evidence; Law Enforcement Officers and Agencies  
Type: Original  
Date: August 6, 2020

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
General Revenue	(Could exceed \$2,173,649)	(Could exceed \$2,765,031)	(Could exceed \$2,789,253)	(Could exceed 2,796,694)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$2,173,649)</b>	<b>(Could exceed \$2,765,031)</b>	<b>(Could exceed \$2,789,253)</b>	<b>(Could exceed \$2,796,694)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2021	FY 2022	FY 2023	Fully Implemented (FY 2024)
Pretrial Witness Protection Services Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Revenue and expenditures net to zero.

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 20 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Fully Implemented (FY 2024)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Fully Implemented (FY 2024)</b>
General Revenue	Up to 21 FTE	Up to 21 FTE	Up to 21 FTE	Up to 21 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Up to 21 FTE</b>	<b>Up to 21 FTE</b>	<b>Up to 21 FTE</b>	<b>Up to 21 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>Fully Implemented (FY 2024)</b>
Local Government	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000

## FISCAL ANALYSIS

### ASSUMPTION

Due to time constraints, **Oversight** was unable to receive agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

#### §§84.344 and 285.040 - Residency requirement

**Oversight** notes §§84.344 and 285.040 change the residency requirement for all employees of the City of St. Louis Police Department and public safety employees of the City of St. Louis. Oversight assumes these sections of the proposal could have a potential indirect impact on the City of St. Louis; however, based on agency responses, Oversight assumes these sections will have no direct fiscal impact on state or local governments.

#### §211.071 - Certification of juvenile for trial as adult

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed the following:

The proposed legislation does not provide any new penalties or offenses, but increases the likelihood that a juvenile could be transferred to a court of general jurisdiction and sentenced there under section 571.015 and/or section 571.030. It is unknown how many juveniles will be transferred to a court of general jurisdiction; therefore, the department will have to assume an unknown fiscal impact.

In response to a previous version, officials from the **Office of State Courts Administrator (OSCA)** stated section 211.071 would have the same fiscal impact as SB 793 from the 2018 legislative session that raised the age for a juvenile.

**Oversight** notes SB 793 from 2018 authorized provisions relating to juvenile court proceedings and raised the age from 17 to 18. Under the act, no person under the age of 18 may be detained in an adult jail, unless the person has been certified as an adult. The provisions are effective January 1, 2021, and expanding services from age 17 to 18 shall not be effective until an appropriation sufficient to fund the expanded service is provided.

ASSUMPTION (continued)

Oversight also notes OSCA submitted a new decision item (1100040) for FY 2022 to expand the service of raising the age from 17 to 18. The NDI estimated the annual costs for 34 Juvenile Officers for the multi-county circuits (\$1,507,968), staff training (\$192,184), and program reimbursements ( $\$350 \times 3,863 = \$1,352,050$ ) plus \$10,187,476 of reimbursement for single county circuit reimbursements or a grand total of \$13,239,678.

**Oversight** assumes section 211.071 may have a fiscal impact to the court system; however, Oversight does not believe the scope of 211.071 is as broad as 211.438. Therefore, for fiscal note purposes, Oversight will present OSCA's impact to the General Revenue Fund as \$0 to (Unknown).

In response to a previous version, officials from the **Department of Social Services (DSS)** assumed the following:

**Division of Legal Services (DLS)**

§211.071.1—this bill adds two new offenses, any offense under 571.030 (unlawful use of a weapon) and any offense under 571.015 (armed criminal action).

§211.071.12—the addition of these two new offenses will be effective on January 1, 2021. The Division of Youth Services has estimated that this bill will increase the total number of youth screened for the dual jurisdiction program, as well as increase the number of youth committed to the dual jurisdiction program. If these numbers increase, the involvement of Division of Legal Services (DLS) litigation attorneys will also increase as DLS must file motions to extend custody pursuant to §211.073.4 as well as motions to petition the court for a hearing before it releases a youth pursuant to §211.073.5 as the youth is about to turn twenty-one, or pursuant to §211.073.3, because the youth is beyond the scope of DYS' treatment.

