

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0828S.07T
 Bill No.: Truly Agreed To and Finally Passed CCS No. 2 for HCS for SS No. 2 for SB 26
 Subject: Law Enforcement Officers and Agencies; Criminal Procedure; Attorneys;
 Administrative Law
 Type: Original
 Date: June 9, 2021

Bill Summary: This proposal creates 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 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 \$21,767,656)
Total Estimated Net Effect on 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 \$21,767,656)

*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 2,755 more people in prison and 2,691 fewer people under field supervision by FY2031. This legislation would still allow for the discretionary granting of jail time credit. Therefore, the projected impact will be reflected as \$0 to approximately (\$21 million).

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 2031)
Agriculture Protection Fund***	\$0	\$0	\$57,875	Could exceed \$160,810
University of MO***	\$0	\$0	\$200,000	Could exceed \$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
Total Estimated Net Effect on Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	Less than \$257,875	More or less than \$560,810

*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).

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
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 (51) FTE
Agriculture Protection Fund	0 FTE	0 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	0 to (45) FTE	0 to (45) FTE	0 to (45) FTE	0 to (50) 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 2031)
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§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, 566.145, 571.030, 575.205, 575.206, 589.042, 650.055, and 650.058 – Parole Board

Officials from the **Department of Corrections** assume the proposal pertains to renaming and is intended for organizational and administrative purposes and does not affect any existing penalties, does not impose new penalties or new charges, and does not impact current population or affect new admissions and, therefore, 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.

§67.030 – Local law enforcement budgets

Officials from the **City of Kansas City** state 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** and **St. Louis**, 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.

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 this section.

§67.494 – Security measure on private property

In response to similar legislation from 2021 (HB 1331), officials from the **St. Louis County Police Department** and the **Nodaway County Ambulance District** 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.

§190.307 – Emergency services

In response to similar legislation from 2021 (HB 1161), officials from the **St. Louis County Police Department** and the **Nodaway County Ambulance District** 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.

§217.690 – Terms of imprisonment

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

§§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

Officials from the **Office of Administration - Budget and Planning (B&P)** state the EPA made changes to the federal certification of pesticide applicators regulations (40 CFR Part 171) that became effective March 6, 2017. Missouri Department of Agriculture (MDA) must demonstrate that Missouri can make the necessary statutory and regulatory changes to comply with the new federal regulations or MDA will lose the ability to be the state lead agency for pesticide

applicator certification and training, and EPA will become the responsible agency performing this vital regulatory framework in Missouri.

Officials from the **Missouri Department of Agriculture (MDA)** assume 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.

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 income/savings as provided by the UM.

In response to a similar proposal (SB 491), officials from the **City of Corder** and the **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 organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

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 **City of Ballwin**, the **City of St. Louis**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Springfield Police Department**, and the **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.

§542.525 – Cameras on private property

In response to similar legislation from 2021 (HCS HB 11166), officials from the **Department of Economic Development**, the **Joint Committee on Education**, the **City of Corder**, the **City of St. Louis**, 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 (HB 1166), officials from the **Office of the Lieutenant Governor** 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 st Degree	A	72	17.0
565052	Assault 2 nd 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 st Degree	A	23	10.9
565052	Assault 2 nd 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 st Degree	A	96	17.5	14.9	90%
565052, 565082	Assault 2 nd Degree	B	18	8.4	4.1	50%

Given the designation of these offenses as dangerous felonies, DOC assumes all offenders with class A and class B felony offenses will serve 85% of their sentence in prison prior to first release.

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
New Admissions										
Current Law	72	72	72	72	72	72	72	72	72	72
After Legislation	95	95	95	95	95	95	95	95	95	95
Probation										
Current Law	23	23	23	23	23	23	23	23	23	23
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	23	23	23	23	23	23	23	23	23	23
Probations	-23	-23	-23	-23	-23	-23	-23	-23	-23	-23
Cumulative Populations										
Prison	23	46	69	92	115	138	161	184	207	230
Parole										
Probation	-23	-46	-69	-92	-115	-138	-161	-184	-207	-230
Impact										
Prison Population	23	46	69	92	115	138	161	184	207	230
Field Population	-23	-46	-69	-92	-115	-138	-161	-184	-207	-230
Population Change	0	0	0	0	0	0	0	0	0	0

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

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	29	29	29	29	29	29	29	29	29	29
After Legislation	48	48	48	48	48	48	48	48	48	48
Probation										
Current Law	19	19	19	19	19	19	19	19	19	19
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions	19	19	19	19	19	19	19	19	19	19
Probations	-19	-19	-19	-19	-19	-19	-19	-19	-19	-19
Cumulative Populations										
Prison	19	38	57	76	95	129	177	196	196	196
Parole						-15	-44	-44	-40	-40
Probation	-19	-38	-57	-76	-95	-114	-131	-131	-131	-131
Impact										
Prison Population	19	38	57	76	95	129	177	196	196	196
Field Population	-19	-38	-57	-76	-95	-129	-175	-175	-171	-171
Population Change	0	0	0	0	0	0	2	21	25	25

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.

