

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0828S.07S  
 Bill No.: CCS for HCS for SS No. 2 for SB 26  
 Subject: Law Enforcement Officers And Agencies; Criminal Procedure; Attorneys;  
 Administrative Law  
 Type: Original  
 Date: May 14, 2021

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
General Revenue *	(\$72,258 to could exceed \$12,780,375)	(\$82,681 to could exceed \$16,029,948)	(\$83,327 to could exceed \$16,664,665)	(\$83,327 to could exceed \$22,045,803)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$72,258 to could exceed \$12,780,375)</b>	<b>(\$82,681 to could exceed \$16,029,948)</b>	<b>(\$83,327 to could exceed \$16,664,665)</b>	<b>(\$83,327 to could exceed \$22,045,803)</b>

\*The largest cost driver of this proposal is §558.031 - officials from the DOC state the cumulative impact of changes in these sections may result in up to approximately 2,845 more people in prison and 2,845 fewer people under field supervision by FY2027. This legislation would still allow for the discretionary granting of jail time credit and still allows for discretionary parole. Therefore, the projected impact will be reflected as \$0 to approximately (\$15 million).

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Fully Implemented (FY 2031)</b>
Agriculture Protection Fund***	\$0	\$0	\$57,875	\$160,810
University of MO***	\$0	\$0	\$200,000	\$400,000
Colleges and Universities**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
988 Public Safety Fund*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>Less than \$257,875</b>	<b>Less than \$560,810</b>

\*Income and costs net to zero.

\*\*“Unknown” represents the potential for additional litigation against the state and other governmental entities resulting from this proposal

\*\*\*Part of the proposal has an effective date of January 1, 2024 (FY 2025).

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
General Revenue	0 to (45) FTE	0 to (45) FTE	0 to (46) FTE	0 to (52) FTE
Agriculture Protection Fund	0 FTE	0 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 to (45) FTE</b>	<b>0 to (45) FTE</b>	<b>0 to (45) FTE</b>	<b>0 to (51) FTE</b>

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

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

§§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, 217.665, 217.690, 217.692, 217.695, 217.710, 217.735, 217.810, 217.829, 549.500, 557.051, 558.026, 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 – Parole Board

In response to similar legislation from 2021 (HCS HB 549), officials from the **Department of Corrections** and the **Office of the Governor** each assumed the proposal will have no fiscal impact on their respective organizations.

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

### §67.030 – Local law enforcement budgets

In response to a previous version, officials **Office of Administration – General Services (OA/GS)** stated this section creates a new provision allowing any taxpayer of a political subdivision to initiate an action for injunctive relief, if the governing body of such political subdivision decreases the budget for its law enforcement agency by an amount exceeding more than twelve percent relative to the proposed budgets of other departments of the political subdivision over a five year aggregate amount relating to disclosure of personal information and a cause of action for damages for violation thereof. This has the potential to increase costs to the state Legal Expense Fund for actions alleging violation of this section.

If a claim were successfully brought against a state agency alleging a violation of this legislation, the Legal Expense Fund could be required to pay such claim or claims. The number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

The state self-assumes its own liability under the state Legal Expense Fund, Section 105.711 RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified and individuals. Investigation, defense, negotiation or

settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

Office of Administration—General Services assumes that no state employee or agency would violate the proposal. Therefore, it is assumed that no successful claims will be made against the Legal Expense Fund and the proposal would thus have no fiscal impact upon the Office of Administration—General Services. However, should that assumption prove incorrect, costs could be incurred by the Legal Expense Fund.

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

In response to a previous version, officials from the **City of Kansas City** stated the provisions of §67.030 in this legislation could have a negative fiscal impact if there was a budget reduction.

**Oversight** assumes rarely will a political subdivision decrease their budget for law enforcement by an amount exceeding 12 percent in relation to other items in the proposed budget over a five-year aggregate amount. Therefore, Oversight will reflect a zero impact in the fiscal note to local governments for this section of the proposal.

#### §67.301 – Permit requirements for battery-charged fences

In response to similar legislation from 2021 (HB 1336), officials from the cities of **Corder, Kansas City, O'Fallon, and St. Louis**, the **Kansas City Police Department** and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (SB 470), officials from the **Ellisville 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.

**Oversight** does not have any information to the contrary. Oversight assumes there may be cities that charge permit fees for both the installation or use of a battery charged fence and/or an alarm system, however, Oversight is unaware of how many exist in the state and what fee is currently being charged for these permits. There is a potential that these cities who collect these permit fees would lose revenue from these fees, however, Oversight assumes these fees would be minimal. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#### §67.494 – Security measure on private property

In response to similar legislation from 2021 (HB 1331), officials from the **Department of Public Safety – Capitol Police**, the **Missouri Department of Conservation**, the **Missouri House of Representatives**, the **Office of Administration**, the **Office of the State Courts Administrator**,

the **Kansas City Police Department**, the **St. Louis County Police Department**, the **Crawford 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 2021 (HB 1331), officials from the **Fruitland Area Fire Protection 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 this section for these agencies.

