

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0461H.10C  
 Bill No.: HCS for SS for SCS for SB Nos. 53 & 60  
 Subject: Law Enforcement Officers And Agencies; Crimes And Punishment; Public Safety,  
 Department Of  
 Type: Original  
 Date: May 3, 2021

Bill Summary: This proposal modifies provisions relating to the administration of justice.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
General Revenue* ** ***	(Unknown, could exceed \$33,422,345)	(Unknown, could exceed \$39,275,326)	(Unknown, could exceed \$39,894,816)	(Unknown, could exceed \$40,566,911)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown, could exceed \$33,422,345)</b>	<b>(Unknown, could exceed \$39,275,326)</b>	<b>(Unknown, could exceed \$39,894,816)</b>	<b>(Unknown, could exceed \$40,566,911)</b>

\*Costs include 24,145 POST-certified peace officers in Missouri meeting with a program service provider (\$300 per) every 4 years, plus the cost of 2 new Department of Public Safety employees.

\*\*The fiscal impact of section 485.060 could vary substantially depending upon the actual start dates of the court reporters (which Oversight does not have). Oversight has made the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service.

\*\*\*Costs include an increase in prison population of 2,319 for jail credit legislation in §558.031 and a decrease in probation and parole population of 2,319. Raise the Age legislation is also included in GR costs for §§211.012 thru 211.435 that could exceed \$14 million.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2026)</b>
Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Juvenile Justice Preservation Fund	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)	(\$1,200,000)
State Forensic Laboratory	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000
Inmate Canteen	\$25,471	\$30,565	\$30,565	\$30,565
Criminal Records System	Unknown	Unknown	Unknown	Unknown
State Legal Expense Fund	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Colleges & University Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
988 Public Safety Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>(Unknown, could exceed \$2,545,589)</b>	<b>(Unknown, could exceed \$869,435)</b>	<b>(Unknown, could exceed \$869,435)</b>	<b>(Unknown, could exceed \$869,435)</b>

\*Revenue and expenses assumed to net to zero.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
Federal Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on All Federal Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
General Revenue	22 FTE	22 FTE	22 FTE	23 FTE
988 Public Safety Fund - DPS	2 FTE	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>24 FTE</b>	<b>24 FTE</b>	<b>24 FTE</b>	<b>25 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
Local Government	(Unknown, could be substantial)	(Unknown, could be substantial)	(Unknown, could be substantial)	(Unknown, could be substantial)

**FISCAL ANALYSIS**

**ASSUMPTION**

Due to time constraints, **Oversight** was unable to receive some 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 to publish a new fiscal note.

SEQ CHAPTER \h \r 1

§§21.403, 21.405, 575.040, 575.050, 575.160, 575.270, 575.280, 575.330, and 576.030 – Offenses against a body of the General Assembly

In response to similar legislation from this year (HCS for SCS for SB 91), officials from the **Department of Corrections (DOC)** stated this bill intends to create criminal penalties for offenses committed against a body of the General Assembly. It creates 2 class D felonies, 3 class E felonies, 2 class A misdemeanors, and reclassifies a class B misdemeanor to a class A misdemeanor.

For the new nonviolent class D felonies created in sections 575.040 and 575.280, the Department estimates six people will be sentenced to prison and ten to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
<b>Change (After Legislation - Current Law)</b>										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
<b>Cumulative Populations</b>										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
<b>Impact</b>										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
<b>Population Change</b>	<b>16</b>	<b>32</b>	<b>48</b>	<b>54</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>

For the new nonviolent class E felonies created in sections 575.050, 575.330 and 576.030, the Department estimates three people will be sentenced to prison and six 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.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</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>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	6	6	6	6	6	6	6	6	6	6
<b>Cumulative Populations</b>										
Prison	3	6	6	6	6	6	6	6	6	6
Parole			3	4	4	4	4	4	4	4
Probation	6	12	18	18	18	18	18	18	18	18
<b>Impact</b>										
Prison Population	3	6	6	6	6	6	6	6	6	6
Field Population	6	12	21	22	22	22	22	22	22	22
<b>Population Change</b>	<b>9</b>	<b>18</b>	<b>27</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>	<b>28</b>

The combined cumulative impact on the department is estimated to be 23 additional offenders in prison and 52 on field supervision by FY 2024.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	9	(\$7,756)	(\$58,170)	0	\$0	16	(\$58,170)
Year 2	18	(\$7,756)	(\$142,400)	0	\$0	32	(\$142,400)
Year 3	23	(\$7,756)	(\$185,595)	1	(\$77,126)	52	(\$262,721)
Year 4	23	(\$7,756)	(\$189,307)	1	(\$69,441)	59	(\$258,748)
Year 5	23	(\$7,756)	(\$193,093)	1	(\$70,191)	65	(\$263,284)
Year 6	23	(\$7,756)	(\$196,955)	1	(\$70,950)	65	(\$267,905)
Year 7	23	(\$7,756)	(\$200,894)	1	(\$71,719)	65	(\$272,613)
Year 8	23	(\$7,756)	(\$204,912)	1	(\$72,497)	65	(\$277,409)
Year 9	23	(\$7,756)	(\$209,010)	1	(\$73,284)	65	(\$282,294)
Year 10	23	(\$7,756)	(\$213,190)	1	(\$74,080)	65	(\$287,270)

**Oversight** assumes, due to the narrow scope of the new crimes, the actual fiscal impact (from an increase in prisoners) would not be that high and could be as low as zero. Therefore, Oversight will reflect a fiscal impact of a range from \$0 (no additional prisoners) to DOC's numbers.

In response to similar legislation from 2021 (HB 1069), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

§§56.380, 56.455, 105.950, 149.071, 149.076, 214.392, 217.010, 217.030, 217.250, 217.270, 217.362, 217.364, 217.455, 217.541, 217.650, 217.655, 217.690, 217.692, 217.695, 217.710, 217.735, 217.829, 549.500, 557.051, 558.011, 558.026, 558.031, 558.046, 559.026, 559.105, 559.106, 559.115, 559.125, 559.600, 559.602, 559.607, 571.030, 575.205, 575.206, 589.042, 650.055, and 650.058 – Department of Corrections

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed §558.031 of this proposal estimates the potential impact of eliminating the opportunity to reduce prison sentence terms by issuing jail time credit for offenders who enter prison on new court commitments, court commitments on additional charges, probation revocation for new felony convictions, or technical probation revocations. The table below shows that there were 4,858 such commitments from the court during FY 2020. This represents a significantly lower number from such commitments during fiscal years 2017 through 2019. Given the impact of COVID-19 on activity in the courts, the number of court commitments during FY 2019 is used to estimate the potential impact on department operations.

**Table 1. Jail Time Credit on Sentences associated with court commitments to prison from FY 2017 through FY 2020.**

Fiscal Year	Commitments	Average		Median	
		Sentence Time (days)	Credit	Sentence Time (days)	Credit
2017	6,734	184		132	
2018	6,495	196		143	
2019	5,797	199		147	
2020	4,858	197		141	

The average and median amounts of jail time credit associated with sentences from court commitments were calculated as shown in table 1. A proposal to repeal the opportunity to apply jail time credit does not change sentence length, the only difference in operations evaluated here is the increase in length of an offender’s prison stay prior to first release following a commitment from the court or probation revocation. With an estimated 5,797 new offender commitments per year, serving an additional 147 days in prison prior to their first release, they expect up to approximately 2,319 more people in prison and 2,319 fewer people under field supervision following repeal of jail time credit. As the issuance of jail time credit is up to the court’s discretion, there could also be no impact, should they not choose to issue any jail time credit.

**Table 2. Change in prison and field populations with change in legislation.**  
 Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797
After Legislation	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797	5,797
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319
Parole	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319
Probation										
<b>Impact</b>										
Prison Population	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319	2,319
Field Population	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319	-2,319
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

In summary, DOC would realize the following costs:

FY22 - \$0 or (Unknown, up to \$12,466,840)

FY23 - \$0 or (Unknown, up to \$15,287,410)

FY24 - \$0 or (Unknown, up to \$15,621,306)

FY26 - \$0 or (Unknown, up to \$16,310,192)

\* 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 the DOC average district caseload across the state which is 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 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

In response to similar legislation from this year (SS for SB 212), officials from the the **Department of Public Safety - Missouri Highway Patrol** and **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for these sections.

§57.280 – Collection fees for sheriffs regarding eviction proceedings

In response to similar legislation from this year (SB 404) officials from the **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for OSCA.

In response to similar legislation from this year (SB 404) officials from the **City of Claycomo**, the **City of Corder**, the **City of O’Fallon** and **Jackson County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes according to tables 30 & 36 of the OSCA’s Statistical Annual Report Supplement, a 5 year average (2015-2019) shows there were 10,222 cases filed annually for landlord actions. Oversight is unclear how many of those actions relate to evictions. Oversight assumes this proposal would allow sheriffs to receive up to \$50 for service of any summons, writ, or other order of the court in connection with any eviction proceeding which would increase revenues for county funds. Therefore, Oversight will reflect an unknown positive fiscal impact to county funds from this proposal.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties and sheriff departments 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.

§§84.400, 84.575, 566.145, 590.070 & 590.075

In response to a previous version and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of Sexual Conduct in the Course of Public Duty, a class E felony. Section 566.145 RSMo. The Missouri State Public Defender System is currently providing legal representation in



caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to a previous version, officials from the **Department of Corrections**, the **Department of Public Safety's Office of the Director** and the **Missouri Highway Patrol** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **City of Bland**, the **City of Corder**, the **City of O'Fallon**, **St. Louis City** and **Boone County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** assumes these changes may have a potential indirect impact but Oversight assumes these changes will not have a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Attorney General's Office**, the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Claycomo**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

*§191.255 – Disclosure of medical marijuana patients' information*

In response to similar legislation from this year (HB 501), officials from the **Department of Corrections (DOC)** stated this proposal criminalizes the disclosure of medical marijuana patients' information to unauthorized parties and makes it illegal for state government to disclose the information of medical marijuana card owners or applicants with the federal government and others. A violation of this statute is a 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 cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<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	0	0	1	1	1	1	1	1	1	1
Probation	2	4	6	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 2% inflation)
Year 1	1	(\$7,756)	(\$6,463)	2	absorbed	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	absorbed	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	absorbed	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	absorbed	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	absorbed	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	absorbed	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	absorbed	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	absorbed	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	absorbed	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	absorbed	\$0	(\$18,538)

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 the DOC average

district caseload across the state which is 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 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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 similar legislation from this year (HB 501), for the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) concerning disclosure of medical marijuana information, a class E felony under Section 191.255 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to similar legislation from this year (HB 501), officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§191.677, 545.940, 575.155, and 575.157 – Persons infected with communicable diseases

In response to similar legislation from this year (SCS for SB 65), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions regarding unlawful actions by persons knowingly infected with communicable diseases. The proposed legislation intends to broaden the scope of sections 191.677, 575.155, and 575.157 by making them applicable to serious infectious or communicable diseases beyond the previously proscribed HIV, hepatitis B, and hepatitis C. It also reclassifies penalties for offenses under section 191.677 by changing a class B felony to a class D felony and changing a class A felony to a class C felony.

Given the bill does not propose changes to criminal penalties in sections 575.155 and 575.157, but introduces restrictions on conditions required to determine an act as an offense while broadening the scope of relevant diseases, the DOC estimates minimal to no impact from the changes proposed in these sections.