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.

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

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

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

The cumulative impact on the Department is estimated to be 8 additional offenders in prison and 16 additional offenders on field supervision by FY 2024.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

§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.

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.

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

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.

Within 10 years, DOC estimates the cumulative impact of changes in these sections may result in up to approximately 2,755 more people in prison and 2,691 fewer people under field supervision.

Change in prison admissions and probation openings with legislation

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
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
Probation										
Current Law	42	42	42	42	42	42	42	42	42	42
After Legislation	7	7	7	7	7	7	7	7	7	7
Change (After Legislation - Current Law)										
Admissions	46	46	46	46	46	46	46	46	46	46
Probations	-35	-35	-35	-35	-35	-35	-35	-35	-35	-35
Cumulative Populations										
Prison	2,365	2,411	2,455	2,497	2,539	2,596	2,667	2,709	2,732	2,755
Parole	-2,319	-2,319	-2,317	-2,314	-2,311	-2,326	-2,355	-2,355	-2,351	-2,351
Probation	-35	-70	-105	-147	-189	-231	-271	-294	-317	-340
Impact										
Prison Population	2,365	2,411	2,455	2,497	2,539	2,596	2,667	2,709	2,732	2,755
Field Population	-2,354	-2,389	-2,422	-2,461	-2,500	-2,557	-2,626	-2,649	-2,668	-2,691
Population Change	11	22	33	36	39	39	41	60	64	64

	# to prison	Cost per year	Total Costs for prison	Change in Total & parole officers	Total savings for probation and parole	# 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	(2,557)	(\$18,682,681)
Year 7	2,667	(\$7,756)	(\$23,294,953)	(51)	\$3,657,705	(2,626)	(\$19,637,248)
Year 8	2,709	(\$7,756)	(\$24,135,039)	(51)	\$3,697,336	(2,649)	(\$20,437,704)
Year 9	2,732	(\$7,756)	(\$24,826,750)	(52)	\$3,810,784	(2,668)	(\$21,015,966)
Year 10	2,755	(\$7,756)	(\$25,536,475)	(52)	\$3,852,146	(2,691)	(\$21,684,329)

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 notes this legislation changes credit toward the service of a sentence of imprisonment for all time in prison, jail, or custody to apply after the conviction rather than after the offense occurred. Additionally, 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 will be applicable to offenses occurring on or after August 28, 2021. Due to this discretionary granting of jail time credit, Oversight will reflect DOC's projected impact of \$0 to the amount(s) provided by DOC.

Officials from the **Office of the State Public Defender (SPD)** state the changes to Section 558.031 concerning calculation of jail credit and who the entity is that determines jail credit will result in additional post-conviction cases for the State Public Defender. The number of new cases is too uncertain to determine what additional resources will be needed as a result of this change.

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.

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

Officials from the **Department of Mental Health (DMH)** state §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 FY 2022 \$3,521,067 in FY 2023 and \$3,551,043 in FY 2024.

Oversight does not have any information contrary to that provided by DMH. However, in response to the original provisions found in HCS HB 1022, DMH assumed no fiscal impact. Oversight assumes the number of persons convicted of the offense of interference with a health care facility will not reach the levels estimated by DMH and therefore will reflect an (Unknown) impact to the General Revenue Fund for fiscal note purposes.

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

Officials from the **Department of Corrections** assume the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2021 (HCS 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.

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

B&P states 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 **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 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.

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

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 **St. Louis County Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (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.

§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.

B&P states 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 defers 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 (3) additional FTE (one (1) Clerk Typist and two (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.

Officials from the **City of Kansas City** state §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** state the police internal investigation proposals would result in potential increased costs 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 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.

§610.140 – Expungement of records

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

In response to similar legislation from 2021 (SB 540), officials from the **City of Corder**, the **City of St. Louis**, 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.

Bill as a Whole

Officials from the **Missouri Department of Conservation (MDC)** state an unknown fiscal impact, but likely less than \$250,000 for training.