The involvement of DLS will increase in equal proportion to the number of additional DYS commitments. The number of hours required by DLS litigation per case is highly dependent on the circuit court location and if all parties will consent to orders without the attorney's appearance. Based off of DLS litigation attorney's estimations, each extension motion can be completed in an average of eight hours (including drafting time, preparation time, time communicating with the other parties, travel time, and court appearance time). Each motion to release depends on the circuit court location and if the motion is contested. These proceedings may take, on average, sixteen hours to complete (including drafting time, preparation time, time communicating with the other parties, travel time, and court appearance time). In order to accommodate the increased workload, DLS is estimating the need of one (1) FTE Attorney.

ASSUMPTION (continued)

**Division of Youth Services (DYS)**

**Dual Jurisdiction Commitments:**

Information received from the Office of State Courts Administrator indicates that in CY 19, the offenses outlined in this proposal under section 571.030 and section 571.015 would account for an additional 307 orders for certification hearings.

Given SB 600 that passed during the 2020 regular legislation session effective August 28, 2020, DYS has altered the initial response to this proposal. Offenses under section 571.015 would require the court to order a hearing to determine if a child will be transferred to a court of general jurisdiction for prosecution; however, new legislation within SB 600 removes the sentencing option of an SIS or SES for the offense, armed criminal action and with that removes eligibility for the dual jurisdiction program. Therefore, of those 307 offenses, 68 were for armed criminal action and 92 of those are misdemeanors. **The division assumes the 92 misdemeanors would not result in certifications and the 68 armed criminal action offenses would not be considered for dual jurisdiction program.**

In CY19, 41 of 87 (47%) of certification hearings held resulted in certification of the youth. Of those 41 youth certified, the division was ordered to assess 11 (27%) for entry into the dual jurisdiction program. Those assessments resulted in 8 of 11 (73%) admissions into the dual jurisdiction program.

\*numbers are based on a five year average

Enactment of this proposal, results in an increase of 14 dual jurisdiction commitments annually. Given the average rate of existing annual commitments, the division anticipates the total number of dual jurisdiction commitments to grow to 22 youth per year with average lengths of stay projected to be three years.

**Projection:**

307 (new required hearings) - 92 (misdemeanor offenses) - 68 (armed criminal action offenses) = 147 (new possible cohort of certifications)

- 147 x 47% (certification rate) = 70 new certifications annually
- 70 x 27% (dual jurisdiction assessment ordered rate) = 19 new dual jurisdiction assessments ordered annually
- 19 x 73% (program admissions rate) = 14 youth admitted to dual jurisdiction annually under this proposal

ASSUMPTION (continued)

14 (new youth admitted to DJ program under this proposal)  
 + 8 (existing average rate of admittance to DJ program)  
 22 total youth admitted to DJ program annually

The division has historically had forty beds designated for service to dual jurisdiction youth. Twenty of those beds are occupied by dual jurisdiction youth committed under the existing law with average lengths of stay of 4 years. Given the new legislation passed in SFY19, raising the age of criminal majority to 18 effective January 1, 2021, the division anticipates that the average age of the dual jurisdiction population would increase causing the average length of stay of the new population to decrease to three years. Additionally, given budget restrictions for FY21 the division will have less capacity for secure care youth. Under this proposal, 22 total youth would be accepted and committed into the dual jurisdiction program annually, at an average length of stay of 3 years, creating a need for 57 secure beds at the peak of the cycle in SFY 23. In SFY 24, the final five dual jurisdiction youth with a four year average length of stay will exit. Fifty dual jurisdiction secure beds will be necessary thereafter.

	FY21 (6-Months)	FY22	FY23	FY24
Existing DJ Youth +New DJ youth- anticipated DY Youth exits	20+11*-6	25+22-6	41+22-6	57+22-22-5
DJ Beds Needed	25	41	57	52

\*FY21 reflects rate at 6 months due to January 1, 2021 enactment

DYS will place the need at 57 total beds to adequately serve this population under this proposal. The division currently, given recent budget restrictions has 30 operating designated beds for dual jurisdiction; therefore, would need 27 additional secure beds for dual jurisdiction youth.

