

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0461S.12T
 Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SS for SCS for 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: June 15, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
General Revenue* ** ***	(Unknown, could exceed \$31,243,306)	(Unknown, could exceed \$35,993,143)	(Unknown, could exceed \$36,344,323)	(Unknown, could exceed \$37,033,209)
Total Estimated Net Effect on General Revenue	(Unknown, could exceed \$31,243,306)	(Unknown, could exceed \$35,993,143)	(Unknown, could exceed \$36,344,323)	(Unknown, could exceed \$37,033,209)

*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, §§211.012 thru 211.435 for Raise the Age that could exceed \$14 million and Medication Assisted Treatment in §191.1165.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
Juvenile Justice Preservation Fund	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)	(\$1,200,000)
State Forensic Laboratory	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000
Inmate Canteen	Less than \$25,471	Less than \$30,565	Less than \$30,565	Less than \$30,565
988 Public Safety Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	Less than (\$2,545,589)	Less than (\$869,435)	Less than (\$869,435)	Less than (\$869,435)

*Revenue and expenses assumed to net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
Federal Funds*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

*Revenue and expenses assumed to net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2026)
General Revenue	5 FTE	5 FTE	5 FTE	5 FTE
988 Public Safety Fund - DPS	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	7 FTE	7 FTE	7 FTE	7 FTE

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

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

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

FISCAL ANALYSIS

ASSUMPTION

§§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.

Officials from the **Sheriff’s Retirement System** assume a one-time impact to their funded status is a projected increase in cost of \$7.8 million. Annual contributions going forward, beginning January 1, 2022 will increase and impact our system at a projected amount of \$271,400 annually. **Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the Sheriff’s Retirement System.

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 would 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 st & 2 nd Class counties	80%	\$116,267
3 rd & 4 th 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

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

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

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

The average and median amounts of jail time credit associated with sentences from court commitments were calculated as shown in table 1. Where an offender entered prison on more than one sentence, the most serious offense was used. Given that the averages of sentence credit time appears to be influenced by a small number of offenders with a relatively high number of days credit, they used the median sentence credit time to evaluate the potential impact on prison and field populations.

Where offenders entered prison on multiple sentences, the estimation of the jail time credit associated with the sentences was determined by using NCIC codes to rank sentences according to the seriousness of the offense. Where sentences were served concurrently, the jail time credit associated with the most serious offense was applied. Where sentences were served consecutively, an aggregate count of jail time credit across sentences was applied.

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
New Admissions										
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
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
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										
Impact										
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
Population Change	0	0	0	0	0	0	0	0	0	0

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.

Officials from the **Missouri Department of Conservation (MDC)** state fiscal impact is unknown, but likely less than \$250,000 for counseling services. **Oversight** assumes MDC will not incur a material amount of expenses and will not reflect a fiscal impact to their agency.

§57.280 – Collection fees for sheriffs regarding eviction proceedings

Officials from the **Office of the State Courts Administrator (OSCA)** assume 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 Corder** 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.

§§84.400, 84.575, 566.145, 590.070 & 590.075

Officials from the **Department of Public Safety (DPS)** assume the following:

The chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the director of all notifications received pursuant to section 590.070 and the director shall provide all notifications stored electronically to the chief executive officer who requested the notifications within three business days after receipt of request. If the director receives any additional notifications regarding the candidate for commissioning within sixty days of a chief executive officer's request under this section, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within three business days following receipt.

In order to meet the requirement to respond to requests for a certified copy of officer records within three business days, the Department of Public Safety will need an additional 1.00 FTE Program Specialist in order to research the request and pull all of the information together.

There is still an issue with pulling older documents that are currently archived as it takes time to receive those records from the State Archives.

In order to facilitate a faster response time in compiling the records, the department is requesting staff and equipment support in order to scan all of the older, archived records so that they are immediately accessible. The department is proposing the use of approximately six part-time individuals to scan the documents. The amount of documents to be scanned is unknown at this time. They included the scanning costs in for all three years but that could vary based upon the actual number of documents.

There are also ITSD-costs in the amount of \$59,180 for purchasing scanners and paying for licenses and operating fees. The Department of Public Safety will need to scan officer records from 1979 through March 1, 2015. This will require the purchase of scanners as well as ITSD services to set up the scanning process and acquire licensing and ongoing SDC costs.

One-Time Costs

Scanners (Qty 2): \$20,000 each = \$40,000 total

Licensing (for each scanner): \$3,600 each = \$ 7,200 total

Staff Time to Build: = \$11,500

Total one-time costs = \$58,700

On-Going Costs

OnBase User Fee (to be able to access the system) = \$20/month/user x 2 = \$480

Oversight does not have information to the contrary to that provided by DPS. Therefore, Oversight will reflect DPS's impact for fiscal note purposes. Oversight assumes the six (6) part-time FTE would not be provided fringe benefits and may not be needed past FY 2022 and the state would only pay Social Security and Medicare benefits of 7.65 percent. In addition, Oversight assumes the DPS would not need additional rental space for part-time FTE.

In response to a previous version, officials from **City of Bland**, the **City of Corder**, **St. Louis City**, **Boone County**, 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 sections for these agencies.

