

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0461S.12S  
Bill No.: CCS for HCS for SS for SCS SB Nos. 53 & 60  
Subject: Boards, Commissions, Committees, and Councils; Cities, Towns, and Villages;  
Law Enforcement Officers and Agencies; Counties; County Government; Crimes  
and Punishment  
Type: Original  
Date: May 12, 2021

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2026)</b>
General Revenue* ** ***	(Unknown, could exceed \$16,788,623)	(Unknown, could exceed \$19,895,507)	(Unknown, could exceed \$20,246,042)	(Unknown, could exceed \$20,934,928)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown, could exceed \$16,788,623)</b>	<b>(Unknown, could exceed \$19,895,507)</b>	<b>(Unknown, could exceed \$20,246,042)</b>	<b>(Unknown, could exceed \$20,934,928)</b>

\*Costs (roughly \$2 million) 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.

\*\*A bulk of the costs (roughly \$15 million per year) stem from a potential increase in prison population of 2,319 for jail credit legislation in §558.031 (makes it up to the courts' discretion) and a decrease in probation and parole population of 2,319.

\*\*\*Costs also include Child's Right to Counsel in §211.211; Medication Assisted Treatment in §191.1165 and Critical Incident Stress Management Program in §590.192.

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>
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
988 Public Safety Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>Unknown, could be less than \$325,471</b>	<b>Unknown, could be less than \$330,565</b>	<b>Unknown, could be less than \$330,565</b>	<b>Unknown, could be less than \$330,565</b>

\*Revenue and expenses assumed to net to zero.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2026)</b>
General Revenue	(30) FTE	(30) FTE	(30) FTE	(30) FTE
988 Public Safety Fund - DPS	2 FTE	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>(28) FTE</b>	<b>(28) FTE</b>	<b>(28) FTE</b>	<b>(28) 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>				
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2026)</b>
<b>Local Government</b>	<b>(Unknown, could be substantial)</b>	<b>(Unknown, could be substantial)</b>	<b>(Unknown, could be substantial)</b>	<b>(Unknown, could be substantial)</b>

## 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.

#### §27.010 – Residency Requirements for the Attorney General’s Office

In response to similar legislation from this year (Perfecting HCS for HB 553), officials from the **Attorney General’s Office**, the **Office of the Secretary of State**, the **Office of the State Courts Administrator** and the **State Tax Commission** 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.

#### §§50.327 and 57.317 – Sheriff’s compensation in certain counties

In response to similar legislation (HB 1132), officials from **Cole County** stated Cole County would incur a negative fiscal impact of approximately \$42,740 in additional salary and \$3,462 in additional benefits, for a total of approximately \$46,202 annually. This impact is for the first year; subsequent years may see an increase.

**Oversight** does not have sheriff salary information by county to determine how much of an increase in county budgets would result from this proposal. Oversight has contacted the Department of Public Safety and the Missouri Sheriff’s Association for more information. §57.318 has been added to include salary information for 3rd and 4th class county sheriffs that was not in prior proposals from other years. Oversight assumes there could be an increase in sheriff’s salaries but is unclear by how much. Therefore, until more information becomes available from other counties and sheriff departments, Oversight will reflect an unknown cost to county budgets for sheriffs.

Oversight notes the current salary for an Associate Circuit Judge is \$145,334. Therefore, the following percentages (for sheriffs’ salaries) would apply.

Associate Circuit Judge	100%	\$145,334
1 <sup>st</sup> & 2 <sup>nd</sup> Class counties	80%	\$116,267
3 <sup>rd</sup> & 4 <sup>th</sup> Class counties	45%	\$65,400
	50%	\$72,667
	55%	\$79,934

60%	\$87,200
65%	\$94,467

These sections have an effective date of January 1, 2022.

§§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 Credit Time (days)	Sentence Credit Time (days)
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 **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 sections 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.

§§191.677, 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.

§§192.2520 and 197.135 – Justice for Survivors Act

In response to similar legislation from this year (HCS for HB 1179), officials from the **Department of Health and Senior Services**, the **Department of Public Safety - Missouri Highway Patrol** 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.

In response to similar legislation from this year (HCS for HB 1179), officials from the **Hermann Area Hospital District** 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.

§§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 (((\$350 per juvenile (3,863*\$350))					<u>\$1,352,050</u>
<b>Total Cost</b>					<b>\$3,850,461</b>

\* Note: The 34 multi-county, 38<sup>th</sup> and 46<sup>th</sup> 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** notes the estimates reflected by DSS and OSCA have been Truly Agreed and Finally Passed in the FY 2022 budget for DSS and OSCA and are currently awaiting signature by the Governor. Therefore, Oversight will reflect a \$0 fiscal impact to this proposal since these funds have been appropriated for FY 2022.