§190.307 – Emergency services

In response to similar legislation from 2021 (HB 1161), officials from the **Office of the State Courts Administrator**, the **Kansas City Police Department**, the **St. Louis County Police Department**, the **Crawford 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 2021 (HB 1161), officials from the **Fruitland Area Fire Protection District** responded to the legislation but did not provide a fiscal impact.

§217.690 – Terms of imprisonment

In response to similar legislation from 2021 (SB 552), officials from the **Department of Corrections (DOC)** stated this section would allow persons under age 18 at the time of the offense serving a life sentence with or without parole, or a sentence structure of 15 years or more, after 15 years has been served to petition the Board for parole consideration.

It is unknown how many offenders will petition the Board for a hearing review. It is also unknown how many hearings the Board will conduct and how many offenders will be granted parole if this legislation passes. Therefore the department assumes an impact of \$0 to unknown savings.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's \$0 to unknown savings impact for fiscal note purposes.

§§281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101 – Pesticide certification and training

In response to a similar proposal (SB 491), officials from the **Missouri Department of Agriculture (MDA)** assumed the following regarding this proposal:

§281.048

Will require an estimated \$20,000 to add Noncertified Restricted Use Pesticide (NRUP) license classification to computer system, MOPlants, and the addition of one FTE (Senior Office Support Asst.) = \$31,090 salary and corresponding office equipment = \$2,743.

§281.035

Commercial agriculture, right-of-way, golf courses, fumigation, and other types will have an estimated 5,236 new persons licensed as NRUP X \$35 = \$183,260 annually.

§281.037

Non-commercial agriculture, right-of-way, golf courses, fumigation, and other types will have an estimated 919 new persons licensed as NRUP X \$35 = \$32,165 annually.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the MDA. Oversight notes the effective date of this proposal is January 1, 2024; therefore, Oversight will not reflect any costs or revenue until FY 2024 (six months) and fully implemented in FY 2025.

In response to a similar proposal (SB 491), officials from the **Office of the State Courts Administrator** 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 similar proposal (SB 491), officials from the **University of Missouri (UM)** assume this proposal would allow University of Missouri Extension to charge a \$75 Pesticide Registration fee for their Private Pesticide Applicator Training Program, which they currently provide for free. These fees would create an additional \$400,000 in revenue. The revenue generated by these fees would be used to cover the costs of the program. The University currently covers 100% of costs incurred by the program, and Missouri Extension estimates that this fee will cover 46% of the program costs, allowing the University to cover 54%.

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

In response to a similar proposal (SB 491), officials from the **City of Corder, City of Kansas City, City of O'Fallon, and City of St. Louis** 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 similar proposal from 2021 (HB 1125), officials from the **City of Hughesville** assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

These sections become effective January 1, 2024.

§§304.022 & 307.175 – Flashing lights on certain vehicles

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

In response to a similar proposal from 2021 (HB 380), officials from the **City of Ballwin**, **City of Kansas City**, **City of O’Fallon**, **City of St. Louis**, **Crestwood Police Department**, **Ellisville Police Department**, **Kansas City Police Department**, **Springfield Police Department** and **St. Louis County Police Department** each assumed 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.

§§311.060, 311.660, and 313.220 – Certain criminal offenses

In response to a previous version, officials from the **Missouri Lottery Commission** 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.

§§313.800, 313.805, and 313.812 – Gaming facilities

Officials from the **Department of Public Safety – Missouri Gaming Commission** 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 these sections.

§542.525 – Cameras on private property

In response to similar legislation from 2021 (HCS HB 11166), officials from the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Corrections**, the **Department of Public Safety – Capitol Police**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **MoDOT & Patrol Employees’ Retirement System**, the **Office of Administration**, the **Office of the Secretary of State**, the **Office of the State Public Defender**, the **Office of the State Courts Administrator**, the **Office of the Governor**, the **Missouri House of Representatives**, the **Joint Committee on Administrative Rules**, the **Joint Committee on Education**, the **Legislative Research**, the **University of Missouri**, the **City of Corder**, the **City of Kansas City**, the **City of O’Fallon**, the

**City of St. Louis, the Kansas City Police Department, and the St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HCS HB 11166), officials from the **Office of Administration - Budget and Planning (B&P)** stated this proposal has no direct impact on B&P and no direct impact on general and total state revenues and will not impact the calculation pursuant to Art. X, Sec. 18(e).