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

Officials from the **Department of Corrections (DOC)** state this proposal removes “HIV” to have an inclusive reference to other communicable diseases transmitted by sexual contact or bodily fluids and have lifelong health consequences requiring lifelong treatment.

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
New Admissions										
Current Law	1	1	1	1	1	1	1	1	1	1
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	2	2	2	2	2	2	2	2	2	2
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison			0	-1	-2	-2	-2	-2	-2	-2
Parole			0	1	2	1	0	-1	-2	-2
Probation										
Impact										
Prison Population			0	-1	-2	-2	-2	-2	-2	-2
Field Population			0	1	2	1	0	-1	-2	-2
Population Change						-1	-2	-3	-4	-4

	fewer # in prison	Cost per year	Total Savings for prison	# to probation & parole	Cost per year	Total Savings or cost for probation and parole	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.

Officials from the **Department of Health and Senior Services (DHSS)** state §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.

§191.1165- Medication assisted treatment

Officials from the **Department of Corrections (DOC)** state 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).

Officials from the **Department of Mental Health (DMH)** state 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"> • \$93.60 (250mg) • \$402.00 (500mg)
Acamprosate (Campral)	666mg three times daily	\$108.00
Modafinil (Provigil)	200mg daily	\$23.70 (200mg)
Mirtazapine (Remeron)	15mg to 45mg daily	<ul style="list-style-type: none"> • \$8.51 (15mg) • \$10.75 (45mg)
Bupropion SR (Wellbutrin SR)	150mg to 300mg daily	<ul style="list-style-type: none"> • \$13.31 (150mg) • \$26.62 (300mg)
Gabapentin (Neurontin)	1800mg daily	\$6.93
Baclofen (Lioresal)	30mg to 80mg daily	<ul style="list-style-type: none"> • \$8.70 (30mg) • \$24.48 (80mg)
Topiramate (Topamax)	25mg to 400mg daily	<ul style="list-style-type: none"> • \$2.28 (25mg) • \$19.80 (400mg)

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 (90 AUD + 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 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 **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

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

Officials from the **Office of the State Courts Administrator (OSCA)** assume 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, 38th and 46th circuits.

Based upon projected additional violations in the 34 multi-county circuits, 38th and 46th 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>
Total Cost					\$3,850,461

* Note: The 34 multi-county, 38th and 46th circuits are state paid

Single County Circuits

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

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

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

Oversight 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 the estimates provided by DSS and OSCA.

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

Officials from the **Attorney General’s Office (AGO)** state §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.

Officials from **Office of the State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight notes the number of cases disposed for juveniles certified in adult court and committed to the Division of Youth Services each year in the following table:

	<u>JUVENILE CASES DISPOSED</u>	
	<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 juveniles in detention centers who have been certified to stand trial as an adult.

§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.

Officials from **Office of the State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§217.195 – Prison canteen funds

Officials from the **Department of Corrections (DOC)** assume this proposal deals with operating a canteen or commissary for the use and benefit of the offenders and establishes the "Inmate Canteen Fund". No Foreseen Fiscal/Operational Impact on DOC by changes in this section, as it introduced no penalty provisions.

The DOC does 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. Therefore, the impact for this legislation will be \$0 to Unknown. **Oversight** does not have information to the contrary and therefore, Oversight will reflect a \$0 or unknown cost for potential reentry services for DOC for this proposal.

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 ($\$6,113,006 * 0.005$)

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

Officials from the **Department of Corrections (DOC)** assume 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 appropriation 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. Louis County Police Department** assumed the proposal will have no fiscal impact on their organization.

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 (potentially with appropriated funds from the state) will be presented as \$0 or (Unknown).

This section of the bill contains an emergency clause.

§§217.777 & 559.120 – Courts may require a defendant to participate in a community-based treatment program

Officials from the **Department of Corrections (DOC)** assume this proposal promotes opportunities for offenders including community-based treatment program for nonviolent primary caregivers to care for their dependent children. Section 559.120 allows the court to place a defendant on probation and require his or her participation in a community-based program, established pursuant to section 217.777. This bill stipulates that the offender complete a community corrections program administered by the DOC. It is unknown whether this refers only to probation cases, the use of existing programming, or if the DOC would need to develop and administer an entirely new program.

It is unknown how many offenders the courts will sentence to community-based supervision. The judges are already allowed to consider many factors when considering sentences. The DOC has no way to determine how many of the offenders meeting this criterion also meet the stipulation of being the primary caregiver of a child. Therefore, the DOC is unable to determine a fiscal/operational impact. There is **unknown fiscal/operational impact** on DOC by changes in this section. **Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

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

Officials from the **Department of Corrections (DOC)** state §217.845 requires offenders to use any federal stimulus funding they received to make restitution payments ordered by the courts. Currently, the DOC collects court-ordered restitution when the prosecuting attorney sends a written order to collect restitution. This has already occurred with some of the stimulus checks received by offenders. It is unknown how many of these offenders could receive federal stimulus funding or how many offenders could be court ordered to pay restitution. The DOC does not believe this would impact any state, federal, or local funds. **Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

§221.105 – DOC reimbursements to counties

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) plus \$14,310,676 for arrearages

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 DOC for this section.