Under section 191.677, from FY 2016 through FY 2020, there was one new court commitment to prison for a class A felony and there were three new court commitments to prison for class B felonies. During this same period, there were seven people sentenced to probation for class B felonies under section 191.677. Given only one offender has received a sentence for a class A felony under this section from FY 2016 through FY 2020, DOC's estimate of impact is limited to offenders sentenced for a class B felony under section 191.677. Under the proposed legislation, offenders who would have been sentenced with a class B felony would be sentenced with a class D felony.

DOC's estimate of operational impact assumes the Department receives three offenders sentenced with a class B felony under section 191.677 each fiscal year. One of these offenders is assumed to be sentenced to prison and two sentenced to probation. Of the new commitments to prison under this section from FY 2016 through FY 2020, the average sentence length was 9.2 years. Offenders serving a prison term for a class B felony under this section who were released during this same period served, on average, 3.0 years to first release. The Department estimates that the average sentence length for a class D felony is 5 years and the average time to first release is 1.7 years. Probation terms are assumed to be 3 years for all nonviolent felonies.

The estimated combined cumulative operational impact on the Department, by changing the felony class from B to D under section 191.677, is estimated to be two fewer offenders in prison and two fewer offenders under supervision in the field by FY 2030.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	1	1	1	1	1	1	1	1	1	1
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	2	2	2	2	2	2	2	2	2	2
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison			0	-1	-2	-2	-2	-2	-2	-2
Parole			0	1	2	1	0	-1	-2	-2
Probation										
<b>Impact</b>										
Prison Population			0	-1	-2	-2	-2	-2	-2	-2
Field Population			0	1	2	1	0	-1	-2	-2
<b>Population Change</b>						<b>-1</b>	<b>-2</b>	<b>-3</b>	<b>-4</b>	<b>-4</b>

	fewer # in prison	Cost per year	Total Savings for <b>prison</b>	# to probation & parole	Cost per year	Total Savings or cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$7,756)	\$0	0	absorbed	\$0	\$0
Year 2	0	(\$7,756)	\$0	0	absorbed	\$0	\$0
Year 3	0	(\$7,756)	\$0	0	absorbed	\$0	\$0
Year 4	(1)	(\$7,756)	\$8,231	1	absorbed	\$0	\$8,231
Year 5	(2)	(\$7,756)	\$16,791	2	absorbed	\$0	\$16,791
Year 6	(2)	(\$7,756)	\$17,127	1	absorbed	\$0	\$17,127
Year 7	(2)	(\$7,756)	\$17,469	0	absorbed	\$0	\$17,469
Year 8	(2)	(\$7,756)	\$17,818	(1)	absorbed	\$0	\$17,818
Year 9	(2)	(\$7,756)	\$18,175	(2)	absorbed	\$0	\$18,175
Year 10	(2)	(\$7,756)	\$18,538	(2)	absorbed	\$0	\$18,538

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections 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 the DOC average district caseload across the state which is 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 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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 this amount is not material and will not reflect it in the fiscal note.

In response to similar legislation from this year (SCS for SB 65), officials from the **Department of Health and Senior Services (DHSS)** stated §191.677 of the proposed legislation states that it is unlawful for any individual with a serious infectious disease to knowingly expose another. "Serious infectious or communicable disease" is defined in the proposed legislation as a "nonairborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management." Depending on the legal interpretation of that definition, conditions apart from HIV/AIDS could be considered for prosecution, increasing the number of records requests received by the DHSS.

The proposed legislation would add the criminalization of the transmission of additional diseases which will increase the number of requests for records from attorneys, law enforcement officers, or others investigating potential cases. Currently, DHSS receives a number of such requests for HIV/AIDS, the only disease that is criminalized in regards to disease transmission under state law. DHSS, therefore, assumes that the number of requests would increase. For every request received, the Bureau of Reportable Disease Informatics (BRDI) staff must search, pull, prep, and review the records. Once this is completed, the BRDI staff compiles the information and sends it to the Office of General Counsel (OGC).

The estimates used in this fiscal note are based upon the ratio of 2018 requests for HIV/AIDS records under Section 191.677, RSMo, divided by the number of new HIV/AIDS cases in 2018 (11 requests/456 new HIV/AIDS diagnoses = .02412). This ratio was then applied to the 2018 numbers of other selected reportable conditions. The Department anticipates that hepatitis B and syphilis (early latent, secondary, and primary) would be the most likely to generate requests as they have the potential to most closely align with the bill's definition of a "serious infectious or communicable disease."

Condition	2018 New Cases	Expected Record Requests
Syphilis (early latent, secondary, and primary)	1,352	33
Hepatitis B (chronic and acute)	468	11
Total for Selection	1,820	44

The estimated average amount of BRDI staff time for a basic record request without court appearance is two hours. Thus, the estimated staff time to handle anticipated requests for only the conditions listed in the table above would be 88 hours (44 estimated additional requests x 2 hours per request). A Public Health Program Manager (\$71,265) currently employed by DHSS would be responsible for processing and responding to the additional records requests. The cost in staff time would be \$3,014.88 (\$34.26 hourly rate x 88 hours). The salary listed for this position reflects the average annual salary of staff in this position within the Division of Community and Public Health as of January 2021.

The department anticipates being able to absorb these costs. However, until the FY22 budget is final, the department cannot identify specific funding sources.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect DHSS's no impact for fiscal note purposes.

In response to similar legislation from this year (SCS for SB 65), officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations.

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

#### §191.1165- Medication assisted treatment

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Corrections (DOC)** stated Medication Assisted Treatment (MAT) uses a combination of medication, counseling, and behavioral treatment to treat substance use disorders. As written, this bill requires the DOC to provide MAT services, to include the following medications, to offenders diagnosed with substance use disorders.

- (1) Buprenorphine [tablets];
- (2) Methadone;
- (3) Naloxone;
- (4) [Extended-release injectable] Naltrexone; and
- (5) Buprenorphine/naloxone combination

Currently, DOC's prison healthcare provider does administer Naloxone (brand name Narcan/Enzio), a medication that rapidly reverses the effects of opioids, to offenders who are believed to have overdosed. In addition, the DOC partners with the Gateway Foundation, Corizon and the Department of Mental Health – Division of Behavioral Health (DMH/DBH; provides funding through Recidivism Reduction (RR)-MAT) to offer MAT services (counseling/behavioral treatment, a Vivitrol injection prior to release to the community, and post-release Vivitrol injections in the community, if necessary) to DOC offenders that have participated in one of its substance use treatment programs prior to release. The other medications - buprenorphine, methadone, oral naltrexone and buprenorphine/naloxone combination are not being prescribed in DOC's prisons.

MAT has been shown to be a very effective means of treating those with substance use disorders; however, DOC's current contracts for healthcare services and substance use treatment services do not include MAT. Thus, if passed, this legislation would require the DOC to process amendments/rebids to add these services. Adding these services would have a significant fiscal impact on the DOC as additional funding would have to be appropriated to cover the increased contract costs.

At intake, 46% of Missouri's prison population report a history of prescription drug, illicit drug and/or alcohol use. Research indicates that approximately 58% of those confined in prisons have a substance use disorder (Connolly, 2019). It is reasonable to assume offenders likely under-reported their use at intake and that the true incidence is much closer to 58%. Therefore, this is the percentage that will be used to estimate the impact of this bill on the DOC.

Approximately 13,340 (23,000 x 58%) of the offenders incarcerated in Missouri prisons have a substance use disorder. Methamphetamine is still the most common drug of choice among the Missouri offender population; however, opioid use disorders are definitely on the rise and when paired with alcohol use disorders are conservatively estimated to affect 4,002 (13,340 x 30%) incarcerated offenders. What is unknown is how many of these 4,002 individuals would choose to participate in MAT services if given the opportunity.

**Oversight** contacted DOC officials regarding the assumption that 30% of incarcerated offenders are assumed to have both a drug use disorder and an alcohol use disorder. DOC officials indicated this is partially an educated guess based on offender information provided at the time they enter prison and partially a "best guess". Since DOC cannot estimate the number of offenders that would choose to participate in MAT services, Oversight assumes costs are likely to exceed the lower estimate provided by DOC (as stated in the next paragraph) as that estimate is for the lowest cost medication.

**DOC** states, as indicated in the following table, the average medication costs to treat opioid/alcohol use disorders varies greatly depending on the medication prescribed. Assuming all 4,002 individuals diagnosed with opioid/alcohol use disorders chose to participate in the MAT program, the estimated annual cost for medications would range from \$1,000,500 - \$72,036,000.



MEDICATION	ESTIMATED ANNUAL COST PER OFFENDER	ESTIMATED ANNUAL COST TO TREAT 4,002 OFFENDERS WITH THIS MEDICATION
Buprenorphine (tablets)	\$1,000	\$4,002,000
Buprenorphine/Naloxone Combination (sublingual)	\$5,000	\$20,010,000
Naltrexone (tablets)	\$250	\$1,000,500
Naltrexone (extended release injectable)	\$18,000	\$72,036,000
Methadone	\$2,500	\$10,005,000

Other costs associated with this bill are the additional FTE the healthcare or substance abuse treatment services providers will have to employ to provide the required counseling and behavioral treatment services associated with MAT. As DOC's current contracts do not include a staffing pattern to support MAT department-wide, it is likely these costs would be passed on to the DOC. Also, DOC's prisons will either have to earn accreditation as Opioid Treatment Programs or contract with Opioid Treatment Programs to prescribe methadone to the offender population ([Certification of Opioid Treatment Programs, 42 Code of Federal Regulations \(CFR\) 8](#)). And finally, physicians, physician's assistants and nurse practitioners will have to complete additional training to prescribe Buprenorphine and Buprenorphine/Naloxone (combination). All of these considerations have an unknown fiscal impact on the department.

**Oversight** has no information to the contrary and assumes, for fiscal note purposes, that DOC MAT costs will, subject to appropriations, likely exceed \$1,000,500 annually (General Revenue).

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Mental Health (DMH)** stated the DMH may be a state entity responsible for the care of detained persons under this bill as Not Guilty by Reason of Insanity (NGRI) or Incompetent to Stand Trial (IST) individuals are committed to DMH state hospitals pursuant to Chapter 552 while criminal charges are pending. DMH assumes this bill would require assessments for substance use disorders by qualified licensed physicians and Medication Assisted Treatment (MAT) if recommended for this population.

In a given year, DMH will have 23 individuals in contracted county jails for which probable cause has been found under the Sexually Violent Predator (SVP) act and approximately 233 individuals in county jails awaiting admission for restoration of competency in a criminal trial. DMH assumes evaluations and re-evaluations to be completed for these individuals will be conducted by existing DMH staff.

Medications	Dosing	Monthly Cost
Naltrexone (Vivitrol)	380mg once every 4 weeks	\$1,136
Oral Naltrexone	50 mg daily	\$19.58
Buprenorphine and Naloxone (Suboxone)	Buprenorphine 8mg/naloxone 2mg SL film once daily	\$114.00 (depends on product used)
Buprenorphine (Subutex)	8mg daily	\$37.31
Disulfiram (Antabuse)	250mg to 500mg daily	<ul style="list-style-type: none"> <li>• \$93.60 (250mg)</li> <li>• \$402.00 (500mg)</li> </ul>
<a href="#">Acamprosate (Campral)</a>	666mg three times daily	\$108.00
Modafinil (Provigil)	200mg daily	\$23.70 (200mg)
<a href="#">Mirtazapine (Remeron)</a>	15mg to 45mg daily	<ul style="list-style-type: none"> <li>• \$8.51 (15mg)</li> <li>• \$10.75 (45mg)</li> </ul>
Bupropion SR (Wellbutrin SR)	150mg to 300mg daily	<ul style="list-style-type: none"> <li>• \$13.31 (150mg)</li> <li>• \$26.62 (300mg)</li> </ul>
<a href="#">Gabapentin (Neurontin)</a>	1800mg daily	\$6.93
Baclofen (Lioresal)	30mg to 80mg daily	<ul style="list-style-type: none"> <li>• \$8.70 (30mg)</li> <li>• \$24.48 (80mg)</li> </ul>
Topiramate (Topamax)	25mg to 400mg daily	<ul style="list-style-type: none"> <li>• \$2.28 (25mg)</li> <li>• \$19.80 (400mg)</li> </ul>

Estimated % with Alcohol Use Disorder (AUD) – 35%

Oral naltrexone would likely be the preferred medication because it is cheaper than the injectable form and not a controlled substance and most jails are ill equipped to handle controlled medications.