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. Oversight notes according to FY 2022's budget, \$2,500,000 is scheduled to be reverted to the counties of origin from this fund. Oversight is unclear of the remaining amount after this amount has been allocated. Oversight notes each county's circuit court will establish a Juvenile Justice Preservation Fund to collect any surcharges collected in the future.

This section has an emergency clause.

### **§§211.072 & 547.031 – Modifies provisions relating to criminal procedure**

In response to similar legislation from this year (SCS for HCS for HB 59), officials from the **Attorney General's Office (AGO)** stated §547.031 provides that the AGO may "appear, question witnesses, and make arguments" in a hearing on a motion brought by a prosecuting attorney or circuit attorney to vacate or set aside a judgement against a previously convicted individual. This section also allows the AGO to intervene in any appeals to a judge's decision made by the prosecuting or circuit attorney or the defendant.

It is impossible to determine how many motions will be filed by prosecutors and the circuit attorney across the state, however, the AGO assumes that there will be a need for at least two senior level assistant attorneys general, one for the eastern and one for the western side of

Missouri, to adequately research each case and to defend the state’s interest in these motions to vacate or set aside a prior conviction judgement. If there is a significant number of motions brought throughout the state, the need for the AGO staff could be warranted. Therefore, the AGO assumes a **negative fiscal impact of \$259,417 to unknown** in the first full year fiscal year of this policy’s enactment, with costs ongoing into perpetuity.

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

In response to similar legislation from this year (SCS for HCS for HB 59), officials from **Office of the 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** notes the number of cases disposed for juveniles certified in adult court and committed to the Division of Youth Services each year in the following table:

	<u>Certified to Adult Court</u>	<u>Committed to the Division of Youth Services</u>
2019	48	467
2018	41	535
2017	60	562
2016	53	591
2015	57	662

Table 56 - OSCA's Annual Statistical Supplement Reports

**Oversight** assumes this proposal modifies provisions for juvenile in detention centers who have been certified to stand trial as an adult. Without additional information from OSCA, Oversight will assume no fiscal impact from this proposal.

§211.211 – Child’s Right to Counsel

For the purpose of the proposed legislation, officials from the **Office of the State Public Defender (SPD)** state 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.

#### §217.195 – 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.

§§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.

§217.777 - 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.

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**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.

§§304.022 & 307.175 – Flashing Lights on Certain Vehicles

In response to a similar proposal from 2021 (HB 380), officials from the **Department of Revenue, Missouri Department of Transportation, Missouri Highway Patrol, Department of Corrections, Office of the State Public Defender, Office of the State Courts Administrator and Missouri Office of Prosecution Services** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a similar proposal from 2021 (HB 380), officials from the **City of Ballwin, City of Kansas City, City of O’Fallon, City of Springfield, City of St. Louis, Crestwood Police Department, Ellisville Police Department, Kansas City Police Department, Springfield Police Department and St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

**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 for these sections.

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

§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.

§§ 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.

Officials from **Kansas City** assume 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.

§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 – 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.

§491.016 – Witness statements

In response to similar legislation from this year (Perfecting HCS for HB 548), officials from the **Attorney General's Office**, 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.

§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.

§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.

§§565.058 & 574.203 – Filing of certain petitions and protection of health care workers

In response to similar legislation from this year (HCS for HB 1022), officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **City of Claycomo**, the **City of Jefferson City**, the **City of Kansas City**, the **City of Springfield**, the **Boone County Health Department**, the **Kansas City Health Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Cass County PWSD #2**, the **Hancock Street Light District**, the **Metropolitan St. Louis Sewer District**, the **Schell City Water Department**, the **South River Drainage District**, the **St. Charles County PWSD #2**, and the **Wayne County PWSD #2** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HCS for HB 1022), 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 (574.203.2 and 574.204.2) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation from this year (HCS for HB 1022), officials from the **Kansas City Police Department**, the **Newton County Health Department**, the **Crawford County 911 Board**, the **Nodaway County Ambulance District**, and the **Hermann Area Hospital District** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HCS for HB 1022), officials from the **City of Corder**, the **City of O'Fallon**, the **City of St. Louis**, the **Corder Water/Wastewater**, the **Lexington Water/Wastewater**, and the **Little Blue Valley Sewer** 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.