The division has existing physical plant space at Hillsboro Treatment Center to respond immediately to meet a portion of the need under this proposal. The division would re-open one unfunded group (that is currently closed) at Hillsboro Treatment Center and would need to reopen two additional groups at an existing secure care facility. The ultimate and long term plan would be to evaluate the need based on the outcomes of judicial behavior and impact of the implementation of the raise the age legislation.

The division anticipates a fiscal impact of \$695,407 for FY21 (6 months) and then around \$1.17 million on-going which includes 16 FTE to reopen programs needed to accommodate these youth.

ASSUMPTION (continued)

FTE Breakdown: one (1) Social Services Manager (Youth Facility Manager IV); one (1) Group Leader; ten (10) Youth Specialist II; two (2) Special Education Teacher III; one (1) Cook II; one (1) Social Services Manager = sixteen (16) FTE.

Projections for the dual jurisdiction program are based on the current landscape of judicial and prosecuting behavior. Historically, courts use of the dual jurisdiction program has been dynamic; therefore, assessment and acceptance rates are based on five year averages. The recent passing of the raise-the-age legislation also makes projections a challenge as this legislation will produce an older cohort of youth that will most likely result in the need for additional secure bed space similar to the need for dual jurisdiction youth. The division acknowledges the situation remains unpredictable especially given the impact of the raise-the-age legislation; however, we do believe these are real scenarios that would result in the need to provide for additional secure beds for the dual jurisdiction program under this proposal.

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

In response to a previous version, officials from the **State Public Defender's Office (SPD)** stated these amendments to §211.071 RSMo, the certification statute that allows children's delinquency cases to be transferred to adult court for prosecution as an adult, will likely result in an increase in clients and workload for the SPD. Currently neither unlawful use of a weapon offenses, under §571.030, RSMo, or Armed Criminal Action cases under §571.015, RSMo, require a mandatory hearing for the Court to consider whether a child should be prosecuted in adult court. This change would require this mandatory hearing. A certification hearing in Juvenile Court is a complex evidentiary hearing, prior to a determination of the child's guilt or innocence. Juvenile Defense Specialist attorneys from the SPD would be responsible for any of these additional hearings that involve poor children. That responsibility requires not only the investigation of the case but also the involvement of expert witnesses on adolescent brain development to present evidence to the Court as to why the child is able to receive services in the Juvenile Court system. In addition, if the child is certified the SPD would be responsible for an appeal of the certification finding, and if unsuccessful in that appeal, the representation in the adult court case.

It is difficult to determine the exact amount of resources that would be necessary to handle these additional cases. Missouri Court statistics for FY 2018 show that in Missouri Juvenile Courts, there were 275 cases referred for weapons violations; 4,100 cases for assault (many of these would not qualify to have an armed criminal action charge attached); and 213 cases for robbery. Some of these cases are already in the mandatory certification hearing category. Others, such as

ASSUMPTION (continued)

the weapons offenses or assault 2nd and robbery 2nd, which could now be associated with an armed criminal action charge, could require certification hearings. State Public Defender currently has nine attorneys who are Juvenile Defense Specialists. Those attorneys handle certification hearings in the City of St. Louis, St. Louis County, Jefferson County, Franklin County, St. Charles County, and Jackson County. If certification hearings increased significantly, there would need to be additional attorneys trained as Juvenile Defense Specialists to represent children in other counties facing certification hearings. If a significant number of additional cases were certified then additional attorneys would be necessary to handle those certification appeals and adult cases. It is impossible to know how many cases this bill could affect, but our expectation is that three additional attorneys (one for each stage) could be necessary. In addition, the typical costs if expert witness testimony is presented for these certification hearings is \$3,000 per hearing. It is impossible to know how many cases would require that type of evidence at this time.

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

**Oversight** notes §211.071 increases the certification age from twelve to 14 and removes the distribution of drugs as a qualifier which could result in a decrease in the number of certifications; therefore, Oversight will present the impact to the General Revenue Fund as \$0 or Unknown.

§211.600 - Filing and disposition of petitions to certify juveniles

**Oversight** assumes the Office of State Courts Administrator (OSCA) could absorb the additional duties that may result from this proposal with existing resources.