Oversight assumes the MDC will be able to implement the provisions of this bill into their annual training and will present no impact for fiscal note purposes.

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 (SOS)** note 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 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 should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Attorney General's Office**, the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety** –

(Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri National Guard, State Emergency Management Agency, Missouri Veterans Commission), the Department of Social Services, the Legislative Research, the Missouri Department of Transportation, the Missouri Ethics Commission, the Missouri House of Representatives, the Missouri Lottery Commission, the Missouri Senate, the MoDOT & Patrol Employees' Retirement System, the Office of Administration, the Office of the Governor, the Office of the State Auditor, the Office of the State Courts Administrator, the Office of the State Treasurer, the Oversight Division, the State Tax Commission, EPARC, MCHCP, MOHELA, MOSERS, the City of Claycomo, the City of Springfield, the Newton County Health Department, the Kansas City Police Department, the St. Joseph Police Department, the Fruitland Area Fire Protection District, the Crawford County 911 Board, the Hancock Street Light District, the Little Blue Valley Sewer, the Metropolitan St. Louis Sewer District, the South River Drainage District, and the Wayne County PWSD #2 each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Joint Committee on Public Employee Retirement (JCPER)** state this proposal will not affect retirement plan benefits as defined in §105.660(9).

In response to a previous version, officials from the **Petroleum Storage Tank Insurance Fund** and the **City of O'Fallon** 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
GENERAL REVENUE FUND				
<u>Savings</u> – DOC p. 5 (\$217.690) Decreased incarceration costs	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Savings</u> – DOC (§§557.045, 558.031 and 574.085) Decrease in P&P officers p. 7-15	\$0 to...	\$0 to...	\$0 to...	\$0 to Greater than...
Personal service	\$1,485,524	\$1,800,440	\$1,858,004	\$2,203,916
Fringe benefit	\$959,064	\$1,162,381	\$1,199,536	\$1,422,869
Equipment and expense	\$133,078	\$163,622	\$171,358	\$225,361
<u>Total savings</u> - DOC	\$0 to \$2,577,666	\$0 to \$3,126,443	\$0 to \$3,228,898	\$0 to \$3,852,146
FTE Change - DOC	0 to (46) FTE	0 to (46) FTE	0 to (47) FTE	0 to (52) FTE
<u>Costs</u> – DOC p. 7-15 (§§557.045, 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 (\$25,536,475)
<u>Costs</u> – DMH p. 15-16 (§§565.058, 574.203, & 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)
GENERAL REVENUE FUND (continued)				
<u>Costs</u> – DPS p. 19 (§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)
Total costs - DPS	(\$72,258)	(\$82,681)	(\$83,327)	(\$83,327)
FTE Change - DPS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Transfer Out – to the 988 Public Safety Fund §590.192 p. 17-18</u>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$72,258 to could exceed \$12,780,375)</u>	<u>(\$82,681 to could exceed \$16,029,948)</u>	<u>(\$83,327 to could exceed \$16,664,665)</u>	<u>(\$83,327 to could exceed \$21,767,656)</u>
Estimated Net FTE Change on the General Revenue Fund	0 to (45) FTE	0 to (45) FTE	0 to (46) FTE	0 to (51) FTE
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
AGRICULTURE PROTECTION FUND (0970)				
<u>Revenue – MDA – increase in number of commercial NRUP</u>				Could exceed

license fees §281.035 p. 5-7	\$0	\$0	\$91,630	\$183,260
<u>Revenue</u> – MDA – increase in number of non-commercial NRUP license fees §281.037 p. 5-7	\$0	\$0	\$16,083	Could exceed \$32,166
<u>Costs</u> – MDA (§§281.035 and 281.037) p. 5-7				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	\$0	\$0	(\$49,838)	(\$54,616)
FTE Change – MDA	0 FTE	0 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE AGRICULTURE PROTECTION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$57,875</u>	<u>Could exceed \$160,810</u>
Estimated Net FTE Change to the Agriculture Protection Fund	0 FTE	0 FTE	1 FTE	1 FTE
<u>FISCAL IMPACT</u> – <u>State Government</u> (continued)	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
UNIVERSITY OF MISSOURI				
<u>Savings</u> – UM – revenue from fees for pesticide training §281.040 p. 5-7	\$0	\$0	\$200,000	Could exceed \$400,000