In response to a previous version, officials from the **Joint Committee on Public Employee Retirement (JCPER)** stated this proposal will not affect retirement plan benefits as defined in §105.660(9).

In response to a previous version (HB 1166), officials from the **Missouri Ethics Commission, the Office of the Lieutenant Governor, the Office of the State Treasurer, the Missouri Office of Prosecution Services 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 this section.

§§557.045 and 574.085 – Special victims, unlawful traffic interference, and vandalism

Officials from the **Department of Corrections (DOC)** assume the following:

Section 557.045 states that no person shall be eligible for probation, suspended imposition or execution of sentence, or conditional release if guilty of any dangerous felony where the victim is a law enforcement officer, firefighter, or emergency service provider while in the performance of his or her duties.

To assess the potential impact of changes proposed in this bill, DOC analyzed FY 2020 new prison admissions, new probation cases, and time served to first release for offenders with sentences for assaults on special victims.

In FY 2020, there were 72 new court commitments (including 120-day admissions) to prison with an average sentence of 17.0 years for first degree assault on a special victim. There were 29 new court commitments to prison with an average sentence of 8.2 years for second degree assault on a special victim.

**FY 2020 New court commitments (including 120-day admissions) to prison based on assaults on special victims.**

MISSOURI STATUTE	DESCRIPTION	OFFENSE CLASS	OFFENDERS	AVERAGE SENTENCE
565050	Assault 1 <sup>st</sup> Degree	A	72	17.0
565052	Assault 2 <sup>nd</sup> Degree	B	29	8.2

In FY 2020, there were 23 new probation cases with an average sentence of 10.9 years for first degree assault on a special victim. There were 19 new probation cases with an average sentence of 6.9 years for second degree assault on a special victim. Under the proposed legislation, all of these offenders would be sentenced to prison instead of probation.

**FY 2020 New probation cases based on assaults on special victims.**

MISSOURI STATUTE	DESCRIPTION	OFFENSE CLASS	OFFENDERS	AVERAGE SENTENCE
565050	Assault 1 <sup>st</sup> Degree	A	23	10.9
565052	Assault 2 <sup>nd</sup> Degree	B	19	6.9

In FY 2020, 96 offenders in prison on sentences for first degree assault on a special victim were released from prison after serving, on average, 14.9 years, or approximately 90% of the length of the sentence. There were 18 offenders in prison for a second degree assault on a special victim who were first released from prison after serving, on average, 4.1 years, or approximately 50% of the length of the sentence.

**FY 2020 Offenders released from prison after serving time for convictions of assaults on special victims.**

MISSOURI STATUTE	DESCRIPTION	OFFENSE CLASS	OFFENDERS	AVERAGE SENTENCE	TIME SERVED TO FIRST RELEASE	PERCENT SENTENCE SERVED TO FIRST RELEASE
565050, 565081	Assault 1 <sup>st</sup> Degree	A	96	17.5	14.9	90%
565052, 565082	Assault 2 <sup>nd</sup> Degree	B	18	8.4	4.1	50%

To estimate the potential impact of this bill, DOC assumes all offenders with class A and class B felony offenses will serve 100% of their sentence in prison.

Section 557.045 prohibits eligibility for probation or parole for first degree assault on special victim

**Class A Felony Assaults in 1st Degree on Special Victims (Law Enforcement, emergency workers etc.)**

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	72	72	72	72	72	72	72	72	72	72
After Legislation	95	95	95	95	95	95	95	95	95	95
<b>Probation</b>										
Current Law	23	23	23	23	23	23	23	23	23	23
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	23	23	23	23	23	23	23	23	23	23
Probations	-23	-23	-23	-23	-23	-23	-23	-23	-23	-23
<b>Cumulative Populations</b>										
Prison	23	46	69	92	115	138	161	184	207	230
Parole										
Probation	-23	-46	-69	-92	-115	-138	-161	-184	-207	-230
<b>Impact</b>										
Prison Population	23	46	69	92	115	138	161	184	207	230
Field Population	-23	-46	-69	-92	-115	-138	-161	-184	-207	-230
<b>Population Change</b>	<b>0</b>									

Section 557.045 prohibits eligibility for probation or parole for second degree assault on special victim

**Class B Felony Assaults in 2nd Degree on Special Victims (Law Enforcement, emergency workers etc.)**

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	29	29	29	29	29	29	29	29	29	29
After Legislation	48	48	48	48	48	48	48	48	48	48
<b>Probation</b>										
Current Law	19	19	19	19	19	19	19	19	19	19
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	19	19	19	19	19	19	19	19	19	19
Probations	-19	-19	-19	-19	-19	-19	-19	-19	-19	-19
<b>Cumulative Populations</b>										
Prison	19	38	57	76	95	129	177	225	234	234
Parole						-15	-44	-73	-78	-78
Probation	-19	-38	-57	-76	-95	-114	-131	-131	-131	-131
<b>Impact</b>										
Prison Population	19	38	57	76	95	129	177	225	234	234
Field Population	-19	-38	-57	-76	-95	-129	-175	-204	-209	-209
<b>Population Change</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>21</b>	<b>25</b>	<b>25</b>

Section 574.085

The **DOC** assumes §574.085 adds vandalizing a public monument or structure on public property to the offense of institutional vandalism, which is a class A misdemeanor, unless the value of the property damage is greater than \$750, in which case it is a class E felony. If the value of the damage is greater than \$5000, it is a class D felony.