§§304.022 & 307.175 – Flashing Lights on Certain Vehicles

In response to a similar proposal from 2021 (HB 380), officials from the **City of Ballwin, City of St. Louis, Crestwood Police Department, Ellisville 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.

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

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. This section also becomes effective January 1, 2022.

§§ 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 **St. Louis County Police Department** assume 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.

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.

§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 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.

§488.016 – Court costs for honorably discharged veterans

Officials from the **Missouri Office of Prosecution Services (MOPS)** state 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.

§§488.029 – Criminal offenses

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.

§546.265 – Privileged communications in criminal matters

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 **St. Louis County Police Department** assume 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.

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

Officials from the **Department of Health and Senior Services (DHSS)** assume §574.203.2 requires hospitals to adopt policies that address incidents of workplace violence against employees. The Division of Regulation and Licensure (DRL) is responsible for conducting inspections of hospitals. Review of hospital records are within the duties for DRL so minimal

time and expense will be required to conduct the requirements of the proposed legislation. The DHSS anticipates being able to absorb these costs; however, until the FY22 budget is final, the DHSS cannot identify specific funding sources.

In response to similar legislation from this year (HCS for HB 1022), officials from the **City of Jefferson City**, the **Boone County Health Department**, the **Kansas City Health Department**, the **St. Louis County Police Department**, the **Cass County PWS #2**, the **Schell City Water Department** and the **St. Charles County PWS #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 **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 St. Louis**, the **Corder Water/Wastewater** and the **Lexington Water/Wastewater** 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

Officials from the **Department of Corrections** state §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.

In response to a previous version, 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 this agency.

§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 **Boone County Sheriff's Department**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Greenwood 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** and the **Nodaway County Ambulance District** each assumed the proposal will have no fiscal impact on their respective organizations.

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

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

§590.030 – Peace officer licensure

In response to similar legislation from this year (SB 289) officials from the **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 **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 this section.

§590.192 – Mental health programs for law enforcement officers

Officials from the **Department of Public Safety - Office of the Director (DPS)** state 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.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state 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 **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 this agency.

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

Officials from the **Department of Public Safety - Office of the Director (DPS)** state 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 **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.

§§610.120, 610.122 & 610.140 – Expungement of records

Officials from the **Department of Corrections (DOC)** state 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 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 **City of Corder** 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 **City of Ballwin**, the **City of Hale**, 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 **Office of Administration - Administrative Hearing Commission**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Capitol Police**, the **Department of Social Services**, the **Missouri Department of Agriculture**, the **Missouri Department of Transportation**, the **Office of Administration**, the **Office of the Governor**, the **Missouri House of Representatives**, the **Missouri Senate**, the **City of Claycomo**, the **City of O'Fallon**, the **City of Springfield**, the **Newton County Health Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, **Crawford County 911 Board**, the **Hancock Street Lighting District**, the **Wayne County PWSD #2**, the **Little Blue Valley Sewer District**, the **Metropolitan St. Louis Sewer District**, the **South River Drainage District** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from **Office of the State Courts Administrator**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Public Safety**, the **Missouri Office of Prosecution Services**, the **Missouri Highway Patrol** and the **Office of the State Public Defender** have stated their impacts in the above sections. Any other sections not addressed above from these agencies are assumed as no impact. Therefore, **Oversight** will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

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

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The

Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain within their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, county health departments, local law enforcement, fire protection districts, ambulance districts, utilities and hospitals were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2026)
GENERAL REVENUE FUND				
<u>Revenue – (§§610.122 & 610.140) \$250 Surcharge on petitions for expungement p. 28-29</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</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</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. 12-15</u>	(\$22,712)	(\$27,255)	(\$27,255)	(\$27,255)
<u>Costs – DOC (\$191.1165) – Increase in MAT drug costs, contract costs and training p. 12-15</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>Cost</u> – OSCA – to implement Raise the Age (§211.012 thru §211.435) p. 15-16	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)
FTE Change – OSCA (§211.012 thru §211.435) p. 15-16	34 FTE	34 FTE	34 FTE	34 FTE
<u>Less</u> – each circuit shall establish a Juvenile Justice Preservation Fund (assumed to be used to pay local OSCA & DSS costs – therefore Oversight is reflecting here as an offset (§211.012 thru §211.435) p. 15-16	\$2,871,060	\$1,200,000	\$1,200,000	\$1,200,000
<u>Costs</u> – DSS – raise the age implementation (§211.012 thru §211.435) p. 15-16	(\$3,043,596)	(3,043,596)	(\$3,043,596)	(\$3,043,596)
<u>Loss</u> - STO (§217.195) Reduction in interest revenue (now retained by the new Inmate Canteen Fund) p. 18-19	(\$25,471)	(\$30,565)	(\$30,565)	(\$30,565)
<u>Costs</u> – DOC – defendants potentially participate in community based treatment programs (§§217.777 & 559.120) p. 20	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