§217.345 - Correctional treatment programs

**Oversight** notes this section pertains to correctional treatment programs for offenders under eighteen years of age. Because this section removes correctional treatment programs for "first" offenders and includes treatment programs for offenders under eighteen years of age, Oversight is unable to determine whether this will be a savings or an expense to the Department of Corrections (DOC). Therefore, Oversight will present the impact to the General Revenue Fund as Unknown to (Unknown).



ASSUMPTION (continued)

§491.016 - Witness Statement Admissibility

Based on agency responses, **Oversight** assumes this section will have no direct fiscal impact on state or local governments.

§491.641 - Pretrial Witness Protection Services Fund

In response to a previous version, officials from the **Department of Public Safety (DPS)** stated this proposal creates a new fund in the state treasury to be used solely by the DPS for the purposes of witness protection services. It does not establish a specific source from which monies will be collected by the fund. It also does not specify if fund monies can be spent on administration of the fund.

The DPS believes it will require one (1) FTE Public Safety Program Specialist to administer the fund.

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

**Oversight** notes this proposed legislation creates the Pretrial Witness Protection Services Fund. The legislation authorizes the Department of Public Safety to reimburse expenditures by law enforcement agencies to provide for the security, health, safety and welfare of witnesses, potential witnesses, victims, and members of their families and households, if they are in danger of bodily injury or their life is in jeopardy as a result of giving testimony or being willing to testify in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. This includes authority for local law enforcement agencies to purchase, rent or modify protected housing facilities and to contract with federal or state government agencies to obtain or provide the facilities or services necessary for such housing. In the FY 2021 budget, the Governor's Recommendation approved the funding for this program at \$1,000,000.

§568.045 - Endangering the welfare of a child in the first degree

In response to a previous version, officials from the **DOC** stated §568.045.1(3) expands the charge for endangering the welfare of a child in the first degree for someone who knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 571. The offense of endangering the welfare of a child in the first degree is a class D felony.

ASSUMPTION (continued)

The FY 2019 admission information for relevant offenses is summarized in the following table by section.

<b>Chapter/Section</b>	<b>Admission</b>	<b>Probation</b>
579	1558	5583
571	280	540
568.045.1 (3)	6	25

The proposed legislation extends section 568.045.1 (3) to cover offenses outlined in both chapter 571 and chapter 579, instead of just chapter 579. We estimate the number of offenses outlined in chapter 571 that will be covered by 568.045.1(3) will be in approximately the same ratio as offenses outlined in chapter 579 that are currently covered by 568.045.1(3). Consequently, we estimate there will be 4 additional people sentenced for a class D felony. We assume one of those four will be sentenced to prison and 3 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 cumulative impact on the department is estimated to be 4 additional offenders in prison and 14 on field supervision by FY 2026.

ASSUMPTION (continued)

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	3	3	3	3	3	3	3	3	3	3
<b>Cumulative Populations</b>										
Prison	1	2	3	4	4	4	4	4	4	4
Parole					1	2	2	2	2	2
Probation	3	6	9	12	12	12	12	12	12	12
<b>Impact</b>										
Prison Population	1	2	3	4	4	4	4	4	4	4
Field Population	3	6	9	12	13	14	14	14	14	14
<b>Population Change</b>	4	8	12	16	17	18	18	18	18	18

In response to a previous version, officials from the **Office of State Public Defender (SPD)** stated \$568.045 could increase the number of cases eligible for representation by the SPD. It is difficult, if not impossible, to tell how many additional cases would be issued throughout the state as a result of these changes. If the number of cases substantially increased the caseload for SPD, additional staff would be necessary to represent indigent defendants in those cases.

**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.

§571.060 - Unlawful transfer of weapons

In response to a previous version, officials from the **DOC** stated subsection 1 is amended to add division (2) that adds knowingly selling, leasing, loaning, giving away, or delivering any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, to the offense of unlawful transfer of weapons.

Unlawful transfer of weapons under this new subdivision (2) of subsection 1 of this section is a class E felony. Thus, this section creates a new non-violent class E felony.