In FY2019, four persons were charged under this section for institutional vandalism as a class A misdemeanor. In FY2020, no person was charged for class A misdemeanor, one person was charged under class E felony, one was charged under class D felony, and no one was sent to probation. This indicates an infrequent occurrence of this offense. Thus, the impact on DOC may range from negligible due to infrequency of offenses to a maximum of creating a new class E felony by expanding the definition of institutional vandalism.

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.

Thus, the cumulative impact on the department may range from negligible to two additional offenders in prison and seven additional offenders on field supervision by FY 2024.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>							

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated for the purpose of the proposed legislation, and as a result of excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of misdemeanor or felony unlawful traffic interference in violation of Section 574.045 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

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

§558.011– Terms of imprisonment

In response to similar legislation from 2021 (SB 343), officials from the **Department of Corrections (DOC)** stated §558.011 repeals the provision that allows for conditional release of offenders from prison. Following repeal, offenders in prison would be released either at the discretion of the Board of Probation and Parole or upon completion of the term(s) of their sentence(s).

DOC evaluated first releases of offenders on conditional release and parole release during fiscal years 2017 through 2020. In FY 2020, 478 offenders were released on conditional release. The following table shows the difference in times between condition release dates and maximum discharge dates for those offenders broken down by sentence felony class.

Felony class	Releases	Average Sentence Length (Years)	Average Time Served (Years)	Difference
A	9	21.0	17.9	3.1
B	93	9.0	7.2	1.8
C	189	6.0	4.2	1.8
D	101	3.0	2.4	0.6
E	37	2.0	1.4	0.6
U	49	11.0	8.4	2.6
Total	478	6.0	4.9	1.1

Based on this number of conditional releases in FY 2020, with an average sentence length of 6.0 years and average release time of 4.9 years, if all offenders who would have been released on conditional release were instead not released until their maximum discharge date, there could be up to an additional 526 offenders in prison and 526 fewer offenders under supervision in the field by FY 2027.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	478	478	478	478	478	478	478	478	478	478
After Legislation	478	478	478	478	478	478	478	478	478	478
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
<b>Cumulative Populations</b>										
Prison					48	526	526	526	526	526
Parole					-48	-526	-526	-526	-526	-526
Probation										
<b>Impact</b>										
Prison Population					48	526	526	526	526	526
Field Population					-48	-526	-526	-526	-526	-526
<b>Population Change</b>										

§558.031 – Credit for jail time awaiting trial

DOC states §558.031 alters language regarding jail time credit. It changes jail time credit to apply for after the conviction, rather than after the offense occurred and before the commencement of the sentence in the Department of Corrections. It states that the circuit court may award jail time credit. This will be applicable to offenses occurring on or after August 28, 2021.

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

The average and median amounts of jail time credit associated with sentences from court commitments were calculated as shown in table 1. 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 determining by using NCIC codes to rank sentences according 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, DOC could expect up to approximately 2,319 more people in prison and 2,319 fewer people under field supervision following repeal of jail time credit. This legislation would still allow for the discretionary granting of jail time credit and still allows for discretionary parole. Therefore, the projected impact will be \$0 to \$20,460,179 by the year 2027.

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

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

Due to the relatively long sentences for the class A and class B felonies included in this analysis, the entire estimated impact goes beyond the 10-year timeframe of this response.