<u>Costs</u> – state approp. to locals for feminine hygiene products §221.065 p. 20	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - DOC - §565.240 – new class E felony for posting information p. 24	(\$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. 6	\$0 or (Unknown, up to \$12,466,840)	\$0 or (Unknown, up to \$15,287,410)	\$0 or (Unknown, up to \$15,621,306)	\$0 or (Unknown, up to \$16,310,192)
Less P&P Officers	(45) FTE	(45) FTE	(45) FTE	(45) FTE
<u>Cost</u> – DPS - §590.075 Certified notifications				
Personal Service	(\$38,476)	(\$46,633)	(\$47,099)	(\$47,099)
Fringe Benefits	(\$32,886)	(\$35,639)	(\$35,796)	(\$35,796)
Equipment & Expense	(\$3,348)	(\$871)	(\$893)	(\$893)
Temporary Help	(\$110,400)	\$0 to (\$132,480)	\$0 to (\$132,480)	\$0 to (\$132,480)
One-time costs	(\$58,700)	\$0	\$0	\$0
On-base user fee	(\$400)	(\$480)	(\$480)	(\$480)
<u>Total Costs</u> – DPS - §590.075 p. 7-8	(\$244,210)	(\$83,623) to (\$216,103)	(\$84,268) to (\$216,748)	(\$84,268) to (\$216,748)
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Transfer Out</u> – to the 988 Public Safety Fund (§590.192) p.26	(\$1,961,980)	(\$1,987,401)	(\$1,988,953)	(\$1,988,953)
<u>Costs</u> – DPS				

(\$590.1265) Administer the Use of Force Act 27				
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
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Unknown, could exceed \$31,243,306)</u>	<u>(Unknown, could exceed \$35,993,143)</u>	<u>(Unknown, could exceed \$36,344,323)</u>	<u>(Unknown, could exceed \$37,033,209)</u>
Estimated Net FTE Change to the General Revenue Fund	5 FTE	5 FTE	5 FTE	5 FTE
STATE FORENSIC LABORATORY FUND (0591)				
<u>Loss Avoidance - Revenue - MHP (\$488.029) Court- assessed surcharge p.23</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>
ESTIMATED NET EFFECT ON STATE FORENSIC LABORATORY FUND	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>
JUVENILE JUSTICE				

PRESERVATION FUND (0739)				
Transfer to county circuits (§211.012 thru §211.435) p.15-16	(\$2,871,060)	\$0	\$0	\$0
Loss – all future amounts are to be retained by the county circuits (§211.012 thru §211.435) p.15-16	\$0	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
ESTIMATED NET EFFECTON JUVENILE JUSTICE PRESERVATION FUND(0739)	<u>(\$2,871,060)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
INMATE CANTEEN FUND				
Income - STO (§217.195) Interest Earned to fund instead of General Revenue Fund p. 18-19	\$25,471	\$30,565	\$30,565	\$30,565
Costs – DOC – potential expenditures from reentry services (§217.195) p. 18-19	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Transfer-In to New - DOC (§217.195) Transfer-in from Canteen Fund post-August 28, 2021 p. 19	\$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	<u>(\$5,800,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND	<u>Less than \$25,471</u>	<u>Less than \$30,565</u>	<u>Less than \$30,565</u>	<u>Less than \$30,565</u>
988 PUBLIC SAFETY FUND				
<u>Transfer In – from General Revenue</u> p. 25-26	\$1,961,980	\$1,987,401	\$1,988,953	\$1,988,953
<u>Costs – DPS</u> (\$590.192) Administer 988 Public Safety Fund p.				
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 – DPS</u>	<u>(\$151,105)</u>	<u>(\$176,526)</u>	<u>(\$178,078)</u>	<u>(\$178,078)</u>
FTE Change – DPS	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs – Officer evaluation/check-in</u> p.25-26	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>
ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Estimated Net FTE Change to the 988 Public Safety Fund	2 FTE	2 FTE	2 FTE	2 FTE
FEDERAL FUNDS				
Federal Reimbursement (\$211.012 thru §211.435) p.15-16	\$2,250,557	\$2,250,557	\$2,250,557	\$2,250,557
Costs – DSS – raise the age implementation (\$211.012 thru §211.435) p.15-16	<u>(\$2,250,557)</u>	<u>(2,250,557)</u>	<u>(\$2,250,557)</u>	<u>(\$2,250,557)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2026)
LOCAL POLITICAL SUBDIVISIONS				
<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> - (§§50.327 and 57.317) Increase in retirement benefits for county sheriffs p. 4	(Up to \$7,935,700)	(Up to \$271,400)	(Up to \$271,400)	(Up to \$271,400)
<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. 23	(Unknown)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – to prosecutors for discovery §479.162 p. 23	(Unknown)	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown, could be substantial)</u>	<u>(Unknown, could be substantial)</u>	<u>(Unknown, could be substantial)</u>	<u>(Unknown, could be substantial)</u>
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FISCAL IMPACT – Small Business

There is no impact to small business from this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to public safety.

ATTORNEY GENERAL RESIDENCY REQUIREMENT (Section 27.010)

This act repeals the requirement that the Attorney General must reside in Jefferson City, Missouri.

BASE SALARY SCHEDULES FOR COUNTY OFFICIALS (Section 50.327)

Under current law, the salary schedule for a county sheriff shall be set as a base schedule according to law and the salary commission may increase the compensation of a county sheriff up to \$6,000 greater than the salary schedule. This act repeals the provisions relating to the salary schedule for county sheriffs.