35% of 256 yearly total = 90

Estimated % with Opioid Use Disorder (OUD) – 10%

Oral naltrexone would likely be the preferred medication because it is cheaper than the injectable form and not a controlled substance and most jails are ill equipped to handle controlled medications.

10% of 256 yearly total = 26

Estimated Yearly Cost for Treatment

To treat the 116 individuals (90AUD + 26 OUD) for year would be:  
 116 individual x \$19.58 oral naltrexone per month x 12 months = \$27,255 drug costs

Total cost would be \$22,712 for FY22, \$27,255 for FY23 and beyond.

**Oversight** has no information to the contrary and will present the costs provided by DMH for fiscal note purposes.

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Health and Senior Services** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2021 (SCS SB 521), officials from the **St. Louis County Police Department** assumed the proposal will have no fiscal impact on their organization.

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

§§210.143 and 210.1283 – Residential care facilities; court petitions; investigations

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes MOPS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the MOPS for fiscal note purposes. Oversight also assumes MOPS may seek additional appropriations if the proposal results in a significant increase in costs.

§210.1263 – Background checks on employees, volunteers, etc. at the home

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Department of Public Safety, Missouri Highway Patrol** anticipated no fiscal impact as the result of this proposal.

**Oversight** notes this proposal includes new statutes with new requirements for certain individuals to be fingerprinted as part of the background checks prescribed in this proposal. Oversight also notes that FBI approved Missouri statutes that authorize entities to conduct both state and FBI fingerprint criminal record checks would require fees to be collected. The fiscal impact to the CJIS Division's Criminal Record Systems Fund (0671) depends on the number of fingerprint criminal record checks conducted. The fingerprint fee structure is outlined below.

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 of the federal fee. This equates to \$22.00 of the total state and

federal fingerprint background check fee that is retained in the Criminal Record System Fund per request.

The authorized entity may choose to utilize the Missouri Automated Criminal History System (MACHS) and have fingerprinting completed by the state fingerprinting vendor. If this avenue is chosen, an additional fee of \$8.50 will be required by the vendor.

**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 Fund = \$22.00

**Oversight** notes that currently, the number of residential children's homes operating in Missouri and the number of individuals employed by them are unknown. Therefore, Oversight will reflect an unknown income amount to the Criminal Records System Fund (0671).

§210.1265 – Child residential homes to comply with specified inspections

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Columbia/Boone County Public Health & Human Services (PHHS)** stated the proposed §210.1265 requires child residential homes to comply with all fire, safety, health, and sanitation inspections required under §210.252. PHHS currently performs inspections under §210.252 for childcare facilities. These inspections are performed under contract from the Missouri Department of Health and Human Services (DHSS). If PHHS will be expected to perform the inspections of the child residential homes, that will represent an unknown cost because they have no way of knowing how many such homes there are, nor whether DHSS will reimburse PHHS for the inspections, nor whether the reimbursement will cover the entire cost of the inspection.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the negative unknown estimates as provided by the PHHS.

§210.1271 – Injunctive relief to cease the operation of a residential care facility when...

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Attorney General's Office (AGO)** stated this section requires the AGO to represent DSS in proceedings related to injunctions of restraining orders against child residential homes. It is unknown the number of cases that could be brought to the AGO by DSS where representation would be required. Currently the AGO does not participate in these types of cases and therefore would need to hire at least one attorney with experience in these matters. However, if the number of cases is substantial, the need for additional Assistant Attorneys General is likely. The AGO

anticipates the fiscal impact would be \$93,221 to unknown per full fiscal year beginning in FY22.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the AGO as follows:

- FY22: Could exceed (\$93,221)
- FY23: Could exceed (\$94,033)
- FY24: Could exceed (\$94,853)

§§211.012, 211.181, and 211.435 – Juvenile court proceedings

In response to similar legislation from this year (HCS for HB 1242), officials from the **Department of Social Services (DSS)** stated the provisions of this proposal clarify the “Raise the Age” legislation that was passed during the 2018 session. Assuming that is the sole intent of this proposal, there is no fiscal impact to DSS. If the intent of this legislation is to implement the “Raise the Age” legislation, DSS does not have the resources available to provide services for juveniles to 18 years of age (up from 17 years of age) and full year of costs would be \$5,294,153 (\$3,043,596 GR; \$2,250,557 Federal).

In response to similar legislation from this year (HCS for HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation modifies provisions relating to juvenile court proceedings.

While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,687 additional juvenile law violations and 2,176 status violations annually in the 34 multi-county circuits, 38<sup>th</sup> and 46<sup>th</sup> circuits.

Based upon projected additional violations in the 34 multi-county circuits, 38<sup>th</sup> and 46<sup>th</sup> circuits, the FY18 estimated juvenile personnel cost in these circuits would be \$2,306,227 (34 juvenile officer FTE). In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multicounty circuits of \$1,352,050. The total cost would be \$3,850,461.

Below is a breakdown of the costs:

**Multi Circuits\***

	FTE	Salary	Total	Fringes	Total
Juvenile Officer	34	\$44,352	\$1,507,968	\$798,259	<u>\$2,306,227</u>
				Total	\$2,306,227
Training for all new juvenile officer staff					\$ 192,184
Program Cost for multicounty circuit					<u>\$1,352,050</u>

(((\$350 per juvenile (3,863\*\$350))

**Total Cost**

**\$3,850,461**

\* Note: The 34 multi-county, 38<sup>th</sup> and 46th circuits are state paid

### **Single County Circuits**

State general revenue would need to be appropriated for the ten single county circuits' juvenile personnel, training and program cost. Based on their submissions, the total cost for the ten single county circuit would be at least \$10,187,476.

The total cost to state general revenue if this proposed legislation would be implemented would be at least (\$3,850,461 + \$10,187,476) **\$14,037,937**.

The projected number of status offenders may vary depending on the number of children reported as truant from school and whether 17 year olds are included in the truancy numbers.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DSS and OSCA.

In response to similar legislation from this year (HCS for HB 1242), officials from the **Attorney General's Office**, the **Office of the State Treasurer**, the **Office of the State Public Defender** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes the Juvenile Justice Preservation Fund (0739) had a balance of \$2,871,606 as of February 28, 2021. Oversight notes 211.435.2 states these funds shall revert to the counties of origin. Therefore, Oversight will reflect a loss in FY 2022 of these funds. Oversight notes collections into the fund totaled \$1,201,466 in FY 2020. Oversight will reflect this funding as an offset to OSCA employees that will be paid from the state's General Revenue Fund for implementation at the circuit courts.

This section has an emergency clause.

### **§217.195 – Prison canteen funds**

In response to similar legislation from this year (SS for SB 212), officials from the **Office of the State Treasurer (STO)** stated §217.195.3(3) requires interest and moneys earned on such investments currently credited to the General Revenue Fund to be credited to the Inmate Canteen Fund.

Listed below are the average daily balances for the months of July through December 2020:

July	\$6,588,940
August	\$6,669,476
September	\$6,158,167
October	\$5,914,689
November	\$5,771,371
December	<u>\$5,575,394</u>
Total	\$36,678,037

The estimated average daily balance is \$6,113,006 ( $\$36,678,037 / 6$ ). The STO's effective rate of return for FY 2021 is 0.5%. The estimated yield on state funds is 0.50 percent. If interest rates increase, the STO could increase its rate of return and the fiscal note would increase. Therefore, the estimated loss of interest to General Revenue is approximately \$25,471 for FY 2022 (10 months) and \$30,565 for FY 2023 and FY 2024 ( $\$6,113,006 * 0.005$ )

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Corrections (DOC)** did not expect a fiscal impact from this legislation since the Inmate Canteen Fund is currently operating within the proposed statutory guidelines. The addition of reentry services as an allowable expenditure will be subject to appropriation from the legislature.

**Oversight** notes any unexpended balance in the pre-August 28, 2021, inmate canteen fund shall be transferred to the post-August 28, 2021, inmate canteen fund established under subsection 3 of §217.195. The balance in this fund at December 31, 2020, was \$5,779,967. This will allow for the DOC to include some additional allowable expenditures to this fund. For purposes of this fiscal note, Oversight will show a one-time transfer in and out of this fund of \$5.8 million in FY 2022.

#### §211.211 – Child's Right to Counsel

In response to similar legislation from this year (SB 305), for the purpose of the proposed legislation, officials from the **Office of the State Public Defender (SPD)** stated they cannot assume existing staff will be able to provide competent, effective representation for any new cases for indigent children. The SPD is currently providing legal representation in caseloads in excess of recognized standards.

In the FY 2018 Youth and Families report, OSCA indicated that 2,192 delinquency cases were filed by formal petition. SPD anticipates that 12 juvenile attorney specialists, specifically trained to represent children, would be necessary if this bill were passed.

**Oversight** inquired SPD regarding their response to a similar proposal from last year, HB 1422, which included an "(Unknown)" fiscal impact. Upon further review of the current legislation, SPD had more of a specific response. **Oversight** does not have anything to the contrary and will reflect the impact as "Up to" the costs presented by SPD in the table below.

In response to similar legislation from this year (SB 305), officials from the **Department of Social Services**, the **Missouri Highway Patrol**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Corrections** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (SB 305), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§217.199 and 221.065 – Hygienic products to offenders

In response to similar legislation from 2021 (HB 318), officials from the **Department of Corrections (DOC)** assumed the proposal will have no fiscal impact on their organization. In FY20, the DOC was appropriated additional funding to support these costs.

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

**Oversight** contacted the DOC to determine the amount of funding appropriated to them for feminine hygiene products. From a new decision item beginning in FY 2020, the DOC was appropriated \$113,574 in General Revenue funds. This amount, combined with the \$114,774 in funding already within DOC's budget, brings the total department appropriations for feminine hygiene products to \$228,348 for FY 2020, FY 2021, and FY 2022 as no changes were made to the appropriation in FY 2021 or requested in FY 2022.

In response to a similar legislation from 2021 (SB 128), officials from the **St. Joseph Police Department** and **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HB 318), officials from the **Boone County Sheriff's Department** stated these items are currently supplied to detainees at no cost and as needed or requested.

In response to similar legislation from 2021 (HB 318), officials from the **Cape Girardeau County Sheriff's Department** and the **Clay County Sheriff's Department** responded but did not provide a fiscal impact.

In response to similar legislation from 2021 (HB 318), officials from the **Lewis County Sheriff's Department** stated feminine products are provided at no cost to the inmate.



In response to similar legislation from 2021 (HB 318), officials from the **Ellisville Police Department** stated this will have a very minor impact but both reasonable and appropriate.

In response to similar legislation from 2021 (HB 318), officials from the **Crestwood Police Department** stated no discernible fiscal impact. The Crestwood Police Department already supplies these items when necessary.