The cumulative impact of changes in these sections may result in up to approximately 2,793 more people in prison and 2,729 fewer people under field supervision. This legislation would still allow for the discretionary granting of jail time credit and still allows for discretionary parole. Therefore, the projected impact will be \$0 to (\$20,460,179) by the year 2027.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	5,898	5,898	5,898	5,898	5,898	5,898	5,898	5,898	5,898	5,898
After Legislation	5,944	5,944	5,944	5,944	5,944	5,944	5,944	5,944	5,944	5,944
<b>Probation</b>										
Current Law	42	42	42	42	42	42	42	42	42	42
After Legislation	7	7	7	7	7	7	7	7	7	7
<b>Change (After Legislation - Current Law)</b>										
Admissions	46	46	46	46	46	46	46	46	46	46
Probations	-35	-35	-35	-35	-35	-35	-35	-35	-35	-35
<b>Cumulative Populations</b>										
Prison	2,365	2,411	2,455	2,497	2,539	2,596	2,667	2,738	2,770	2,793
Parole	-2,319	-2,319	-2,317	-2,314	-2,311	-2,326	-2,355	-2,384	-2,389	-2,389
Probation	-35	-70	-105	-147	-189	-231	-271	-294	-317	-340
<b>Impact</b>										
Prison Population	2,365	2,411	2,455	2,497	2,539	2,596	2,667	2,738	2,770	2,793
Field Population	-2,354	-2,389	-2,422	-2,461	-2,500	-2,557	-2,626	-2,678	-2,706	-2,729
<b>Population Change</b>	<b>11</b>	<b>22</b>	<b>33</b>	<b>36</b>	<b>39</b>	<b>39</b>	<b>41</b>	<b>60</b>	<b>64</b>	<b>64</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total savings for <b>probation and parole</b>	# to probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	2,365	(\$7,756)	(\$15,285,783)	(46)	\$2,577,666	(2,354)	(\$12,708,117)
Year 2	2,411	(\$7,756)	(\$19,073,710)	(46)	\$3,126,443	(2,389)	(\$15,947,267)
Year 3	2,455	(\$7,756)	(\$19,810,236)	(47)	\$3,228,898	(2,422)	(\$16,581,337)
Year 4	2,497	(\$7,756)	(\$20,552,131)	(48)	\$3,333,180	(2,461)	(\$17,218,951)
Year 5	2,539	(\$7,756)	(\$21,315,778)	(49)	\$3,439,375	(2,500)	(\$17,876,402)
Year 6	2,596	(\$7,756)	(\$22,230,199)	(50)	\$3,547,518	(2,577)	(\$18,682,681)
Year 7	2,667	(\$7,756)	(\$23,294,953)	(51)	\$3,657,705	(2,626)	(\$19,637,248)
Year 8	2,738	(\$7,756)	(\$24,393,406)	(52)	\$3,769,833	(2,678)	(\$20,623,574)
Year 9	2,770	(\$7,756)	(\$25,172,071)	(53)	\$3,884,068	(2,706)	(\$21,288,003)
Year 10	2,793	(\$7,756)	(\$25,888,702)	(53)	\$3,926,226	(2,729)	(\$21,962,477)

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

In response to similar legislation from 2021 (SB 343), Officials from the **Office of the State Public Defender (SPD)** stated for the purpose of the proposed legislation, and as a result of

excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation in post-conviction cases which will arise from this change to Section 558.031 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. This change to the statute concerning the credit for jail time served prior to a conviction will result in an increase in post-conviction cases requiring public defender representation. The post-conviction cases will arise out of a failure of the court to credit a convicted person the time spent confined in jail as a result of the case in which the conviction arises.

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

In response to similar legislation from 2021 (SB 343), officials from the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§566.145 – Offense of sexual conduct in the course of public duty

In response to similar legislation from 2021 (HCS HB 876), officials from the **Office of Administration – General Services (OA/GS)** stated this section creates the offense of sexual misconduct in the course of public duty. The cost to the state is unknown, if this prohibition is used in an action against the state for violation by a state employee. The amount of the potential costs resulting from this proposal cannot be reasonably estimated as this language creates new legal standards, subject to judicial interpretation, and there is no readily available information that could assist in forming a rational basis for estimating costs. In addition, the number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

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

**OA/GS** states there is no a direct fiscal impact to the LEF, because this is a criminal statute, not one that creates a civil cause of action.

**Oversight** assumes because this is not a direct impact to the LEF, any potential costs would be indirect. Therefore, Oversight no fiscal impact for fiscal note purposes for this section of the bill.

Officials from the **Department of Corrections (DOC)** state the language added in section 566.145 involving a class E felony does not change existing legislation in a way that will likely impact department operations. No person was charged under this section in FY 2020.

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

§590.030 – Peace officer licensure

In response to similar legislation from 2021 (Perfectured SS SCS SB 289), officials from the **Department of Public Safety – Capitol Police**, the **Missouri Department of Conservation**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (Perfectured SS SCS SB 289), officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2021 (HCS HB 839), the **MHP** stated there is no cost associated with law enforcement agency Rap Back Program enrollment, nor for law enforcement officer fingerprint submission.

In response to a previous version (SB 289), officials from the **Crestwood Police Department**, the **St. Joseph 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.

§590.192 – 988 Public Safety Fund

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the creation of the new fund does not by itself create a need for additional staffing and resources in the Department of Public Safety. However, if the department is required to manage the fund, promulgate rules, and disperse payments it would require an additional staff person to accomplish these activities.