Additionally, this act repeals the provision that the salary commission of any third class county may amend the base schedules of county officials to include certain assessed valuation factors.

This provision has a delayed effective date.

DEPARTMENT OF CORRECTIONS (Sections 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, 217.845, 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, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, & 650.058)

This act replaces the "Department of Corrections and Human Resources" with "Department of Corrections" and the "board of probation and parole" with the "Division of Probation and Parole" or the "Parole Board".

This act also adds that the chairperson of the board shall employ employees as is necessary to carry out duties, serve as the appointing authority over such employees, and provide for appropriate training to members and staff.

This act repeals the provision that the chairperson of the board shall also be the Director of the Division of Probation and Parole.

COURT COSTS COLLECTED BY SHERIFFS (Section 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.

COMPENSATION OF COUNTY SHERIFFS (Section 57.317)

This act provides that the county sheriff in any first and second class county shall receive an annual salary equal to 80% computed by a salary schedule as provided in the act.

Additionally, this act provides that the county sheriff in any third or fourth class county shall receive an annual salary computed by a salary schedule as provided in the act. The salary schedule shall be based off a percentage of the salary of associate circuit judges.

Finally, this act provides that the county sheriff in any county other than a charter county shall not receive an annual compensation less than the compensation provided under this act.

This provision has a delayed effective date.

POLICE COMMISSIONERS (Section 84.400)

This act provides that a member of the Kansas City Board of Police Commissioners or any member of such police force may be appointed to serve on any state or federal board, commission, or task force where no compensation for such service is paid, except that such board member may accept a per diem or reimbursement for necessary expenses for attending meetings.

KANSAS CITY POLICE DEPARTMENT RESIDENCY REQUIREMENTS (Section 84.575)

This act provides that the Board of Police Commissioners in Kansas City shall not require, as a condition of employment, that any currently employed or prospective law enforcement officer or other employee reside within any jurisdictional limit. Any current residency requirement in effect on or before August 28, 2021, shall not apply and shall not be enforced.

Additionally, the Board of Police Commissioners may impose a residency rule, but the rule or requirement shall be no more restrictive than requiring such personnel to reside within sixty miles from the nearest city limit.

EXPOSING OTHERS TO SERIOUS INFECTIOUS OR COMMUNICABLE DISEASES

(Sections 191.677, 545.940, 575.155, & 575.157)

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 or non-respiratory 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.

It shall be an affirmative defense to this offense if the person exposed to the disease knew that the infected person was infected with the disease at the time of the exposure and consented to the exposure.

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 amendment 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.

MEDICATION-ASSISTANT TREATMENT PROGRAMS (Section 191.1165)

This act also modifies the list of covered medications for MO Health Net medication-assistant treatment programs in to include formulations of buprenorphine other than tablets and formulations of naltrexone including extended-release injectable formulations. These provisions are identical to SCS/SB 521 (2021) and substantially similar to SB 814 (2020) and a provision in SB 507 (2019).

JUSTICE FOR SURVIVORS ACT (Sections 192.2520 & 197.135)

This act requires the statewide coordinator for the telehealth network for forensic examinations of victims of sexual offenses to regularly consult with Missouri-based stakeholders and clinicians regarding the training programs offered by the network, as well as the implementation and operation of the network. Current law permits the training to be offered online or in person and this act requires that the training be made available online and permits it to be offered in person.

Providers shall not be required to utilize this training, so long as the training utilized by providers is, at a minimum, equivalent to the network's training.

Current law requires licensed hospitals to perform forensic examinations of victims of sexual offenses beginning January 1, 2023. Under this act, such requirement shall only occur beginning January 1, 2023, or no later than 6 months after the establishment of the telehealth network, whichever is later. Finally, no individual hospital shall be required to comply with these provisions unless and until the Department of Health and Senior Services provides such hospital with access to the network for mentoring and training services without charge.

Finally, victims of sexual offenses who are 14 to 17 years of age may be referred by hospitals to SAFE CARE providers for medical or forensic evaluation and case review.

JURISDICTION OF JUVENILE COURT (Sections 211.012, 211.438, & 211.439)

This act clarifies that, for purposes of the law and jurisdiction of the juvenile court, a person shall not be considered a child if at the time of the alleged violation such person was considered an adult according to the then existing law. This act repeals provisions relating to the age of certification of a child as an adult.

This provision contains an emergency clause.

JUVENILE DETENTION (Section 211.072)

This act provides that a juvenile, under the age of 18, who has been certified to stand trial as an adult, if currently placed in a secure juvenile detention, shall remain in juvenile detention, pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law, unless otherwise ordered by the juvenile court.

Upon any final judgment on appeal of the petition to dismiss prosecution of the juvenile under the general laws, and adult charges being filed, if the juvenile is currently in juvenile detention, the juvenile shall remain in detention unless the juvenile posts bond or the juvenile is transferred to an adult jail.

Additionally, this act provides that if the juvenile officer does not believe detention in a secure juvenile detention facility would be an appropriate placement or would continue to serve as an appropriate placement, the juvenile officer may file a motion in the adult criminal case, requesting that the juvenile be transferred from juvenile detention to jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in juvenile detention or being transferred to an adult jail. At the hearing, the juvenile, the juvenile's parents and counsel, the prosecuting attorney, and others as provided in the act, shall have the opportunity to present evidence and recommendations.

Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility or shall order that the pre-trial certified juvenile be held in an adult

jail, but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh certain factors, as provided in the act, when deciding whether to detain a certified juvenile in an adult jail. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every 30 days to determine whether the placement of the certified juvenile in an adult jail is still in the best interest of justice.

This act provides that a juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 21, 2021, all previously certified, pre-trial juveniles, under the age of 18, who had been certified prior to August 28, 2021 shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement and a hearing shall be held as provided in the act. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a juvenile detention facility.

The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

Finally, this act provides that upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

DIVISION OF YOUTH SERVICES (Section 211.181)

No court shall require a child to remain in the custody of the Division of Youth Services for a period which exceeds the child's nineteenth birth date except upon a petition filed by the Division of Youth Services.

This provision contains an emergency clause.

JUVENILE WAIVER OF RIGHT TO COUNSEL (Section 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 may 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.

JUVENILE JUSTICE PRESERVATION FUND (Section 211.435)

This act also modifies provisions relating to the "Juvenile Justice Preservation Fund." This act moves such fund from the state treasury into each county's circuit court for the purpose of implementing and maintaining the expansion of juvenile court jurisdiction to 18 years of age. The funds shall consist of surcharges collected for traffic violations and other donations or appropriations.

Funds currently held by the state treasurer in the Juvenile Justice Preservation Fund shall be payable and revert to the circuit court's fund in the county of origination. Expenditures from the county circuit court fund shall be made at the discretion of the juvenile office for the circuit court and shall be used for the expansion of the juvenile court's jurisdiction. Funds shall not be expended for capital improvements or to replace or reduce the responsibilities of the county or state to provide funding for juvenile treatment services.

This provision contains an emergency clause.

INMATE CANTEEN FUND (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.

INMATE FEMININE HYGIENE PRODUCTS (Section 217.199 & 221.065)

This act provides that Director of Corrections and any sheriff or jailer who holds a person in custody shall ensure that an appropriate quantity of feminine hygiene products are available at no cost to female offenders while confined in any correctional center or jail. The General Assembly may appropriate funds to assist with the funding of this requirement. This provision contains an emergency clause. This provision identical to HB 318 (2021).

These provisions contain an emergency clause.

ALTERNATIVE SENTENCING (Sections 217.777 & 559.120)

This act provides that the Department of Corrections shall administer a community corrections program to encourage the establishment of local sentencing alternatives for offenders to promote opportunities for nonviolent primary caregivers to care for their dependent children.

FEDERAL STIMULUS FUNDS TO INMATES (Section 217.845)

This act provides that offenders who receive funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act shall use such funds to make restitution payments ordered by a court resulting from a conviction of a violation of any local, state, or federal law. These provisions are identical to provisions in SCS/SB 374 (2021).

DEPARTMENT OF CORRECTIONS REIMBURSEMENTS TO COUNTIES (Section 221.105)

Under current law, the Department of Corrections shall issue a reimbursement to a county for the actual cost of incarceration of a prisoner not to exceed certain amounts as provided in the act. However, the amount shall not be less than the amount appropriated in the previous fiscal year.

This act repeals the provision that the amount reimbursed to counties shall not be less than the amount appropriated in the previous fiscal year.

COUNTY CORONER EMERGENCY VEHICLES (Sections 304.022 & 307.175)

This act allows coroners, medical examiners, and forensic investigators of the county medical examiner's office or a similar entity to display emergency lights on their vehicles or equipment when responding to a crime scene, motor vehicle accident, workplace accident, or any location where their services are requested by law enforcement, and accordingly modifies the definition of "emergency vehicle" for purposes of motorists' obligation to yield to emergency vehicles displaying emergency lighting.

HEAD START BUSES (Section 304.050)

This act provides that Head Start buses that are certified by the Highway Patrol as meeting certain inspection requirements, operated by the holder of a validly-endorsed commercial driver's license who meets certain medical requirements, and transporting students to and from Head Start shall be included in the statute regarding traffic control for school bus loading, stopping, and passing purposes.

These provisions have a delayed effective date.

CHILD CUSTODY ORDERS (Section 452.410)

This act modifies current law relating to the modification of a prior child custody decree by changing and adding intersectional references to current statutory provisions relating to child custody, visitation, and grandparent visitation.

OFFENSE OF STALKING (Section 455.010)

Under current law relating to the issuance of orders of protection, "stalking" is defined as a pattern of conduct composed of two or more acts over a period of time that serves no legitimate purpose and may include following the other person or unwanted communication or contact. This act modifies that definition to mean two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitor, observes, surveils, threatens, or communicates to a person by any action, method, or device.

ORDERS OF PROTECTION (Sections 455.010, 455.032, 455.040, 455.045, 455.050, 455.513, 455.520, & 455.523)

Under this act, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this act as a living creature maintained by a household member for companionship and not for commercial purposes.

Under current law, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. Under this act, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than ten years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this act.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Under current law, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES)

the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. Under this act, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff shall enter the information into MULES within twenty-four hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS).