For each new nonviolent class E felony, the department 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 impact on the department is estimated to be two additional offenders in prison and seven on field supervision by FY2024.

ASSUMPTION (continued)

**Change in prison admissions and probation openings with legislation**

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation:</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
Prison	1	2	2	2	2	2	2	2	2	2
Parole	2	2	1	1	1	1	1	1	1	1
Probation	2	4	5	6	6	6	6	6	6	6
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	2	(\$6,386)	(\$10,643)	5	absorbed	\$0	(\$10,643)
Year 2	4	(\$6,386)	(\$26,055)	10	absorbed	\$0	(\$26,055)
Year 3	5	(\$6,386)	(\$33,220)	16	absorbed	\$0	(\$33,220)
Year 4	6	(\$6,386)	(\$40,661)	19	absorbed	\$0	(\$40,661)
Year 5	6	(\$6,386)	(\$41,474)	20	absorbed	\$0	(\$41,474)
Year 6	6	(\$6,386)	(\$42,304)	21	absorbed	\$0	(\$42,304)
Year 7	6	(\$6,386)	(\$43,150)	21	absorbed	\$0	(\$43,150)
Year 8	6	(\$6,386)	(\$44,013)	21	absorbed	\$0	(\$44,013)
Year 9	6	(\$6,386)	(\$44,893)	21	absorbed	\$0	(\$44,893)
Year 10	6	(\$6,386)	(\$45,791)	21	absorbed	\$0	(\$45,791)

ASSUMPTION (continued)

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.

In response to a previous version, officials from the **Office of State Public Defender (SPD)** stated \$571,060 could increase the number of cases eligible for representation by the SPD. It is difficult, if not impossible, to tell how many additional cases would be issued throughout the state as a result of these changes. If the number of cases substantially increased the caseload for SPD, additional staff would be necessary to represent indigent defendants in those cases.

**Oversight** again 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.

ASSUMPTION (continued)

Bill as a Whole

In response to a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

In response to a previous version, **Oversight** notes the **Attorney General’s Office**, the **Department of Health and Senior Services**, the **Department of Natural Resources**, the **Department of Public Safety - (Fire Safety, Missouri State Highway Patrol and Missouri National Guard)**, the **Department of Conservation**, the **State Treasurer’s Office**, the **St. Louis County Department of Justice Services**, and the **St. Louis County Police Department** have 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff’s departments, ambulance/EMS, fire protection districts and the City of St. Louis were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2024)
<b>GENERAL REVENUE FUND</b>				
<u>Savings - SPD, DSS, DOC, OSCA p. 8</u> (§211.071) Increase certification from 12 to 14 and removes distribution of drugs	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs - SPD</u> (§211.071) p. 7-8				Could exceed...
Personal Services	(\$154,718)	(\$187,518)	(\$189,393)	(\$189,393)
Fringe Benefits	(\$80,182)	(\$96,835)	(\$97,457)	(\$97,457)
Equipment	(\$11,750)	(\$14,453)	(\$14,814)	(\$14,814)
<u>Total Costs - SPD</u>	<u>(\$246,650)</u>	<u>(\$298,806)</u>	<u>(\$301,664)</u>	<u>(\$301,664)</u>
FTE Change - SPD	3 FTE	3 FTE	3 FTE	3 FTE

FISCAL IMPACT -  
State Government

	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2024)
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**GENERAL  
 REVENUE FUND**  
 (continued)

Costs - DSS

(§211.071) p. 4-7				Could exceed...
Personal Services	(\$326,755)	(\$660,044)	(\$666,645)	(\$666,645)
Fringe Benefits	(\$206,435)	(\$415,041)	(\$417,233)	(\$417,233)
Equipment	(\$16,074)	\$0	\$0	\$0
One-Time				
Facility Expenses	(\$109,929)	\$0	\$0	\$0
On-going				
expenses for				
Residential	(\$29,000)	(\$59,450)	(\$60,937)	(\$60,937)
On-going				
expenses per FTE	<u>(\$63,963)</u>	<u>(\$131,124)</u>	<u>(\$134,400)</u>	<u>(\$134,400)</u>
<u>Total Costs - DSS</u>	<u>(\$752,156)</u>	<u>(\$1,265,659)</u>	<u>(\$1,279,215)</u>	<u>(\$1,279,215)</u>
FTE Change - DSS	17 FTE	17 FTE	17 FTE	17 FTE