§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.

§575.180

In response to similar legislation from this year (SB 60), officials from the **Missouri Department of Conservation (MDC)** stated fiscal impact likely less than \$100,000 but could change depending upon required changes to training and policy revisions. **Oversight** does not have any information contrary to that provided by MDC. Therefore, Oversight will reflect MDC’s impact for fiscal note purposes.

In response to similar legislation from this year (SB 60), officials from the **Department of Labor and Industrial Relations**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Missouri Highway Patrol, and Office of the Director)**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, 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.

§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.

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

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

*§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, 610.122 & 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.

In response to similar legislation from this year (HCS for HB 902), officials from the **St. Louis County Police Department** stated the proposed legislation would allow an individual to apply for an expungement earlier than what is currently listed in state law. This change would likely increase the number of expungement petitions received by the Bureau of Central Police Records.

Currently, the bureau receives on average 20 petitions a month or 240 annually. It is estimated that the change in legislation would double the number of petitions received each month; therefore, the Department would be receiving 480 petitions annually. A single petition with a municipal only arrest takes on average 30 minutes to process. The average hourly wage of a record clerk who is responsible for processing the petition is \$17 per hour x 480 petitions x 30 minutes per petition will cost \$4,080 annually.

Each processed petition must be reviewed by the Commander of the Bureau of Central Police Records. Each petition review will take approximately 15 minutes. The Commander's hourly wage is \$44.30 x 480 petitions x 15 minutes per petition review will cost \$5,316 annually.

The projected estimates do not take into consideration petitions that contain St. Louis County arrests. These petitions often take longer to process due to the need for more documentation and a signed affidavit from the Commander of the Bureau of Central Police Records. Additionally, if

the petitioner requested several charges be expunged, processing time would also significantly increase. Therefore, the lowest estimated total annual cost is at least \$9,396.

**Oversight** assumes the St. Louis County Police Department could absorb the costs related to this proposal.

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

**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 **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **City of Claycomo**, the **City of Springfield**, the **Newton County Health Department**, the **Little Blue Valley Sewer District**, the **Metropolitan St. Louis Sewer District**, the **South River Drainage District**, the **Missouri House**, the **Missouri Senate**, the **Missouri Office of Prosecution Services** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have

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any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<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 – (§§610.122 &amp; 610.140) \$250 Surcharge on petitions for expungement p. 32 &amp; 33</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost – AGO - §547.031</u>	Could exceed...	Could exceed...	Could exceed..	Could exceed...
Personal Service	(\$133,333)	(\$161,600)	(\$163,216)	(\$163,216)
Fringe Benefits	(\$64,900)	(\$78,420)	(\$78,965)	(\$78,965)
Equipment & Expense	(\$32,971)	(\$19,397)	(\$19,882)	(\$19,882)
<u>Total Costs – AGO p. 17 &amp; 18</u>	<u>Could exceed \$231,204</u>	<u>Could exceed \$259,417</u>	<u>Could exceed \$262,063</u>	<u>Could exceed \$262,063</u>
FTE Change – AGO	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs – SPD §211.211</u>	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 – SPD p.18 &amp; 19</u>	<u>Up to (\$1,025,759)</u>	<u>Up to (\$1,204,456)</u>	<u>Up to (\$1,215,934)</u>	<u>Up to (\$1,215,934)</u>
FTE Change-SPD	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE
<u>Costs – DMH (\$191.1165) – MAT drugs p. 12</u>	(\$22,712)	(\$27,255)	(\$27,255)	(\$27,255)
<u>Costs – DOC (\$191.1165) – Increase in MAT drug costs, contract costs and training p.12</u>	\$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</u> - STO (§217.195) Reduction in interest revenue (now retained by the new Inmate Canteen Fund) p. 19 & 20	(\$25,471)	(\$30,565)	(\$30,565)	(\$30,565)
Costs - DOC - §565.240 – new class E felony for posting information p.28	(\$6,463)	(\$15,822)	(\$16,139)	(\$16,139)
<u>Costs</u> – DOC (§558.031) Increased in prison population and decrease in P&P from jail credits p.5	\$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>Transfer Out</u> – to the 988 Public Safety Fund (§590.192) p.30	(\$1,961,980)	(\$1,987,401)	(\$1,988,953)	(\$1,988,953)
<u>Costs</u> – DPS (§590.1265) Administer the Use of Force Act p.31 & 32				
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 \$16,788,623)</u></b>	<b><u>(Unknown, could exceed \$19,895,507)</u></b>	<b><u>(Unknown, could exceed \$20,246,042)</u></b>	<b><u>(Unknown, could exceed \$20,934,928)</u></b>
Estimated Net FTE Change to the General Revenue Fund	(30) FTE	(30) FTE	(30) FTE	(30) FTE