GUARDIANSHIP OF A PERSON (Section 475.120)

This act provides that a guardian shall make decisions regarding the adult ward's support, care, education, health, and welfare. A guardian shall exercise authority only as necessitated by the adult ward's limitations and shall encourage the adult ward to participate in decisions.

FEES FOR POLICE REPORTS (Section 479.162)

This act provides that in a proceeding for a municipal ordinance violation or any other proceeding in municipal court if the charge carries the possibility of 15 days or more in jail, a defendant shall not be charged any fee for obtaining a police report or probable cause statement. Such police report or probable cause statement shall be provided by the prosecutor upon written request by the defendant during discovery.

VETERANS TREATMENT COURT (Section 488.016)

This act provides that costs for a veteran's treatment court shall be fully waived for any person who is an honorably discharged veteran of any branch of the Armed Forces and who successfully completes such veteran's treatment court.

CRIME LABORATORY SURCHARGES (Section 488.029)

This act provides that there shall be assessed and collected a surcharge of \$150 in all criminal cases for any controlled substance offense in which a crime laboratory makes an analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or if the proceeding as been dismissed by a court.

FORFEITURE BY WRONGDOING (Section 491.016)

This act provides that a statement made by a witness, which would otherwise not be admissible, is admissible as substantive evidence in a criminal proceeding when the court finds by a preponderance of evidence that:

- The defendant engaged in or acquiesced to wrongdoing with the purpose of causing the unavailability of the witness;
- The wrongdoing in which the defendant engaged in or acquiesced to has caused or substantially contributed to the unavailability of the witness;
- The state exercised due diligence to secure by subpoena or other means the attendance of the witness, or the witness is unavailable because the defendant caused the death of the witness; and

- The witness fails to appear at the proceeding.

Additionally, this act provides that in a jury trial, the hearing and finding to determine the admissibility of the statement shall be held and found outside the presence of the jury and before the case is submitted to the jury.

CONFIDENTIALITY OF CRIME STOPPERS ORGANIZATIONS (Section 546.265)

This act provides that no person shall be required to disclose, by way of testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of a crime stoppers organization. Additionally, no such person shall be required to produce, under subpoena, any records, documentary evidence, opinions, or decisions relating to such privileged communication in connection with any criminal proceeding or discovery procedure.

This act also provides that any person arrested or charged with a criminal offense may petition the court for an in-camera inspection of the records of a privileged communication concerning the report such person made to the crime stoppers organization. If the court determines the person is entitled to all or part of such records, the court may order production and disclosure as the court deems appropriate.

MOTION TO VACATE OR SET ASIDE THE VERDICT (Section 547.031)

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.

CREDIT FOR JAIL TIME AWAITING TRIAL (Section 558.031)

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 in the Department of Corrections 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 August 28, 2021.

SPECIAL VICTIMS (Section 565.058)

Any special victim as defined by law shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue.

Additionally, any special victim may file a petition with the court alleging assault in any degree by using his or her identifying initials instead of his or her legal name if said petition alleges that he or she would be endangered by such disclosure.

OFFENSE OF UNLAWFUL POSTING OF CERTAIN INFORMATION ONLINE (Section 565.240)

Under current law, a person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This act modifies the current offense by adding "any other personally identifiable information" and further provides that if a person knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, or prosecuting attorney, or the information of an immediate family member of such officers, he or she shall be guilty of a Class E felony.

SEXUAL MISCONDUCT OF POLICE OFFICERS (Section 566.145)

This act provides that a law enforcement officer who engages in sexual conduct with a detainee or prisoner who is in the custody of such officer shall be guilty of a class E felony.

OFFENSE OF USING A LASER POINTER (Section 574.110)

This act provides that a person commits the offense of using a laser pointer if such person knowingly directs a light from a laser pointer at a uniformed safety officer or other first responder as provided in the act. Such offense is a class A misdemeanor.

OFFENSE OF INTERFERENCE WITH A HEALTH CARE FACILITY (Section 574.203)

This act provides that a person, excluding any person who is developmentally disabled, commits the offense of interference with a health care facility if the person willfully or recklessly interferes with a health care facility or employee of a health care facility by: (1) Causing a peace disturbance while inside a health care facility; (2) Refusing an order to vacate a health care facility when requested to by an employee; or (3) Threatening to inflict injury on the patients or employees, or to inflict damage on the facility.

Such offense is a Class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

OFFENSE OF FAILURE TO EXECUTE A WARRANT (Section 575.180)

This act adds to the offense of failure to execute a warrant that it shall be an affirmative defense that the law enforcement officer acted under exigent circumstances in failing to execute an arrest warrant on a person who has committed a misdemeanor offense for a traffic violation.

PEACE OFFICER LICENSURE (Sections 590.030)

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

COMMISSIONING REQUIREMENTS OF PEACE OFFICERS (Sections 590.070 and 590.075)

Under current law, the chief executive officer of each law enforcement agency must notify the Director of the POST Commission the circumstances surrounding a law enforcement officer's departure from the law enforcement agency within 30 days of the departure.

This act provides that the chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the Director of all notifications

received regarding such peace officer. All notifications provided to the chief executive officer from the Director shall be received within 3 days of the request.