ESTIMATED NET EFFECT ON THE UNIVERSITY OF MISSOURI	<u>\$0</u>	<u>\$0</u>	<u>\$200,000</u>	<u>Could exceed \$400,000</u>
988 PUBLIC SAFETY FUND				
<u>Transfer In</u> – from General Revenue p. 17-18	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – DPS Administration and expenditures for the program p. 17-18	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO THE 988 PUBLIC SAFETY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT</u> – State Government (continued)	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
COLLEGES AND UNIVERSITIES				
<u>Costs</u> – (§590.502) Litigation costs related to police officer’s negligence				

p. 19-20	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2031)
LOCAL GOVERNMENTS				
<u>Costs – Cities</u> (\$590.502) Litigation costs related to police officer’s negligence p. 19-20	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

FISCAL IMPACT – Small Business

Small pesticide applicator businesses could be impacted as a result of this proposal. (§§281.015 to 281.101)

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

ELIGIBILITY FOR PAROLE (Sections 217.690 and 217.692)

This act provides that any offender sentenced to a term of imprisonment amounting to 15 years or more or multiple terms that amount to 15 years or more who was under 18 years of age at the time of the commission of the offense may be eligible for parole after serving 15 years of incarceration regardless of whether the case is final for the purpose of appeal. Such person may be eligible for reconsideration hearings in accordance with Parole Board regulations.

PESTICIDE CERTIFICATION AND TRAINING (Sections 281.015-281.101):

This act modifies provisions relating to pesticide certification and training.

The act creates and modifies several definitions related to pesticides.

The act repeals a provision allowing the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator.

The Director may, by regulation, classify licenses, including a license for noncertified restricted use pesticide applicators.

No individual shall engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director.

No certified commercial applicator shall knowingly authorize, direct, or instruct any individual to engage in determining the need for the use of any restricted pesticide on the land of another unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified commercial applicator in which case the certified commercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified commercial applicator's direct supervision.

No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified noncommercial applicator in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.

No pesticide technician shall use or determine the need for the use of any pesticide unless there is a certified commercial applicator, certified in categories as specified by regulation, working from the same physical location as the licensed pesticide technician. A pesticide technician may complete retraining requirements and renew the technician's license without a certified commercial applicator working from the same physical location.

No certified private applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or the certified applicator's employer unless such individual is licensed as a certified private applicator or a certified provisional applicator.

A private applicator shall qualify for a certified private applicator's license or a certified provisional applicator's license by attending an approved program, completing an approved certification course, or passing a certification examination as listed in the act.

The University of Missouri extension may collect reasonable fees, for training and study materials, for attendance of a certification training program, and for an online certification training program. Such fees shall be assessed based on the majority option decision of a review committee convened every 5 years by the Director. Such fees shall not exceed \$75 unless certain members of the review committee vote unanimously in favor of setting a higher fee. The committee shall be composed of members as set forth in the act.

A certified private applicator holding a valid license may renew such license for 5 years upon successful completion of recertification training or by passing the required private applicator certification examination.

On the date of the certified provisional private applicator's 18th birthday, his or her license will automatically be converted to a certified private applicator license reflecting the original expiration date from issuance. A certified provisional private applicator's license shall expire 5 years from date of issuance and may then be renewed as a certified private applicator's license without charge or additional fee.

A provision allowing a private applicator to apply for a permit for the one-time emergency purchase and use of restricted use pesticides is repealed.

No certified public operator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified restricted use pesticide applicator while working under the direct supervision of a certified public operator in which case the certified public operator shall be liable for any use of a restricted used pesticide by an individual operating under the certified public operator's direct supervision.

Any person who volunteers to work for a public agency may use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the state agency, political subdivision, or governmental agency.

The act creates provisions relating to the use of restricted pesticides. An application for a noncertified restricted use pesticide applicator's license shall follow requirements as set forth in the act and once licensed, a restricted use pesticide applicator shall use pesticides as set forth in the act, including when under supervision of another individual licensed by the Department of Agriculture.

Each pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale direct to the end user shall have at least one individual licensed as a pesticide dealer. Any individual possessing restricted use

pesticides and selling or holding and offering for sale such pesticides from a motor vehicle shall be licensed as a pesticide dealer. No individual shall be issued more than one pesticide dealer license.

Each applicant for a pesticide dealer's license shall pass a pesticide dealer examination provided by the Director.

Licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the Department within 10 days of any conviction of or plea to any offense listed in the act.

The Director may issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state.

The act repeals a provision stating that a nonresident applying for certain pesticide licenses to operate in Missouri shall designate the Secretary of State as the agent of such nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent. The act prohibits any person to use or supervise the use of pesticides that are cancelled or suspended. It is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides. Additionally, it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

These provisions shall become effective on January 1, 2024.