<b>STATE FORENSIC LABORATORY FUND (0591)</b>				
<u>Loss Avoidance - Revenue - MHP</u> (\$488.029) Court-assessed surcharge p.25	<u>\$0 to</u> <u>\$300,000</u>	<u>\$0 to</u> <u>\$300,000</u>	<u>\$0 to</u> <u>\$300,000</u>	<u>\$0 to \$300,000</u>
<b>ESTIMATED NET EFFECT ON STATE FORENSIC LABORATORY FUND</b>	<b><u>\$0 to</u></b> <b><u>\$300,000</u></b>	<b><u>\$0 to</u></b> <b><u>\$300,000</u></b>	<b><u>\$0 to</u></b> <b><u>\$300,000</u></b>	<b><u>\$0 to \$300,000</u></b>
<b>INMATE CANTEEN FUND</b>				
<u>Income - STO</u> (\$217.195) Interest Earned to fund instead of General Revenue Fund p.19-20	\$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.19-20	\$5,800,000	\$0	\$0	\$0
<u>Transfer-Out from Old - DOC</u> (\$217.195) Transfer-out from Canteen Fund pre-August 28, 2021 p.19-20	<u>(\$5,800,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON THE</b>				

<b>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>988 PUBLIC SAFETY FUND</b>				
<u>Transfer In</u> – from General Revenue pp. 30	\$1,961,980	\$1,987,401	\$1,988,953	\$1,988,953
<u>Costs</u> – DPS (§590.192) Administer 988 Public Safety Fund p. 30				
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	(\$151,105)	(\$176,526)	(\$178,078)	(\$178,078)
FTE Change – DPS	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs</u> – Officer evaluation/check-in pp. 30	(\$1,810,875)	(\$1,810,875)	(\$1,810,875)	(\$1,810,875)
<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 IMPACT – Local 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.7	Unknown	Unknown	Unknown	Unknown
<u>Cost</u> – (§§50.327 and 57.317) Increase in salaries and benefits for county sheriffs p.4	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – to implement Raise the Age (§211.012 thru §211.435) p. 15-16	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – County or City Jails - Healthcare products expense (§221.065) p. 20	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – MOPS (§488.016) p.24-25	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – to prosecutors for discovery §479.162 p.24	(Unknown)	(Unknown)	(Unknown)	(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

There is no impact to small business from 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.

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.

#### §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.

#### CRIMINAL OFFENSES (Section 488.029)

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.

#### §547.031 – MOTION TO VACATE OR SET ASIDE THE VERDICT

This act provides that a prosecuting or circuit attorney may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion. Upon the filing of such a motion, the court shall order a hearing and issue findings of fact and conclusions of law

on all issues presented. The Attorney General shall be given notice of hearing of such a motion and shall be permitted to appear, question witnesses, and make arguments in the hearing.

This act provides that the court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings; and the information and evidence presented at the hearing on the motion.

The prosecuting attorney, circuit attorney, or the defendant shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The Attorney General shall also have the right to intervene in any appeal filed by the prosecuting or circuit attorney or the defendant.

#### §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.

#### §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, 610.122 & 610.140 – Expungement of records

Currently, an arrest record is eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions. This bill repeals that provision. Additionally, when a court issues an order of expungement, each entity possessing records listed in the order is required to close any relevant record in its possession.

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

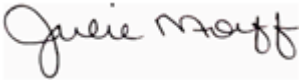
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Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Capitol Police  
Department of Social Services  
Missouri Department of Conservation  
Office of the State Treasurer  
St. Joseph Police Department  
St. Louis County Police Department  
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Department of Corrections  
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Missouri Highway Patrol  
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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  
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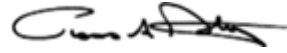
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Lewis County Sheriff  
Ellisville Police Department  
Clinton County  
Ellington Police Department  
Kimberling City Police Department  
St. John Police Department  
City of Gordonville  
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City of Ballwin  
City of Hale  
City of Minden Mines  
City of Sugar Creek  
Malta Bend RV School  
Northwest Missouri State University  
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City of Tipton  
Greenwood Police Department  
Fredericktown Fire Department  
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May 12, 2021



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May 12, 2021