**Oversight** notes because this is a dedicated fund under the Department of Public Safety, staff may be required to administer this program. Therefore, Oversight will reflect a \$0 to (Unknown) impact to DPS for fiscal note purposes.

**Oversight** notes §590.192 creates the “988 Public Safety Fund” for the purpose 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. The fund shall consist of moneys appropriated by the General Assembly. Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. Oversight also assumes all appropriated moneys, if any, will be expended in the same year on services such as consultation, risk management, education, intervention, and other crisis intervention services provided by DPS to peace officers affected by a critical incident.

In response to a previous version, **B&P** stated this proposal establishes the 988 Public Safety fund. This provision will impact General Revenue (GR) expenditures to the extent the General Assembly appropriates existing GR dollars to the fund. B&P deferred to DPS on the impact to GR.

#### §590.502 – Law Enforcement Officer Disciplinary Actions

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state currently, the Patrol has a policy that allows a member to request a due process hearing (procedural hearing board) if they receive major discipline (more than three days suspension, transfer, termination). As this bill is written, it allows for any member to request a due process hearing for any suspension, demotion, transfer, or loss of income, including minor discipline (less than three days). Therefore, the Patrol assumes it will require more procedural hearing boards with the addition of minor discipline cases, rather than major discipline only. This will have a fiscal impact, due to the necessity for preparation of these hearings, for both the administrative assistant and the investigators; and will require three additional FTEs (1 Clerk Typist and 2 members). There will also be costs for a court reporter, hotel stays, and various other expenses as the Patrol conducts these hearings.

**Oversight** assumes the MHP can absorb the provisions from this proposal with existing personnel and resources. However, if additional duties require increased staffing, the MHP may request additional funding through the appropriations process.

In response to a previous version, officials from the **City of Kansas City** stated §590.502.7 could have a negative fiscal impact on Kansas City if the City has to pay a judgment (Kansas City is responsible for its police department's budget) for a police officer's gross negligence.

**Oversight** notes the (Unknown) impact for the City of Kansas City and is unable to project a statewide cost; therefore, the impact to local governments-political subdivisions will be presented as \$0 to (Unknown).

In response to a previous version, officials from the **Northwest Missouri State University** stated there will be a need for legal fees, officer time compensation, administrative and human resources commitment. Planning on one case a year: legal – 80 hours x \$350 = \$28,000; officer

40 hours x \$31= \$1,240; 80 administrator 80 hours x \$39 = 3,120; human resources 80 hours x \$29 = \$2,320 which equates to approximately \$34,680 annually.

**Oversight** assumes Northwest Missouri State University's impact is in regard to §590.502 and will reflect their response under this section.

Officials from the **University of Central Missouri** has determined the police internal investigation proposals would result in potential increased cost of an indeterminate amount.

**Oversight** notes the impact for Northwest Missouri State University and the University of Central Missouri and is unable to project a statewide cost; therefore, the impact to Colleges and Universities will be presented as \$0 to (Unknown).

#### §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.

In response to similar legislation from 2021 (HCS HB 998), officials from the **Department of Public Safety – Capitol Police**, the **Kansas City Police Department**, and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (HB 998), officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organization.

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

In response to similar legislation from 2021 (HCS HB 998), officials from **the St. Louis County Police Department** state 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.

§§565.058, 574.203, and 574.204 – Filing of certain petitions and protection of health care workers

In response to a previous version, officials from the **Department of Mental Health (DMH)** stated §574.203 states except as otherwise protected by state or federal law, a person, excluding any person who is developmentally disabled as defined in section 630.005, 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.

This section does not exclude the individuals defined as having a mental disorder or mental illness as defined in section 630.005, RSMo, therefore, the Department of Mental Health (DMH) assumes this will impact DMH. Many individuals with a mental disorder or mental illness end up in ERs because they are not stable on medication and are experiencing symptoms that can often result in them being disruptive. If this population is not excluded, then DMH risks seeing a dramatic increase in the number of individuals being charged under this language that would likely be found incompetent and then increase the number of individuals going on the waitlist for an inpatient bed.

The proposed legislation would require court hearings for those clients that have been charged. In our experience, court hearing dates take approximately 6 months to set, further delaying the ability to admit incoming Incompetent to Stand Trial (IST) clients as ordered by the court. Over the past year, the number of IST clients waiting for admission has grown as high as 100, a substantial increase from 65-70 in the prior year. To account for delays in releases of Permanently Incompetent to Stand Trial (PIST) clients and to avoid increasing the already critical waiting list for individuals ordered to the DMH for competency restoration, one additional inpatient state hospital ward will be necessary to keep the IST list from expanding further.

DMH anticipates the need for 45 FTEs which includes one new ward and staff. The total cost is \$3,031,109 in FY22 \$3,521,067 in FY23 and \$3,551,043 in FY24.