In response to similar legislation from 2021 (HB 318), officials from **Clinton County**, the **Ellington Police Department**, the **Kimberling City Police Department**, and the **St. John Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes there may be some county or city jails that do not provide both tampons and napkins for free. Therefore, the impact to local governments will be presented as \$0 or (Unknown).

This section of the bill contains an emergency clause.

§217.243 – Non-emergency medical examination of inmates

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Corrections (DOC)** stated this proposal creates provisions relating to non-emergency medical examinations of inmates. This legislation mandates a 50-cent copay be assessed to offenders for each non-emergency medical exam or treatment, unless the offender is indigent. Co-pays are not charged for preventative care, emergency care, substance abuse treatment, mental health treatment, along with others.

Section 217.243 states that no inmate shall be denied needed medical treatment because of a lack of ability to pay. Inmates shall receive appropriate medical care based on their present need, without regard to financial status. Therefore, the department assumes this proposed legislation of charging a co-pay will likely generate minimal revenue.

This proposal could require additional administrative resources with determining whether a visit requires a co-pay, processing a green check for the co-pay, and determining indigent status. It is unknown at this time who would be required to process the co-pay, who would determine the indigent status, or how many additional staff would be needed to accommodate the increase in grievances and appeals this legislation may incur. Therefore, it is unknown how many additional staff and FTE would be needed for each site.

The department could likely see an increased number of indigent offenders and, therefore, additional hygiene and legal supplies would be required. The actual cost of this is unknown at this time.

According to this proposal, offenders will not be charged a co-pay for staff referrals. This may result in offenders going to non-medical staff with their medical issues, and non-medical staff being involved in making a determination for a referral. It is unknown how many offenders would require and seek non-emergency exams or treatments without a staff referral. Due to these circumstances, the department assumes an unknown cost/savings impact.

**Oversight** assumes the DOC would be able to absorb any additional responsibilities this proposal may have on the agency. Oversight also assumes the state would not receive a material amount of additional proceeds as a result of the 50 cents per medical visit charge. Oversight assumes the 50 cents charge would be handled entirely within the inmate's account within the correctional institution's system. For example, if the inmate spent 50 cents on a medical visit, this would reduce the amount available to be spent by the inmate in the institutional canteen. Therefore, Oversight will not reflect a direct fiscal impact to the state's General Revenue Fund from this proposal.

§217.777 - Department of Corrections to promote opportunities for certain primary caregivers

In response to similar legislation from this year (HCS/HB 673), the **Department of Social Service's Children's Division (CD)** stated this legislation requires the Department of Corrections to promote opportunities for nonviolent primary caregivers to care for their dependent children.

The Children's Division does not anticipate a fiscal impact at this time.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for CD for this section.

§217.845 – Funding from the federal Coronavirus Aid Relief and Economic Security (CARES) Act

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Corrections (DOC)** stated §217.845 requires offenders to use any federal stimulus funding they received to make restitution payments ordered by the courts. Currently, the DOC collects court-ordered restitution when the prosecuting attorney sends a written order to collect restitution. This has already occurred with some of the stimulus checks received by offenders. It is unknown how many of these offenders could receive federal stimulus funding or how many offenders could be court ordered to pay restitution. The DOC does not believe this would impact any state, federal, or local funds.

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

§221.105 – DOC reimbursements to counties

In response to similar legislation from this year (SS for SB 212), officials from the **Department of Corrections (DOC)** assumed the proposal will have no fiscal impact on their organization.

**Oversight** notes according to a hearing from September of 2019, DOC testified that the state owes approximately \$40 million to counties. It was estimated to reach \$45 million in FY 2020. There is a 9-month lag in payments by DOC to counties which are paid on a first-come, first-serve basis. This is a funding delay not a processing delay. Funding is made on a quarterly basis. The current reimbursement rate is \$22.58/day. According to the department budget request, program expenditures have totaled:

FY 2018	\$43,716,122 (actual)
FY 2019	\$43,330,190 (actual)
FY 2020	\$42,758,409; (actual)
FY 2021	\$52,080,948; (planned) and
FY 2022	\$43,770,272 (HB 9, 2021)

County billing requests are detailed by prisoner name and the number of days held. DOC audits the information and makes payment to the county.

**Oversight** does not have any information to the contrary. Oversight assumes by deleting the language in this section, there will not be a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

§285.575 – Whistleblower’s Protection Act

In response to similar legislation from this year (HB 125), officials from **Office of Administration - Budget & Planning (B&P)** assumed this provision does not directly impact TSR/18(e). However, this provision may allow a cause of action against the state for violations of the Whistleblower's Protection Act. If the state is found liable, there may be additional payouts from the State Legal Defense Fund.

**Oversight** notes that in response to a similar proposal, HB 2393 (4871H.01I) (2020), **Office of Administration Risk Management (OARM)** noted that most Legal Expense Fund (LEF) costs are reimbursed from the General Revenue Fund (GR). GR has paid for the majority of payments from the LEF since payments on LEF cases for agencies with designated reimbursable funds have been relatively small. According to OARM, broader budget authority to transfer from Federal and Other Funds beginning in FY 18 allowed for an increase of percentage of payments from Federal and Other Funds. Table 1 below shows LEF costs broken down for GR versus Federal Funds/Other Funds.

	<b>GR</b>	<b>Fed/Other</b>	<b>Total</b>	<b>GR %</b>	<b>Fed/Other %</b>
<b>FY 15</b>	\$9,197,461	\$661,555	\$9,859,016	93%	7%
<b>FY 16</b>	\$11,386,339	\$600,489	\$11,986,828	95%	5%
<b>FY 17</b>	\$19,983,784	\$4,217,582	\$24,201,366	83%	17%
<b>FY 18</b>	\$18,625,000	\$9,649,513	\$28,274,513	66%	34%
<b>Total</b>	\$59,192,584	\$15,129,139	\$74,321,723	80%	20%

*Table 1 Source information provided by Office of Administration Risk Management (OARM)*

OARM provided Oversight with claim payment data from FY 2015 to FY 2018. Based on the data provided, Oversight estimated the number of claims and amount paid by claim type shown in table 2 below. Motor vehicle claims accounted for 69% of the total number of claims but only 11% of the value of claims. Claims related to discrimination accounted for 8% of the total number of claims but 25% of the value of claims paid.

**Table 2: Payment data by type of claim**

<b>Type of Claim</b>	<b>Number of Claims</b>	<b>Cost of Claims</b>
Discrimination	67	\$19.6 million
Wrongful Death	5	\$11.9 million
Motor Vehicle	583	\$8.6 million
Medical Malpractice	10	\$8.3 million
STL & KC Police	5	\$5.4 million
Tort	10	\$4.6 million
Harassment	3	\$4.3 million
Personal Injury	10	\$3.6 million
Class Action Law Suit	1	\$2.6 million
Dangerous Condition of Property	96	\$1.6 million

*Source - OARM: Includes motor vehicle and dangerous condition of property claims.*

In response to similar legislation from this year (HB 125), officials from the **Department of Natural Resources (DNR)** assumed the proposal, specifically Section 285.575 would have negative fiscal impact ranging from \$0 to “Unknown”.

There is no way to know how many whistleblower cases the department would have or if any of those cases would be in favor of the plaintiff. If the case was in favor of the plaintiff, the Department could have the following costs: back pay, reimbursement of medical bills directly related to a violation and reasonable attorney fees.

In response to similar legislation from this year (HB 125), officials from the **Missouri Department of Conservation (MDC)** assumed the proposal would have negative “Unknown” fiscal impact but less than \$100,000 to meet potential investigative and legal requirements.

**Oversight** does not have any information to the contrary in regards to OA=s, MDC=s, and DNR=s assumptions; therefore, Oversight will range the fiscal impact from \$0 (does not increase litigation) to an Unknown cost (increased claims related to unlawful practices based on whistle blower protection) on the fiscal note.

In response to similar legislation from this year (HB 125), officials from **Department of Health and Senior Services (DHSS) and Department of Public Safety – Director’s Office** each deferred to the Office of Administration to estimate the fiscal impact of the proposed legislation on their respective organizations.

In response to similar legislation from this year (HB 125), officials from the **Attorney General’s Office, Department of Mental Health, Department of Corrections, Department of Public Safety - Alcohol and Tobacco Control, Capital Police, Fire Safety, Gaming Commission, Highway Patrol, Veterans Commission, Department of Social Services, Missouri Ethics Commission, Department of Transportation - Patrol Employees’ Retirement System, Office of the State Public Defender, Joint Committee On Education, Joint Committee on Public Employee Retirement, Legislative Research, Oversight Division, Missouri Lottery, Missouri Consolidated Health Care Plan, Missouri Higher Education Loan Authority, Office of the State Courts Administrator and the Economic & Policy Analysis Research Center** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HB 125), officials from the **City of O’Fallon** assumed if proposal passes, it could increase the City’s liability by widening the definition of a whistle-blower and opens the City up to additional litigation. The potential cost would be the City’s self-insured retention (deductible) which for FY2021 will be \$250,000 per occurrence.

In response to similar legislation from this year (HB 125), officials from the **City of Gordonville** assumed the proposal would have negative fiscal impact on their Local Government.

In response to similar legislation from this year (HB 125), officials from the **City of Kansas City** assumed the proposal could have a negative fiscal impact on the City because it will increase Kansas City=s exposure to liability.

In response to similar legislation from this year (HB 125), officials from the **Missouri State University** assumed the proposal would have negative fiscal impact of undetermined amount to the organization.

**Oversight** assumes the proposal will require additional expenditures due to the increased exposure and liability for some colleges, universities, and Local Government organizations. Therefore, Oversight will range a negative fiscal impact from \$0 (no lawsuit was brought against above organizations) or unknown (lawsuit increased exposure to liability to above organizations) on the fiscal note.

In response to similar legislation from this year (HB 125), officials from **City of Ballwin, Corder, Hale, Minden Mines, Sugar Creek, Saint Louis – Budget Division, Malta Bend R-V School, Northwest Missouri State University** and **State Technical College of Missouri** each assumed the proposal would not have direct fiscal impact on their respective organization.

§304.050 – Drivers on public highways to stop for certified Head Start buses

In response to similar legislation from this year (HB 257), officials from the **Missouri Highway Patrol** assumed the proposal will have no fiscal impact on their organization.

**Oversight** notes that the above mentioned agencies 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.

Oversight notes the following number of misdemeanor charges were disposed as guilty for Section 304.050

FY 2020	59
FY 2019	45
FY 2018	40
FY 2017	58

Oversight assumes these changes will not materially alter the number of convictions (increased fine revenue, court cost revenue and local jail expense). Therefore, Oversight will reflect no fiscal impact from these changes.

§447.541 – Unclaimed property

In response to similar legislation from 2021 (SB 408), officials from the **Office of the State Treasurer (STO)** stated they find no fiscal impact for these changes. However, allowing the State Treasurer to advertise unclaimed property in other ways will allow the STO to notify more constituents of their unclaimed property.