Finally, this act provides that the chief executive officer of each law enforcement agency has absolute immunity from suit for complying with such notification requirements to the Director, unless the chief executive officer presented false information to the Director with the intention of causing reputational harm to the peace officer. If the Director receives any additional notifications regarding the candidate for commissioning within 60 days of a chief executive officer's request, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within 3 business days following receipt.

CRITICAL INCIDENT STRESS MANAGEMENT PROGRAM (Section 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. A "critical incident" is any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

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.

Additionally, 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.

RESPIRATORY CHOKE-HOLDS (Section 590.805)

This act provides that a law enforcement officer shall not knowingly use a respiratory choke-hold unless such use is in defense of the officer or another from serious physical injury or death.

A respiratory choke-hold includes the use of any body part or object to attempt to control or disable by applying pressure to a person's neck with the purpose of controlling or restricting such person's breathing.

POLICE USE OF FORCE DATABASE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Starting March 1, 2022, each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents shall include fatalities and serious physical injuries that are connected to the use of force by an officer.

Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report at least annually starting March 1, 2023. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated at least every five years.

CONFIDENTIAL RECORDS (Section 610.120)

Under current law, closed records shall be available to certain people and organizations, including law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm.

This act repeals the provision that law enforcement agencies for the issuance of permits to people seeking such permits to purchase or possess a firearm shall have access to closed records.

ARREST RECORDS ELIGIBLE FOR EXPUNGEMENT (Section 610.122)

Under current law, a record of arrest shall only be eligible for expungement if the person who was arrested has no prior or subsequent misdemeanor or felony convictions and no civil action is pending relating to the arrest sought to be expunged. This act repeals the provision that a person who was arrested has to have no prior convictions.

EXPUNGEMENT OF RECORDS (Section 610.140)

Under current law, a person who has been convicted of the offense of unlawful use of weapons, except for a person who was found guilty prior to January 1, 2017, of carrying a concealed weapon in a place where firearms are restricted, shall not be eligible for expungement.

This act adds that a person who was convicted of the offense of unlawful use of weapons when he or she exhibits in the presence of one or more person any weapon readily capable of lethal use in an angry or threatening manner shall be eligible for expungement.

This act also changes the time a petition for expungement can be filed from seven years to three years, if the offense is a felony, from the date the petitioner completed any disposition of

sentence imposed. This act changes the time a petition for expungement can be filed from three years to one year, if the offense is a misdemeanor, from the date the petitioner completed any disposition of sentence imposed.

Additionally, under current law, any rights that were restricted as a collateral consequence of a person's criminal record shall be restored upon issuance of the order of expungement. This act adds that if a person was convicted of a federal misdemeanor crime of domestic violence, an order of expungement granted under this act shall be considered a complete removal of all effects of the expunged conviction.

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Capitol Police
Department of Social Services
Missouri Department of Conservation
Office of the State Treasurer
St. Joseph Police Department
St. Louis County Police Department
Office of the State Public Defender
Department of Corrections
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Missouri Highway Patrol
Office of the Secretary of State
City of Bland
City of Claycomo
City of Corder
City of O'Fallon
St. Louis City
Boone County
Columbia Police Department
Crestwood Police Department
Lake St. Louis Police Department
Springfield Police Department
Tipton Police Department
Walnut Grove Police Department
Office of Administration - Administrative Hearing Commission

Department of Commerce and Insurance
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Labor and Industrial Relations
Department of Revenue
Missouri Department of Agriculture
Missouri Department of Transportation
City of Kansas City
City of Springfield
Kansas City Health Department
Newton County Health Department
Kansas City Police Department
Hermann Area Hospital District
Office of the Governor
Missouri House of Representatives
Missouri Senate
Joint Committee on Administrative Rules
State Tax Commission
Department of Health and Senior Services
Office of Administration
Jackson County
Cape Girardeau County Sheriff's Department
Clay County Sheriff's Department
Lewis County Sheriff
Ellisville Police Department
Clinton County
Kimberling City Police Department
St. John Police Department
City of Ballwin
City of Hale
City of Sugar Creek
Southwest City
City of Tipton
Greenwood Police Department
Fredericktown Fire Department
Gainesville Fire Department
Lexington Fire & Rescue
West County EMS & FPD
Barry County 911 Board
Nodaway County Ambulance District
Mexico Police Department
St. Clair Fire Protection District
Randolph County Ambulance District
Cole County

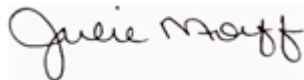
L.R. No. 0461S.12T

Bill No. Truly Agreed To and Finally Passed CCS for HCS for SS for SCS for SB Nos. 53 & 60

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Sheriff's Retirement System
Boone County Sheriff's Department
Jefferson City
Boone County Health Department
Cass County PWSD #2
Schell City Water Department
St. Charles County PWSD #2
Corder Water/Wastewater Department
Lexington Water/Wastewater Department
Crawford County 911
Hancock Street Lighting District
Wayne County PWSD #2
Little Blue Valley Sewer District
Metropolitan St. Louis Sewer District
South River Drainage District



Julie Morff
Director
June 15, 2021



Ross Strobe
Assistant Director
June 15, 2021