**Oversight** does not have any information contrary to that provided by DMH. However, in response to the original provisions found in HCS HB 1022, the DMH assumed no fiscal impact. DMH has revised their response; therefore, Oversight will reflect an (Unknown) impact to the General Revenue Fund for fiscal note purposes.

In response to a previous version, officials from the **Department of Health and Senior Services (DHSS)** stated §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 normal ebb and flow of work scope for DRL so minimal time and expense will be required to conduct the requirements of the proposed legislation.

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

In response to similar legislation from 2021 (HCS HB 1022), officials from the **Department of Commerce and Insurance**, the **Department of Corrections**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **City of Jefferson City**, the **City of Kansas City**, the **Boone County Health Department**, the **Kansas City Health Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, the **Cass County PWS #2**, the **Schell City Water Department**, the **St. Charles County PWS #2**, and the **Wayne County PWS #2** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HCS HB 1022), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes (574.203.2 and 574.204.2) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, Officials from the **Office of Administration - Budget and Planning (B&P)** state Article IX, Section 7 of the Missouri Constitution requires that penalties, forfeitures, and fines collected for violations of state law be distributed to the schools. To the extent any additional such revenues are deposited into the state treasury, TSR may increase.

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

In response to similar legislation from 2021 (SB 513), officials from the **City of Corder**, the **City of O'Fallon**, 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 sections for these agencies.

#### §610.140 – Expungement of records

In response to similar legislation from 2021 (SB 540), officials from the **Department of Corrections (DOC)** 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.

In response to similar legislation from 2021 (SB 540), officials from the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **City of Corder**, the **City of Kansas City**, the **City of O'Fallon**, the **City of St. Louis**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#### §650.335 – Emergency services

In response to similar legislation from 2021 (HB 1086), officials from the **Office of Administration - Budget and Planning (B&P)** stated this proposal has no direct impact on B&P, has no direct impact on general or total state revenues, and will not impact the calculation pursuant to Art. X, Sec. 18(e).

In response to similar legislation from 2021 (HB 1086), officials from the **Department of Public Safety - Office of the Director** 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.

#### Bill as a Whole

In response to a previous version, officials from the **Missouri Department of Conservation (MDC)** stated an unknown fiscal impact, but likely less than \$250,000 for training.

**Oversight** notes without elaboration from the MDC and statements of no impact from other law enforcement agencies, Oversight will assume the MDC will be able to implement the provisions within the proposal with existing resources.

In response to a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (574.045) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version, officials from the **Office of the Secretary of State (SOS)** noted 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 with 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 require additional resources.

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety – (Division of Alcohol and Tobacco Control, Missouri National Guard, State Emergency Management Agency, Missouri Veterans Commission)**, the **Department of Social Services**, the **State Tax Commission**, the **City of Springfield** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Attorney General's Office**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety – (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety)**, the **Missouri Department of Transportation**, the **Missouri Senate**, the **Joint Committee on Administrative Rules**, the **Oversight Division**, the **Office of the State Auditor**, the **Office of the State Courts Administrator**, **MCHCP**, **MOHELA**, **MOSERS**, the **Petroleum Storage Tank Insurance Fund**, the **Office of Administration**, the **Office of the State Treasurer**, the **City of O'Fallon**, the **Ellisville Police Department**, the **St. Joseph Police Department**, the **Crawford County 911 Board**, and **Missouri State University** the **City of Corder**, the **City of Claycomo**, the **Hancock Street Light District**, the **Metropolitan St. Louis Sewer District**, the **Little Blue Valley Sewer**, the **South River Drainage District**, the **Kansas City Police Department**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Fruitland Area Fire Protection 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>GENERAL REVENUE FUND</b>				
<u>Savings</u> – DOC (§§557.045, 558.011, 558.031 and 574.085) Decrease in P&P officers p.	\$0 to...	\$0 to...	\$0 to...	\$0 to Greater than...
Personal service	\$1,485,524	\$1,800,440	\$1,858,004	\$2,246,299
Fringe benefit	\$959,064	\$1,162,381	\$1,199,536	\$1,450,232
Equipment and expense	\$133,078	\$163,622	\$171,358	\$229,695
<u>Total savings</u> - DOC	\$0 to \$2,577,666	\$0 to \$3,126,443	\$0 to \$3,228,898	\$0 to \$3,926,226
FTE Change - DOC	0 to (46) FTE	0 to (46) FTE	0 to (47) FTE	0 to (53) FTE
<u>Savings</u> – DOC p. 5-6 (\$217.690) Decreased incarceration costs	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – DOC p. 9-15 (§§557.045, 558.011 558.031, and 574.085) Increased incarceration costs	\$0 to (\$15,285,783)	\$0 to (\$19,073,710)	\$0 to (\$19,810,236)	\$0 to Greater than (\$25,888,702)
<u>Costs</u> – DMH (§§565.058, 574.203, and 574.204) IST clients	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>GENERAL REVENUE FUND (continued)</b>				
Costs – DPS p. 22 (\$590.1265) Administer the Use of Force Act				Could exceed...
Personal services	(\$38,475)	(\$46,632)	(\$47,098)	(\$47,098)
Fringe benefits	(\$22,935)	(\$27,678)	(\$27,836)	(\$27,836)
Equipment and 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)
<b>Total costs - DPS</b>	<b>(\$72,258)</b>	<b>(\$82,681)</b>	<b>(\$83,327)</b>	<b>(\$83,327)</b>
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Transfer Out – to the 988 Public Safety Fund \$590.192 p. 21</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$72,258 to could exceed \$12,780,375)</u></b>	<b><u>(\$82,681 to could exceed \$16,029,948)</u></b>	<b><u>(\$83,327 to could exceed \$16,664,665)</u></b>	<b><u>(\$83,327 to could exceed \$22,045,803)</u></b>
Estimated Net FTE Change on the General Revenue Fund	0 to (45) FTE	0 to (45) FTE	0 to (46) FTE	0 to (52) FTE