**Oversight** notes that the STO 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 provision.

§§ 452.410, 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, and 455.523 – Provisions for Civil Proceedings

In response to similar legislation from this year (HCS for SS for SCS for SB 71), officials from the **Office of the State Courts Administrator**, the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for SS for SCS for SB 71), officials from the **Office of the State Public Defender** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for HB 744), officials from the **Crestwood Police Department**, the **Tipton Police Department** and the **Ellisville Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§475.120 – Powers and duties of a guardian of an incapacitated person

In response to similar legislation from this year (HCS for HB 978), officials from the **Office of the State Courts Administrator**, the **Department of Health and Senior Services** and the **Department of Social Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§479.162 - Defendant fee on police reports or probable cause statements

In response to similar legislation from this year (HCS for HB 712), officials from the **City of Corder**, and **Boone County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for HB 712), officials from the **City of O’Fallon**, the **City of Southwest**, **St. Louis City** and the **City of Tipton** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (HCS for HB 712), officials from **Kansas City** assumed this proposal would have a negative fiscal impact upon the city prosecutor’s office because of the expenditures in staffing to fulfill the requirements of the legislation.

**Oversight** will reflect an unknown fiscal impact to local prosecutor’s offices.

In response to similar legislation from this year (HCS for HB 712), officials from the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§485.060 – Compensation of court reporters

In response to similar legislation from this year (HCS for HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, with an annual increase of \$20,685 per court reporter, the fiscal impact is an unknown cost of up to \$3,040,720 annually.

**Oversight** notes that the \$20,685 from OSCA’s response is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$60,072 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service below starting January 1, 2022:

06-10 years of service -	\$63,226
11-15 years of service -	\$68,442
16-20 years of service -	\$74,260
21+ years of service -	\$80,757

**Oversight** notes officials from OSCA provided a listing of the current court reporters, but would not provide a start date (to calculate years of service) for each. Therefore, Oversight will have to make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service. Oversight will assume “Beginning on January 1, 2022” means that court reporters will be eligible for pay raises as they attain the requisite years of service (therefore, in addition to the raises awarded on January 1, 2022, raises could be earned each year thereafter as long as the court reporter hit the new thresholds). Oversight will also



make the assumption that all raises will be given as of January 1<sup>st</sup>, regardless of when in the year the court reporter hit the new step year thresholds (6, 11, 16, and/or 21 years). Therefore, Oversight will reflect 6 months of impact in FY 2022 (January 1 - June 30). In FY 2023, Oversight will reflect the other six months of the January 1, 2022 raises, and six months of the January 1, 2023 raises.

**Oversight** will also assume fringe benefits of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers' compensation.

**Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which we do not have) for the court reporters.**

In response to similar legislation from this year (HCS for HB 1242), officials from the **Office of Administration** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

#### §488.016 – Court costs

In response to similar legislation from this year (HCS for SCS for SB 91), officials from the **Missouri Office of Prosecution Services (MOPS)** stated this would have a potential negative fiscal impact on MOPS, county prosecutors and the circuit attorney since any waiver of the surcharge authorized by Section 56.765, RSMo, [such as the waiver provided in proposed Section 488.016 of this bill] would result in a decrease in funds available for use by MOPS, county prosecutors and the circuit attorney. The exact negative impact is difficult to determine.

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

In response to similar legislation from 2021 (HB 823), officials from the **Office of State Courts Administrator (OSCA)** stated this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

#### §§488.029 and 556.046 – Criminal offenses

In response to similar legislation from this year (SCS for HB 530 and HCS for HB 292), officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** assumed no impact. If the language is not changed from Chapter 195 to Chapter 579, it could result in a significant negative impact.

**Oversight** notes the change in §488.029 is necessary to prevent a significant loss to the State Forensic Lab Account. Since violations have all been moved to Chapter 579 (from Chapter 195 -

effective January 1, 2017), essentially by letter of the statute, a surcharge would not be applied for any violation under chapter 195 because no violations exist. Consequently, the Forensic Lab Account would lose upwards of \$300,000 without this change. Oversight assumes this change to this section will become effective August 28, 2021, and surcharges will continue to be assessed against defendants; therefore, Oversight will reflect the fiscal impact to the State Forensic Laboratory Fund as \$0 to \$300,000.

In response to similar legislation from this year (SCS for HB 530 and HCS for HB 292), officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Social Services**, the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§546.265 – Privileged communications in criminal matters

In response to similar legislation from this year (SB 312) officials from the **Missouri Highway Patrol** and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to similar legislation from this year (SB 312) officials from the **Columbia Police Department**, the **Crestwood Police Department**, the **Lake St. Louis Police Department**, the **Springfield Police Department** and the **Tipton Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Attorney General's Office**, the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Claycomo**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§558.047 – Sentence review

In response to similar legislation from this year (HB 636), officials from the **Department of Corrections (DOC)** stated this bill modifies §558.047 to allow persons under age 18 at the time of the offense to petition the Board for review of his/her file if serving a life sentence with or

without parole or a sentence structure of 15 years or more; after 15 years has been served, then every 3 years thereafter until release date is established.

If the review is similar to the current process for juvenile life without parole hearings, the DOC estimates this will significantly impact the workload for the Parole Board, Division of Probation and Parole, and the Victim Services Unit. With an estimated 125 additional hearing requests that could be petitioned to the Board for review in FY 2022, and possibly, 3 to 10 additional hearing requests for the next nine years thereafter, the workload required to prepare and conduct these hearings could be substantial.

It is unknown how many offenders will petition the Board for a hearing review. It is also unknown how many hearings the Board will conduct and how many offenders will be granted parole, if this legislation passes.

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

In response to similar legislation from this year (HB 636), officials from the **Attorney General's Office**, the **Missouri Office of Prosecution Services**, and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations.

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

*§559.120 – Courts may require a defendant to participate in a community-based treatment program*

In response to similar legislation from this year (HCS/HB 673), officials from **CD** stated this section asks that when a defendant is sentenced and meets appropriate qualifications that if the defendant is the primary caregiver of one or more dependent children that the court shall consider requiring the defendant to participate in a community-based treatment program.

The Children's Division does not anticipate a fiscal impact at this time.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for CD for this section.

In response to similar legislation from this year (HCS/HB 673), officials from **OA, ITSD/DSS** stated this section requires the addition of a new placement reason in the FACES application.

Oversight notes the estimated costs for updates to FACES as the result of this proposal were not broken down by section and the costs included in the OA, ITSD/DSS estimate are total costs for §§208.151; 210.001; 210.762 and 559.120. The costs presented by OA, ITSD/DSS are listed

under the agency's response for §208.151. Therefore, Oversight will reflect the costs provided by OA, ITSD/DSS for fiscal note purposes for these sections only.

§565.240 – Unlawful posting of certain personal information over the internet

In response to a previous version, officials from the **Department of Corrections** stated §565.240 introduces a new class E felony.

Since this is a new offense, the department will use a standard class E felony response. 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 cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

DOC estimates a cost of \$6,463 in FY 2022 and roughly \$16,000 per year thereafter.

**Oversight** has requested information regarding this section of the proposal. Upon the receipt of this information, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note if needed.

Officials from the **Attorney General's Office**, the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Claycomo**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§574.110 – Unlawful use of a laser pointer

In response to similar legislation from this year (HS for HCS for HB 876), officials from the **Office of the State Public Defender (SPD)** stated for the purpose of the proposed legislation, and as a result of excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of using a laser pointer under Section 574.110 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender

will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to similar legislation from this year (HS for HCS for HB 876), officials from the **Department of Public Safety – Capitol Police**, the **Office of the State Courts Administrator**, the **Boone County Sheriff’s Department**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Greenwood Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Fredericktown Fire Department**, the **Gainesville Fire Department**, the **Lexington Fire and Rescue**, the **West County EMS and Fire Protection District**, the **Barry County 911 Board**, the **Nodaway County Ambulance District** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HS for HCS for HB 876), officials from the **Mexico Police Department**, the **St. Clair Fire Protection District**, and the **Randolph County Ambulance District** responded to the legislation but did not provide a fiscal impact.

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

§590.030 – Peace officer licensure

In response to similar legislation from this year (SB 289) officials from the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Missouri Highway Patrol, and the Office of the Director)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Crestwood Police Department** and the **Walnut Grove Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

In response to a previous version, officials from the **Attorney General’s Office**, the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **City of Claycomo**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assumed the proposal will have

no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§590.192 – Mental health programs for law enforcement officers

In response to similar legislation from this year (SB 551) officials from the **Department of Public Safety - Office of the Director (DPS)** stated this proposal establishes a new program, the "Critical Incident Stress Management Program" within the Department of Public Safety. In order to accomplish the many duties and responsibilities required under this bill, the DPS will need one (1) Program Manager. Additionally, this proposal establishes a new fund, 988 Public Safety Fund, to support the services provided for peace officers under subsection 1. In order to manage the new fund, the DPS is requesting one (1) FTE Program Specialist.

**Oversight** notes §590.192 creates the "Critical Incident Stress Management Program". The program will provide services to peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. All peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer when the check-in is complete. It also creates the 988 Public Safety Fund to be used solely by DPS for the purpose of providing services for peace officers affected by a critical incident.

**Oversight** contacted the POST commission to determine the number of licensed peace officers in Missouri. POST stated the total number of licensed and commissioned peace officers in the state is 24,145. This number includes working and not-currently working officers. Of this number, 14,836 are working full-time and 1,799 are reserve (part-time) officers. Because this legislation states all peace officers, Oversight will use the 24,145 number to determine a fiscal impact. At a cost of \$300 per visit (estimated by the MHP), Oversight will reflect costs of \$7,243,500 over a four-year period  $[(24,145 * 300)/4 = \mathbf{\$1,810,875}]$ , plus FTE costs as presented by DPS.

Additionally, Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. Oversight assumes all appropriated moneys, if any, will be expended in the same year on services such as consultation, risk assessment, education, intervention, and other crisis intervention services. For fiscal note purposes, Oversight assumes expenses and services provided under this proposal will equal income and net to zero.

In response to similar legislation from this year (SB 551) officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the Patrol currently provides counseling services to their peace officers who are involved in a critical incident like those described in 590.192.1 of this bill. Section 590.192.2 of this bill mandates all peace officers meet with a program service provider once every three to five years. Currently, the Patrol has 1,339 total peace officers, this includes members, Gaming officers, DDCC, and CVOs. This bill would

require 447 (1,339 officers divided by 3) officers per year to meet with the program service provider. At an estimated cost of \$300 per visit, there will be a total expense per year of \$134,100.

In response to similar legislation from this year (SB 551) officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Office of the State Treasurer**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments 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.

#### §590.500 - Law Enforcement Officers' Bill of Rights

In response to similar legislation from this year (HS for HCS for HB 876), officials from the **Ellisville Police Department** stated there may be a fiscal impact related to the implementation of this bill; however, there does not appear to be any direct cost.

**Oversight** notes the provisions of this bill provide that law enforcement officers have the right to compensation for any economic loss incurred as a result of disciplinary action by the agency if the alleged misconduct is not sustained. Additionally, law enforcement officers may petition the circuit court to review the decision of the administrative body hearing the appeal of discipline. Upon a finding that the discipline was not justified, the circuit court may award back pay and costs, including attorney's fees to the officer.

**Oversight** notes the number of cases in which a law enforcement officer is awarded compensation either by the agency or the circuit court in the county in which the law enforcement agency has its principal place of business in unknown and could affect any law enforcement officer employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision. Therefore, Oversight will present a \$0 to (Unknown) impact to local governments, Colleges and Universities, and the State Legal Expense Fund. Oversight notes the State Legal Expense Fund is funded by the General Revenue Fund as well as other state funds.