OFFENSES INELIGIBLE FOR PROBATION (Section 557.045)

This act adds to the offenses ineligible for probation any dangerous felony where the victim is a law enforcement officer, firefighter, or an emergency service provider while in the performance of his or her duties.

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.

VANDALISM (Section 574.085)

Under current law, a person commits the offense of institutional vandalism if he or she knowingly vandalizes certain structures. This act provides that a person shall be guilty of a Class E felony if he or she knowing vandalizes any public monument or structure on public property.

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 INTERFERENCE WITH AN AMBULANCE SERVICE (Section 574.204)

This act provides that a person commits the offense of interference with an ambulance service if the person acts alone or in concert with others to willfully or recklessly interfere with access to or from an ambulance or willfully disrupt any ambulance service by threatening to inflict injury on any person providing ambulance services or damage the ambulance. Such offense is a class D misdemeanor for the first offense and a Class C misdemeanor for any second or subsequent offense.

988 PUBLIC SAFETY FUND (Section 590.192)

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.

LAW ENFORCEMENT OFFICER DISCIPLINARY ACTIONS (Section 590.502)

This act provides that when a law enforcement officer who reasonably believes he or she is under investigation which could lead to disciplinary action, demotion, dismissal, transfer, or placement that could lead to economic loss, the investigation shall include the following conditions:

- The law enforcement officer shall be informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation;

- Any complaint filed shall be supported by a written statement outlining the complaint;
- Any investigation shall be conducted for a reasonable length of time and only while the officer is on duty unless reasonable circumstances prevent such questioning while on duty;
- Prior to an interview session the law enforcement officer shall be informed that he or she is being ordered to answer questions under threat of disciplinary action and that the officer's answers to the questions will not be used against the officer in a criminal proceeding.
- Any investigation shall be conducted at a secure location at the agency that is conducting the investigation or the office of the officer unless the officer consents to another location;
- The law enforcement officer shall be questioned by up to two investigators and shall be informed of the name and rank of each questioning officer;
- Law enforcement officers shall not be threatened, harassed, or promised rewards for answering questions, except that a law enforcement officer may be compelled to give protected statements to an investigator under direct control of the agency;
- Law enforcement officers are entitled to have an attorney or duly authorized representative present during questioning and prior to the questioning the officer and his or her representative shall have the opportunity to review the complaint;
- A complete record of the investigation shall be kept by the agency and a copy shall be provided to the officer upon request;
- The agency conducting the investigation shall have 90 days to complete such investigation and may extend the investigation under certain circumstances;
- The officer shall be informed in writing within 5 days of the conclusion of the investigative findings and any recommendations for further action; and
- A complete record of the administrative investigation shall be kept by the law enforcement agency and all records shall be confidential and not subject to disclosure under Sunshine Law, except by lawful subpoena or court order.
Any law enforcement officer suspended without pay shall be entitled to a full due process hearing as provided in the act. Any decision following the hearing shall be in writing and shall include findings of fact.

This act provides that law enforcement officers shall have the opportunity to provide a written responses to any adverse materials in their personnel file.

Law enforcement officers shall have the right to compensation for any economic loss incurred during an investigation if the officer is found to have committed no misconduct.

Employers shall defend and indemnify law enforcement officers against civil claims made against an officer while the officer was acting within his or her duties as a law enforcement officer. If any criminal convictions arise out of the same conduct, the employer is no longer obligated to defend the officer in the civil claim. Law enforcement officers shall not be disciplined or dismissed as a result of the assertion of their constitutional rights in any judicial proceeding, unless the officer admits to wrong-doing.

This act provides that a law enforcement officer may bring an action for enforcement of these provisions in the circuit court for the county in which the law enforcement agency or governmental body has its principal place of business. Upon a finding by a preponderance of the evidence that a law enforcement agency or governmental body has purposely violated this act, the court shall void any action taken in violation of this section. Suit for enforcement shall be brought within one year from which the violation is ascertainable.

Finally, a law enforcement agency that has substantially similar or grater procedures shall be deemed in compliance with this act.

POLICE USE OF FORCE DATABASE (Section 590.1265)

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

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).

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 June 30, 2022, 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.

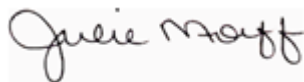
The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be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

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

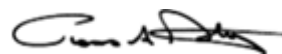
SOURCES OF INFORMATION

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
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
EPARC
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
Crawford County 911 Board
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
June 9, 2021



Ross Strobe
Assistant Director
June 9, 2021