<b>AGRICULTURE PROTECTION FUND (0970)</b>				
<u>Revenue</u> – MDA – increase in number of commercial NRUP license fees §281.035 p. 6	\$0	\$0	\$91,630	Could exceed \$183,260
<u>Revenue</u> – MDA – increase in number of non-commercial NRUP license fees §281.037 p. 6	\$0	\$0	\$16,083	Could exceed \$32,165
<u>Costs</u> – MDA (§§281.035 and 281.037) p. 6				Could exceed...
Personal Services	\$0	\$0	(\$16,016)	(\$32,352)
Fringe Benefits	\$0	\$0	(\$11,079)	(\$22,264)
Computer network	\$0	\$0	(\$20,000)	\$0
Equipment and expense	\$0	\$0	(\$2,743)	\$0
<u>Total costs</u> – MDA	<u>\$0</u>	<u>\$0</u>	<u>(\$49,838)</u>	<u>(\$54,616)</u>
FTE Change – MDA	0 FTE	0 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE AGRICULTURE PROTECTION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$57,875</u></b>	<b><u>Could exceed \$160,810</u></b>
Estimated Net FTE Change to the Agriculture Protection Fund	0 FTE	0 FTE	1 FTE	1 FTE



<u>FISCAL IMPACT – State Government</u> (continued)	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>COLLEGES AND UNIVERSITIES</b>				
<u>Costs</u> – (\$590.502) Litigation costs related to police officer’s negligence p. 21-22	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2031)
<b>LOCAL GOVERNMENTS</b>				
<u>Costs</u> – Cities (\$590.502) Litigation costs related to police officer’s negligence p. 21-22	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

FISCAL IMPACT – Small Business

Certain small businesses that sell intoxicating liquor and/or lottery tickets could be impacted by this proposal. (§§311.060, 311.660, and 313.220)

FISCAL DESCRIPTION

This act creates provisions relating to public safety.

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 Corrections  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Social Services  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the Governor  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
Petroleum Storage Tank Insurance Fund  
Department of Revenue  
Office of the State Treasurer  
Department of Commerce and Insurance  
Department of Economic Development  
MoDOT & Patrol Employees' Retirement System  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Legislative Research  
Joint Committee on Public Employee Retirement  
Office of the Lieutenant Governor  
Missouri House of Representatives  
Missouri Department of Agriculture  
University of Missouri  
Missouri Lottery Commission  
Missouri Ethics Commission  
Missouri Senate  
Oversight Division  
Office of the State Auditor  
Missouri Consolidated Health Care Plan

City of Ballwin  
City of Claycomo  
City of Corder  
City of Hughesville  
City of Kansas City  
City of O'Fallon  
City of Springfield  
City of Jefferson City  
Crestwood Police Department  
Ellisville Police Department  
Kansas City Police Department  
Fruitland Area Fire Protection District  
Northwest Missouri State University  
Missouri State University  
University of Central Missouri  
Boone County Health Department  
Kansas City Health Department  
Newton County Health Department  
Hancock Street Light District  
Metropolitan St. Louis Sewer District  
Little Blue Valley Sewer  
South River Drainage District  
Cass County PWSD #2  
Schell City Water Department  
St. Charles County PWSD #2  
Wayne County PWSD #2  
Corder Water/Wastewater  
Lexington Water/Wastewater  
Kansas City Health Department  
St. Joseph Police Department



Julie Morff  
Director  
May 14, 2021



Ross Strope  
Assistant Director  
May 14, 2021