#### §590.805 – Knowingly using a respiratory choke hold by law enforcement

**Oversight** assumes no fiscal impact from this section of the proposal.

§590.1210 – Law enforcement records

In response to similar legislation from this year (HB 1272), officials from the **Attorney General’s Office**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)**, the **Missouri Department of Conservation** and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

§590.1265 – Police Use of Force Transparency Act

In response to similar legislation from this year (HCS for HB 998) officials from the **Department of Public Safety - Office of the Director (DPS)** stated in order to receive and analyze use of force data under this new language, the DPS is requesting one (1) FTE Research/Data Analyst. The department will also need ITSD assistance in order to set up a system to receive information and put it into a format to analyze for reporting purposes.

**Oversight** will adjust the fiscal impact provided by the DPS to 6 months for FY 2022.

In response to similar legislation from this year (HCS for HB 998) officials from the **Attorney General’s Office**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)** the **Department of Social Services** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HCS for HB 998) officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organization.

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

In response to similar legislation from this year (HCS for HB 998) officials from **the St. Louis County Police Department** stated the proposed legislation would require the Department to collect various types of data from use of force incidents to submit to the Department of Public Safety. While the Department currently reports any uses of force resulting in fatalities or serious injury to the FBI’s National Use of Force Data Collection, the proposed legislation does not specify if additional information would need to be collected for other types of uses of force. This may become problematic if some of the information that would need to be collected for the DPS is not already tracked by the Department. If this were the case, the Department would need to devote additional time, training, and resources in order to develop and utilize new methods to



track the required information. Therefore, without knowing the specific information that the Department is required to report to the DPS, it is impossible to determine an estimated cost on the proposed legislation.

**Oversight** notes the provisions of this bill require the DPS to establish and operate a system to intake and report on use-of-force incidents consistent with the Federal Bureau of Investigation's National Use of Force Data Collection. Therefore, Oversight assumes the St. Louis Police Department will be able to implement the provisions within the proposal with existing resources.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments 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.

#### §§610.120 & 610.140 – Expungement of records

In response to similar legislation from this year (HCS for HB 251), officials from the **Department of Corrections (DOC)** stated this section modifies provisions relating to offenses that may be expunged.

This legislation may cause an increase in workload for Institutional Records Office staff, as it expands the list of offenses for which an individual can request expungement. Expunging these records for the specified offenses through destruction, redacting or removal (electronic) will result in an increase in workload for their Institutional Records Officers, as they are the custodian of records for their offender files. This could also affect records kept at Probation and Parole Offices. While it represents an increase in workload, it is not anticipated that petitions for expungement will occur often enough to significantly impact the DOC.

While the department assumes a \$0 impact, the use of expungement by offenders is unknown. There is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the DOC.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the DOC will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the DOC for fiscal note purposes.

**Oversight** notes current law requires a \$250 surcharge to be paid for petitions for expungement of criminal records and provides that the judge may waive the surcharge if the petitioner is indigent. The funds for this surcharge go to the General Revenue Fund. As the exact number of

expungement requests is unknown, Oversight will reflect a \$0 to Unknown impact to the General Revenue Fund.

In response to similar legislation from this year (HCS for HB 251), officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **City of Claycomo**, the **City of Corder**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HCS for HB 251), officials from the **Attorney General's Office**, the **City of Ballwin**, the **City of Hale**, the **City of O'Fallon**, the **City of St. Louis**, the **City of Sugar Creek**, the **Crestwood Police Department**, the **Ellisville Police Department**, and the **Springfield Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

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

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **City of Hughesville**, the **City of Kansas City**, the **City of Springfield**, the **Kansas City Health Department**, the **Newton County Health Department**, the **Kansas City Police Department**, the **Hermann Area Hospital District**, the **University of Central Missouri**, the **Office of the Governor**, the **Missouri House of Representatives**, the **Missouri Senate** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that

additional funding would be required to meet these costs. However, they also recognize 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 their office can sustain within their core budget. Therefore, they reserve 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.

Responses regarding §§210.143, 210.493, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283 & 210.1286 as a whole

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Department of Social Services (DSS), Children's Division (CD)** stated this bill establishes §210.493 that requires background screenings for all staff of licensed residential care facilities and licensed child placing agencies. The amendment further adds DSS shall be responsible for the background checks for residential care facilities or child placing agencies that apply for licensure, renewal of licensure or for license monitoring. DSS shall provide the results of the background checks to the applicant at the licensed facility or agency and shall not reveal to the residential facility or agency any disqualifying offense or other related information regarding the applicant. The applicant shall have the opportunity to appeal the ineligible finding. DSS is authorized to promulgate rules, including emergency rules to implement provisions of this section.

**DSS** states this bill establishes §210.143 stating the CD or prosecuting attorney (PA) may petition the circuit court for an order directing a child residential home as defined under §210.1253 that is the subject of an investigation of child abuse or neglect to present the child at a place and time designated by the court to a CD worker for an assessment of the child's health, safety, and well-being.

The time frames for CD to complete its investigation and notify the alleged perpetrator of its decision set forth in §§210.145, 210.152, and 210.183 shall be tolled from the date that CD files a petition for a subpoena until the information is produced in full, until such subpoena is withdrawn, or until a court of competent jurisdiction quashes such subpoena.

§210.1256 adds that DSS shall be the notification agency for all child residential homes, and DSS shall discharge as additional duties and responsibilities the provisions of §§210.1250-210.1286.

§210.1268 adds that when DSS is advised or has reason to believe that any residential care facility is operating without proper notification in accordance with §§210.1250 to 210.1286, it shall give the director of the residential care facility written notice by certified mail that such person shall file notification in accordance with §§210.1250 to 210.1286 within thirty days after receipt of such notice, or the department may request a court injunction as provided under §210.1271.

§210.1271.1 states that notwithstanding any other remedy, and under certain violations, DSS, the prosecuting attorney of the county where the facility is located, or the attorney general may seek injunctive relief to cease the operation of the residential care facility and provide for the appropriate removal of the children from the residential care facility and placement in the custody of the parent or legal guardian, or any other appropriate individual or entity in the discretion of the court, or refer the matter to the juvenile officer of the appropriate county for appropriate proceedings under Chapter 211.

§210.1280 is added and amended to state a person is guilty of a class B misdemeanor if such person subject to background check requirements knowingly fails to complete a background check, as described under §§210.493 and 210.1263, on any individual described under subdivision (1) of subsection 2 of §210.1263 and such individual is employed or volunteers at the residential care facility, resides at or on the property of the residential care facility, or has unsupervised contact with a resident at the residential care facility.

CD does anticipate a potential fiscal impact if this bill is passed. Due to the number of child residential homes being unknown in the State of Missouri, it is difficult to project how the passing of this bill would fiscally impact programming. CD sees the potential need for four (4) additional full-time employees (FTEs) in the Residential Program Unit (RPU) as there would be additional work requirements within this unit with this bill's addition of the child residential homes.

Allegations of abuse and neglect would be investigated by the Children's Division's Out of Home Investigation Unit (OHI). Due to the potential of increased reporting, the Children's Division OHI Unit proposes the need for two (2) additional staff. There would also be a potential need for clerical and supervisory staff.

This is a total of six (6) additional Children's Service Workers, one (1) FTE supervisory position and one (1) FTE clerical position, for a total of (8) Children's Division FTEs.

There will also be a fiscal impact on the Children's Division as the responsibility of background checks will be placed with CD. The Children's Division anticipates the needs of an additional unit of five (5) FTEs with a supervisory position and a clerical position.

**Oversight** notes the costs of the additional FTEs requested by CD is as follows:

- (1) Children's Service Workers with a starting salary of \$40,794 each, and will cost approximately \$751,883 per year in personal service and fringe benefit costs.
- (2) Administrative Support Assistant with a starting salary of \$31,238 each, and will cost approximately \$111,264 per year in personal service and fringe benefit costs.
- (2) Social Service Unit Supervisor with a starting salary of \$55,584 each, and will cost approximately \$176,083 per year in personal service and fringe benefit costs.

The **DSS, Division of Legal Services (DLS)** anticipates this bill will increase the need for DLS services in litigation and require significant special counsel hours to interpret the bill, draft

regulations, and draft policy in concert with CD. DLS anticipates this proposal will require one (1) FTE special counsel. DLS also anticipates this proposal will also require at least two (2) FTE litigation attorneys to advise and represent CD in child-welfare production proceedings; injunctive proceedings to halt operations at residential care facilities and for the removal and placement of children; to defend additional Children's Division findings of child abuse or neglect in the circuit courts; and to defend CD determinations of eligibility to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities subject to the Act's notification requirements under §210.493

Each of these positions have a starting salary of \$60,000 and, together, will cost approximately \$281,760 per year in personal service and fringe benefit costs to CD.

CD will also need one (1) FTE in hearings for CD determinations of eligibility to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities subject. This position has a starting salary of \$55,584 and will cost approximately \$88,042 per year in personal service and fringe benefit costs to CD.

**Oversight** does not have information to the contrary. Oversight notes that DSS presented their fiscal impact as best estimates, and may adjust their impact based on further review. Oversight assumes DSS may seek additional appropriations if the proposal results in a significant increase in costs. Therefore, Oversight will reflect the estimates as provided by DSS.

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Office of State Public Defender (SPD)** stated, for the purpose of the proposed legislation, and as a result of excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of class A misdemeanor concerning the protection of children under Section 210.143. However, if this offense was classified as a class D misdemeanor, it would not qualify for public defender representation because it would be punishable by a fine only, and therefore there would be no impact on MSPD. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no

way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Florissant Valley Fire Protection District** stated, while there may be some impact, they do not believe that this proposal has a significant financial impact.

**Oversight** assumes the costs incurred by the Florissant Valley Fire Protection District related to this proposal can be absorbed within current resource levels.

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Fruitland Area Fire Protection District** stated they expect a positive impact for the protection of children and special populations. The verbiage in this proposal appears appropriate and the penalties are clear in the case of non-compliance.

**Oversight** does not have any information to the contrary. Oversight notes that no specific fiscal impacts were indicated in this agency's response. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

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

In response to similar legislation from this year (HCS for HB Nos. 557 & 560), officials from the **Department of Public Safety, Division of Fire Safety** and the **Office of Administration** each assumed the previous 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 in the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies, circuit clerks, sheriffs, police, fire protection districts, and associations 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.

**SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1**  
**SEQ CHAPTER \h \r 1Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, county health departments, county recorders, circuit clerks, fire departments, ambulance districts, schools, hospitals, colleges and local law enforcement agencies 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.

**SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1SEQ CHAPTER \h \r 1**

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2026)
<b>GENERAL REVENUE FUND</b>				
<u>Revenue – (\$610.140)</u> \$250 Surcharge on petitions for expungement p. 41	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost - DOC (\$191.255)</u> Increased incarceration costs p.9	(\$6,463)	(\$15,822)	(\$16,139)	(\$16,139)
<u>Costs – DSS – p.43-45</u> <u>(§§210.143-210.1286)</u>				
Personal service	(\$857,962)	(\$866,541)	(\$875,206)	(\$875,206)
Fringe benefits	(\$551,069)	(\$553,910)	(\$556,780)	(\$556,780)
Equipment and expense	(\$163,056)	(\$168,778)	(\$172,997)	(\$172,997)
<b>Total Costs – DSS</b>	<b>(\$1,572,087)</b>	<b>(\$1,589,229)</b>	<b>(\$1,604,983)</b>	<b>(\$1,604,983)</b>
FTE Change – DSS	19 FTE	19 FTE	19 FTE	19 FTE
<u>Costs – AGO</u> <u>(§210.1271) p. 20</u>	Could exceed...	Could exceed...	Could exceed...	Could exceed...
Personal service	(\$60,770)	(\$61,378)	(\$61,991)	(\$61,991)
Fringe benefits	(\$32,450)	(\$32,655)	(\$32,862)	(\$32,862)
<b>Total Costs – AGO</b>	<b>Could exceed</b> <b>(\$93,221)</b>	<b>Could exceed</b> <b>(\$94,033)</b>	<b>Could exceed</b> <b>(\$94,853)</b>	<b>Could exceed</b> <b>(\$94,853)</b>
FTE Change – AGO	Could exceed 1 FTE	Could exceed 1 FTE	Could exceed 1 FTE	Could exceed 1 FTE
<u>Cost – OSCA – to</u> <u>implement Raise the</u> <u>Age (§211.012 thru</u> <u>§211.435) p. 21-22</u>	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)
FTE Change – OSCA (§211.012 thru §211.435) p. 21-22	34 FTE	34 FTE	34 FTE	34 FTE



<u>Less</u> – each circuit shall establish a Juvenile Justice_Preservation Fund (assumed to be used to pay local OSCA & DSS costs – therefore Oversight is reflecting here as an offset (§211.012 thru §211.435) p. 21-22	\$2,871,060	\$1,200,000	\$1,200,000	\$1,200,000
<u>Costs</u> – DSS – raise the age implementation (§211.012 thru §211.435) p. 21-22	(\$3,043,596)	(3,043,596)	(\$3,043,596)	(\$3,043,596)
<u>Costs</u> – SPD §211.211	Up to...	Up to...	Up to...	Up to...
Personal Service	(\$618,960)	(\$750,180)	(\$757,681)	(\$757,681)
Fringe Benefits	(\$328,299)	(\$396,466)	(\$398,997)	(\$398,997)
Equipment & Expense	(\$78,500)	(\$57,810)	(\$59,256)	(\$59,256)
<u>Total costs</u> – SPD p.23	Up to (\$1,025,759)	Up to (\$1,204,456)	Up to (\$1,215,934)	Up to (\$1,215,934)
FTE Change-SPD	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE
<u>Cost</u> - Potential increase in payments to Legal Expense Fund for increase in claims §285.575 p.27-29	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – OSCA – salary adjustments for court reporters as of Jan.1 <sup>st</sup>				
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$483,532)	(\$517,443)	(\$517,443)
<u>Total Costs</u> – OSCA (§485.060) p.32	(\$924,512)	(\$1,916,219)	(\$2,050,608)	(\$2,050,608)

<u>Costs – DOC</u> (§§575.040, 575.050, 575.280, 575.330, 576.030) Increase in P&P officers p.4			\$0 or....	\$0 or....
Personal services	\$0	\$0	(\$39,532)	(\$39,532)
Fringe benefits	\$0	\$0	(\$25,522)	(\$25,522)
Equipment and expense	\$0	\$0	(\$12,072)	(\$12,072)
<u>Total Costs – DOC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$77,126)</u>	<u>(\$77,126)</u>
FTE Change – DOC	0 FTE	0 FTE	0 or 1 FTE	0 or 1 FTE
<u>Costs – DOC -</u> Increased incarceration costs (§§575.040, 575.050, 575.280, 575.330, 576.030) p.5	\$0 or up to (\$58,170)	\$0 or up to (\$142,400)	\$0 or less than (\$185,595)	\$0 or less than (\$185,595)
<u>Costs – DMH</u> (\$191.1165) – MAT drugs p.15-16	(\$22,712)	(\$27,255)	(\$27,255)	(\$27,255)
<u>Costs – DOC</u> (\$191.1165) – Increase in MAT drug costs, contract costs and training p.15-16	\$0 to (Likely to exceed \$1,000,500)	\$0 to (Likely to exceed \$1,000,500)	\$0 to (Likely to exceed \$1,000,500)	\$0 to (Likely to exceed \$1,000,500)
<u>Loss - STO</u> (§217.195) Reduction in interest revenue (now retained by the new Inmate Canteen Fund) p.22	(\$25,471)	(\$30,565)	(\$30,565)	(\$30,565)
Costs - DOC - §565.240 – new class E felony for posting information p.36	(\$6,463)	(\$15,822)	(\$16,139)	(\$16,139)
<u>Costs – DOC</u> (\$558.031) Increased in prison population and decrease in P&P from jail credits p.6	\$0 or (Unknown, up to \$12,466,840)	\$0 or (Unknown, up to \$15,287,410)	\$0 or (Unknown, up to \$15,621,306)	\$0 or (Unknown, up

				to \$16,310,192)
Less P&P Officers	-45 FTE	-45 FTE	-45 FTE	-45 FTE
<u>Costs – DOC</u> (\$558.047) Increased number of hearing reviews p.34-35	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out – to the</u> 988 Public Safety Fund (\$590.192) p.38-39	(\$1,961,980)	(\$1,987,401)	(\$1,988,953)	(\$1,988,953)
<u>Transfer Out –</u> (\$590.500) to the State Legal Expense Fund – compensation for economic loss p.39	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DPS</u> (\$590.1265) Administer the Use of Force Act p.40				
Personal services	(\$23,085)	(\$46,632)	(\$47,098)	(\$47,098)
Fringe benefits	(\$13,761)	(\$27,678)	(\$27,836)	(\$27,836)
Equipment & expense	(\$3,348)	(\$871)	(\$893)	(\$893)
IT Development/ database cost	(\$2,000)	(\$2,000)	(\$2,000)	(\$2,000)
Tableau License	(\$5,500)	(\$5,500)	(\$5,500)	(\$5,500)
Total Costs – DPS	(\$47,694)	(\$82,681)	(\$83,327)	(\$83,327)
FTE Change-DPS	1 FTE	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Unknown, could exceed \$33,422,345)</u></b>	<b><u>(Unknown, could exceed \$39,275,326)</u></b>	<b><u>(Unknown, could exceed \$39,894,816)</u></b>	<b><u>(Unknown, could exceed \$40,566,911)</u></b>
Estimated Net FTE Change to the General Revenue Fund	22 FTE	22 FTE	22 FTE	23 FTE

<b>OTHER STATE FUNDS</b>				
<u>Cost</u> - Potential increase in payments to LEF for increase in claims §285.575 p.27-29	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO OTHER STATE FUNDS</b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>
<b>JUVENILE JUSTICE PRESERVATION FUND (0739)</b>				
Transfer to county circuits (§211.012 thru §211.435) p.21	(\$2,871,060)	\$0	\$0	\$0
<u>Loss</u> – all future amounts are to be retained by the county circuits (§211.012 thru §211.435) p.21	\$0	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
<b>ESTIMATED NET EFFECTON JUVENILE JUSTICE PRESERVATION FUND(0739)</b>	<b><u>(\$2,871,060)</u></b>	<b><u>(\$1,200,000)</u></b>	<b><u>(\$1,200,000)</u></b>	<b><u>(\$1,200,000)</u></b>
<b>FEDERAL FUNDS</b>				
Federal Reimbursement(§211.012 thru §211.435) p.21	\$2,250,557	\$2,250,557	\$2,250,557	\$2,250,557

<u>Cost</u> - Potential increase in claims §285.575 p.27	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – DSS – raise the age implementation(§211.01 2 thru §211.435) p.21	(\$2,250,557)	(2,250,557)	(\$2,250,557)	(\$2,250,557)
<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>
<b>STATE FORENSIC LABORATORY FUND (0591)</b>				
<u>Loss Avoidance - Revenue</u> - MHP (\$488.029) Court-assessed surcharge p.33	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000
<b>ESTIMATED NET EFFECT ON STATE FORENSIC LABORATORY FUND</b>	<b><u>\$0 to \$300,000</u></b>	<b><u>\$0 to \$300,000</u></b>	<b><u>\$0 to \$300,000</u></b>	<b><u>\$0 to \$300,000</u></b>
<b>INMATE CANTEEN FUND</b>				
<u>Income</u> - STO (§217.195) Interest Earned to fund instead of General Revenue Fund p.22	\$25,471	\$30,565	\$30,565	\$30,565
<u>Transfer-In to New - DOC</u> (§217.195) Transfer-in from Canteen Fund post-August 28, 2021 p.22				

	\$5,800,000	\$0	\$0	\$0
Transfer-Out from Old - DOC (§217.195) Transfer-out from Canteen Fund pre- August 28, 2021 p.22	<u>(\$5,800,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND</b>	<b><u>\$25,471</u></b>	<b><u>\$30,565</u></b>	<b><u>\$30,565</u></b>	<b><u>\$30,565</u></b>
<b>CRIMINAL RECORDS SYSTEM FUND (0671)</b>				
<u>Income – MHP</u> (§210.1263) Fees Collected From Background Checks p.43	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS SYSTEM FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
<b>STATE LEGAL EXPENSE FUND (0692)</b>				
<u>Transfer In – from</u> General Revenue (§590.500) p.39	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to</u> <u>Unknown</u>	<u>\$0 to Unknown</u>

<u>Transfer In</u> - from GR, Federal, and Other State Funds Potential increase in claims §285.575 p.27	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Transfer Out</u> - payment of discrimination claims §285.575 p.27	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - compensation for economic loss (\$590.500) p.39	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>
<b>COLLEGES AND UNIVERSITIES</b>				
<u>Cost</u> - Colleges and Universities Potential increase in claims §285.575 p.27	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – compensation for economic loss. (\$590.500) p.39	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>
<b>988 PUBLIC SAFETY FUND</b>				

<u>Transfer In</u> – from General Revenue pp. 38-39	\$1,961,980	\$1,987,401	\$1,988,953	\$1,988,953
<u>Costs</u> – DPS (§590.192) Administer 988 Public Safety Fund p. 38				
Personal services	(\$93,090)	(\$112,825)	(\$113,953)	(\$113,953)
Fringe benefits	(\$51,318)	(\$61,958)	(\$62,339)	(\$62,339)
Equipment and expense	(\$6,697)	(\$1,743)	(\$1,786)	(\$1,786)
<u>Total Costs</u> – DPS	<u>(\$151,105)</u>	<u>(\$176,526)</u>	<u>(\$178,078)</u>	<u>(\$178,078)</u>
FTE Change – DPS	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs</u> – Officer evaluation/check-in pp. 38-39	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>
<b>ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change to the 988 Public Safety Fund	2 FTE	2 FTE	2 FTE	2 FTE



<u>FISCAL</u> <u>IMPACT – Local</u> <u>Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2026)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Revenue</u> – increase in fees collected by sheriffs relating to summons, writ, or other order of the court for evictions (§57.280) p.8	Unknown	Unknown	Unknown	Unknown
<u>Costs</u> – County Health Departments (§210.1265) Facility inspections p.40	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – to implement Raise the Age (§211.012 thru §211.435) p.21	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – County or City Jails - Healthcare products expense (§221.065) p.24	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost</u> Potential increase in claims §285.575 p.27-29	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – MOPS (§488.016) p.33	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>Costs</u> – to prosecutors for discovery §479.162_p.31-32	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Loss</u> – Law Enforcement Agencies – compensation for economic loss. (§590.500) p.39	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>(Unknown, could be substantial)</u></b>	<b><u>(Unknown, could be substantial)</u></b>	<b><u>(Unknown, could be substantial)</u></b>	<b><u>(Unknown, could be substantial)</u></b>

FISCAL IMPACT – Small Business

**Department of Social Services** officials state this proposal requires previously unregulated license-exempt residential care facilities to register with DSS, conduct criminal background checks, and comply with certain health and safety inspections. DSS is unsure of how many of these entities exist; how many already comply with these health and safety regulations or already conduct the prescribed background screening requirements. These new requirements may impact small business residential children’s homes (§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1277, 210.1280, 210.1283, and 210.1286).