Costs - OSCA

(§211.071) p. 3-4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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Costs - DPS p. 9

(§491.641)

Administer Pretrial  
 Witness Protection  
 Services Fund

				Could exceed...
Personal Services	(\$38,476)	(\$46,633)	(\$47,099)	(\$47,099)
Fringe Benefits	(\$22,378)	(\$27,007)	(\$27,162)	(\$27,162)
Equipment and				
Expense	<u>(\$3,346)</u>	<u>(\$871)</u>	<u>(\$893)</u>	<u>(\$893)</u>
<u>Total Costs - DPS</u>	<u>(\$64,200)</u>	<u>(\$74,511)</u>	<u>(\$75,154)</u>	<u>(\$75,154)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE



FISCAL IMPACT -  
State Government

**GENERAL  
 REVENUE FUND**  
 (continued)

Costs - DOC

(§§211.071,  
 217.345, 568.045  
 and 571.060)

Increased  
 incarceration costs  
 p. 3, 8-13

FY 2021  
 (10 Mo.)

FY 2022

FY 2023

Fully  
 Implemented  
 (FY 2024)

Unknown or  
 (\$10,643 to  
 Unknown)

Unknown or  
 (\$26,055 to  
 Unknown)

Unknown or  
 (\$33,220 to  
 Unknown)

Unknown or  
 (\$40,661 to  
 Unknown)

Costs - SPD

(§§568.045 and  
 571.060) Salaries,  
 fringe benefits, and  
 equipment and  
 expense p. 10-11, 13

(More than  
 \$100,000)

(More than  
 \$100,000)

(More than  
 \$100,000)

(More than  
 \$100,000)

Transfer Out -

(§491.641) To  
 Pretrial Witness  
 Protection Services  
 Fund p. 8

(\$1,000,000)

(\$1,000,000)

(\$1,000,000)

(\$1,000,000)

**ESTIMATED NET  
 EFFECT ON THE  
 GENERAL  
 REVENUE FUND**

**(Could exceed  
 \$2,173,649)**

**(Could exceed  
 \$2,765,031)**

**(Could exceed  
 \$2,789,253)**

**(Could exceed  
 \$2,796,694)**

Estimated Net FTE  
 Change for General  
 Revenue

Up to 21 FTE

Up to 21 FTE

Up to 21 FTE

Up to 21 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023	Fully Implemented (FY 2024)
<b>PRETRIAL WITNESS PROTECTION SERVICES FUND</b>				
<u>Transfer In - From General Revenue Fund</u>	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
<u>Transfer Out - Local Political Subdivisions</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>
<b>ESTIMATED NET EFFECT ON THE PRETRIAL WITNESS PROTECTION SERVICES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT -

Local Government

FY 2021  
(10 Mo.)

FY 2022

FY 2023

Fully  
Implemented  
(FY 2024)

**LOCAL  
GOVERNMENT -  
POLICE AND  
SHERIFF'S  
DEPARTMENTS**

Transfer In - From  
Witness Protection  
Services Fund

\$1,000,000

\$1,000,000

\$1,000,000

\$1,000,000

**ESTIMATED NET  
EFFECT ON  
LOCAL  
GOVERNMENT -  
POLICE AND  
SHERIFF'S  
DEPARTMENTS**

\$1,000,000

\$1,000,000

\$1,000,000

\$1,000,000

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to criminal offenses.

This proposal contains an emergency clause.


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

SOURCES OF INFORMATION

Attorney General's Office  
Department of Health and Senior Services  
Department of Natural Resources  
Department of Corrections  
Department of Public Safety  
Department of Social Services  
Department of Conservation  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
State Public Defender's Office  
St. Louis County Department of Justice Services  
St. Louis County Police Department



Julie Morff  
Director  
August 6, 2020



Ross Strope  
Assistant Director  
August 6, 2020