Small businesses will be required to comply with revised sections. If a small business fails to comply, it could be held liable for those actions as a result of this proposal.

FISCAL DESCRIPTION

§57.280

Under current law, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This act provides that a charge of up to \$50 may be received by a sheriff for service of any summons, writ, or order for an eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a

fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

§191.255 – Disclosure of medical marijuana patients' information

This bill prohibits state agencies from disclosing to the federal government or any unauthorized third party a statewide list or any individual information of persons who have applied for or obtained a medical marijuana card. The penalty for violation is a class E felony.

MEDICATION ASSISTED TREATMENT (Section 191.1165)

Under this act, the Department of Corrections and all other state entities responsible for the care of persons detained or incarcerated in jails or prisons shall be required to ensure all such persons are assessed for substance abuse disorders; shall make available certain medication-assisted treatment services, consistent with a treatment plan developed by a physician; and shall not impose any arbitrary limitations on the type of medication or other treatment prescribed or dose or duration of the recommended services.

This act also modifies the list of covered medications to include formulations of buprenorphine other than tablets and formulations of naltrexone other than extended-release injectable formulations.

§§191.677, 545.940, 575.155, and 575.157 – Persons infected with communicable diseases

Under current law, it is illegal for a person knowingly infected with HIV to donate blood, organs, tissue, or sperm, unless for medical research, as well as illegal for such person to act recklessly in exposing another person to HIV without their knowledge and consent.

This act modifies those provisions to make it unlawful for a person knowingly infected with a serious infectious or communicable disease to: (1) donate blood, organs, tissue, or sperm, unless for medical research or as deemed medically appropriate by a licensed physician; (2) knowingly expose another person to the disease through an activity that creates a substantial risk of transmission; or (3) act in a reckless manner by exposing another person to the disease through an activity that creates a substantial risk of disease transmission. A "serious infectious or communicable disease" is defined as a non-airborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management. The penalty for donation of blood, organs, tissue, or sperm while knowingly infected with the disease or knowingly exposing another person to the disease shall be a Class D felony, rather than the current Class B felony, and a Class C felony, rather than the current Class A felony, if the victim contracts the disease. The penalty for recklessly exposing another person is a Class A misdemeanor.

This act specifies the actions to be taken during a judicial proceeding to protect the identifying information of the victim and the defendant from public release, except as otherwise specified. Additionally, this act changes similar provisions involving exposure of persons in correctional centers, jails, or certain mental health facilities to HIV or hepatitis B or C to exposure to a

serious infectious or communicable disease when the nature of the exposure to the bodily fluid has been scientifically shown to be a means of transmission of the disease.

§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1280, 210.1283 & 210.1286

This bill adds a process by which "child residential homes" as defined are required to notify DSS of their existence and compliance with provisions that protect the safety of the children in residence. These include; fire and safety inspections, local health department inspections, medical records for all residents, and information about schools serving the children.

It also specifies that the homes must conduct background checks of all employees and volunteers at the home and details the background check findings that will exclude people from working or volunteering in the home. When there are allegations of abuse or neglect in the home, the bill outlines how DSS can petition a court for an order for a home to present a child that is the subject of a child abuse investigation. The bill specifies that any case in which a referral is made to a juvenile officer for removal of a child, a referral will also be made to the Attorney General.

The bill further details that failure to comply with these provisions may result in fines, misdemeanor charges for failure to conduct background checks, and potential removal of children (§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1277, 210.1280, 210.1283, and 210.1286).

This proposal contains an emergency clause for the aforementioned sections.

#### §211.211

Under this act, when a petition has been filed in a juvenile court under certain provisions of law and a child has waived his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. The waiver shall be made knowingly, intelligently, and voluntarily, which shall be determined by the totality of the circumstances, including the child's age, background, experience, emotional stability, and the complexity of the proceedings. Such waiver shall only apply to that proceeding and in any subsequent proceedings, the child shall be informed of his or her right to counsel.

A child's right to counsel shall not be waived in the following proceedings: (1) at a detention hearing, (2) at a certification or dismissal hearing, (3) at an adjudication hearing for any misdemeanor or felony offense, (4) at a dispositional hearing, or (5) at a hearing on a motion to modify or revoke supervision under certain provisions of law.

#### §§211.012, 211.181, and 211.435 – Juvenile court proceedings

This bill specifies that, for the purposes of Chapter 211, RSMo, Section 221.044, and original jurisdiction of the juvenile court, if a person was considered an adult when he or she allegedly violated a state law or municipal ordinance, he or she will no longer be considered a child. Additionally, under current law, no court will require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that

a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

Lastly, the bill specifies that new treatment services expanding services from 17 years of age to 18 will be administered by the Division of Youth Services and the Children's Division within the Department of Social Services.

These sections have an emergency clause.

#### OPERATION OF CANTEENS AND COMMISSARIES BY DOC (Section 217.195)

Under current law, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

Under this act, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This act also creates the "Inmate Canteen Fund" in the state treasury which shall consist of funds received from the inmate canteens. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This act repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

#### HYGIENIC PRODUCTS TO OFFENDERS (Sections 217.199 and 221.065)

This bill specifies that the Director of the Department of Corrections must ensure that tampons and sanitary napkins are available for free to offenders while they are confined in any of the Department's correctional centers. The Director must ensure that the products conform to applicable industry standards. Additionally, every sheriff and jailer who holds a person in custody pursuant to a writ or process for a criminal offense must ensure that tampons and sanitary napkins are available for free to such person in custody, in a quantity that is appropriate for the health care needs of the person. The sheriff or jailer must ensure that the products conform to applicable industry standards. The General Assembly may appropriate funds to assist the Director or sheriffs and jailers in fulfilling their duties.

This section of the bill contains an emergency clause.

#### §285.575

This bill amends the definition of an "employer" so that the state of Missouri, its agencies, and political subdivisions are considered employers for the purposes of the Whistleblower's Protection Act.

The bill also amends the definition of "protected person". Currently, employees in supervisory or managerial positions who report unlawful acts or serious misconduct that concerns matters

upon which that employee is required to report on or provide a professional opinion on are not considered protected persons. Neither are employees who report unlawful acts or violations of a clear mandate of public policy to the person the employee claims to have committed the act. The bill removes these exceptions from the definition of "protected person".

§485.060 – Compensation of court reporters

This act provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

CRIMINAL OFFENSES (Sections 488.029 and 556.046)

This bill specifies that a court shall be obligated to charge the jury with respect to an included offense only if it is established by evidence of the same or less than all the elements required to establish the commission of the offense charged, there is a rational basis in the evidence for a verdict acquitting the person of the offense charged and convicting the person of the included offense, and either party requests the court to charge the jury with respect to a specific included offense.

Failure of the defendant or defendant's counsel to request the court to charge the jury with respect to a specific included offense shall not be a basis for plain-error review on direct appeal or post-conviction relief. It shall be the trial court's duty to determine if a rational basis in the evidence for a verdict exists.

§558.031 – CREDIT FOR JAIL TIME AWAITING TRIAL Parole Board

Under current law, a person receives credit toward a sentence of imprisonment for all time in prison, jail, or custody after the offense occurred and before the commencement of the sentence if the time in custody is related to the offense. This act modifies these provisions to require a person to receive credit toward a sentence of imprisonment for all time in prison, jail, or custody after conviction and before commencement of the sentence and the circuit court may award credit for time spent in prison, jail, or custody after the offense occurred and before conviction toward the service of the sentence of imprisonment. This act will be applicable to offenses occurring on or after the effective date of this act.

§558.047 – Sentence Review

This bill authorizes sentence review for any person who was under 18 years of age at the time of the commission of the offense and has been sentenced to a term of imprisonment for life with or without eligibility for parole, a term of 15 or more years, or multiple terms when taken together amount to 15 or more years. Such person may submit a petition for a review of his or her sentence to the Parole Board after serving 15 years, and every three years thereafter until a presumption release date has been established by the Parole Board.

§590.192

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with

stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event.

This act provides that all peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

This act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

#### §590.1265

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By October 31, 2021, the Department of Public Safety must develop standards and procedures governing the collecting and reporting of the data. The Department of Public Safety must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department of Public Safety must analyze trends and disparities in the data and report the findings and make the report available to the public no later than June 30, 2025. The provisions of this bill have a delayed effective date of March 1, 2022.

#### §§610.120 & 610.140 – Expungement of records

This bill adds Subdivision (4) of Subsection 1 of Section 571.030, RSMo, which is when a person exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner, to the offenses eligible for expungement.

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

#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Mental Health  
Department of Natural Resources

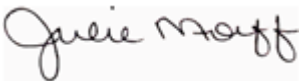
Department of Public Safety  
Capitol Police  
Department of Social Services  
Missouri Department of Conservation  
Office of the State Treasurer  
St. Joseph Police Department  
St. Louis County Police Department  
Office of the State Public Defender  
Department of Corrections  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Missouri Highway Patrol  
Office of the Secretary of State  
City of Bland  
City of Claycomo  
City of Corder  
City of O'Fallon  
St. Louis City  
Boone County  
Columbia Police Department  
Crestwood Police Department  
Lake St. Louis Police Department  
Springfield Police Department  
Tipton Police Department  
Walnut Grove Police Department  
Office of Administration - Administrative Hearing Commission  
Department of Commerce and Insurance  
Department of Elementary and Secondary Education  
Department of la Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Revenue  
Missouri Department of Agriculture  
Missouri Department of Transportation  
City of Hughesville  
City of Kansas City  
City of Springfield  
Kansas City Health Department  
Newton County Health Department  
Kansas City Police Department  
Hermann Area Hospital District  
University of Central Missouri  
Office of the Governor  
Missouri House of Representatives  
Missouri Senate



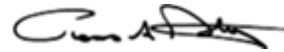
Joint Committee on Administrative Rules  
State Tax Commission  
Department of Health and Senior Services  
Office of Administration - Budget and Planning  
Office of Administration  
Division of Alcohol and Tobacco Control  
Fire Safety  
Missouri Gaming Commission  
Missouri Veterans Commission  
Missouri Ethics Commission  
MoDOT & Patrol Employees' Retirement System  
Joint Committee on Education  
Legislative Research  
Oversight Division  
Missouri Lottery  
Missouri Consolidated Health Care Plan  
MO Higher Education Loan Authority  
Economic & Policy Analysis Research Center  
Joint Committee on Administrative Rules  
Jackson County  
Columbia/Boone County Public Health & Human Services  
Cape Girardeau County Sheriff's Department  
Clay County Sheriff's Department  
Lewis County Sheriff  
Ellisville Police Department  
Clinton County  
Ellington Police Department  
Kimberling City Police Department  
St. John Police Department  
City of Gordonville  
Missouri State University  
City of Ballwin  
City of Hale  
City of Minden Mines  
City of Sugar Creek  
Malta Bend RV School  
Northwest Missouri State University  
State Technical College  
Southwest City  
City of Tipton  
Greenwood Police Department  
Fredericktown Fire Department  
Gainesville Fire Department  
Lexington Fire & Rescue

L.R. No. 0461H.10C  
Bill No. HCS for SS for SCS for SB Nos. 53 & 60  
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West County EMS & FPD  
Barry County 911 Board  
Nodaway County Ambulance District  
Mexico Police Department  
St. Clair Fire Protection District  
Randolph County Ambulance District  
Florissant Valley Fire Protection District  
Fruitland Area Fire Protection District



Julie Morff  
Director  
May 3, 2021



Ross Strobe  
Assistant Director  
May 3, 2021