

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3386S.11S  
 Bill No.: CCS for HCS for SS for SCS for SB Nos. 775, 751 & 640  
 Subject: Children and Minors: Crimes and Punishment; Criminal Procedure; Courts;  
 Education, Elementary and Secondary; Evidence; Sexual Offenses; Victims of  
 Crime; Law Enforcement Officers and Agencies  
 Type: Original  
 Date: May 10, 2022

Bill Summary: This proposal modifies provisions relating to judicial proceedings.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue	Less than (\$440,991)	Less than (\$774,093)	Less than (\$940,576)	Less than (\$1,212,616)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Less than (\$440,991)</b>	<b>Less than (\$774,093)</b>	<b>Less than (\$940,576)</b>	<b>Less than (\$1,212,616)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
<b>Total Estimated Net Effect on <u>Other State</u> Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Federal Funds*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and expenses estimated at \$127,000 annually nets to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue				
	3.52 FTE	4.52 FTE	4.52 FTE	6.52 FTE
Federal Funds	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>5 FTE</b>	<b>6 FTE</b>	<b>6 FTE</b>	<b>8 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 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §1.016 – Law

**Oversight** assumes this section will not have a direct fiscal impact.

#### §§210.1500, 211.031, 567.020, 573.010 – Child Trafficking

In response to a previous version, officials from the **Department of Social Services (DSS)** stated the following:

#### **DLS**

The Division of Legal Services (DLS) estimates that it will require an additional one (1) full-time employee in the form of a litigation or permanency attorney to implement this litigation.

According to Global Orphan Prevention, relying upon data accessed from the U.S. Department of State, child sex trafficking impacts more than 17,000 young people every year. This is believed to be a low estimate. It is approximated that 2% of these young people are in Missouri, meaning that approximately 340 (17,000 x .02), prostitute victims under the age of 18 annually.

Prior to 9/22/17, the child abuse and neglect hotline used a code for incidents of prostitution. These were allegations of sexual abuse victims under 18. On 9/22/17, the prostitution code was replaced by a code for human trafficking. (HT = Reports of a child determined to be both a victim of sexual abuse and sex trafficking.) The HT code would include allegations related to prostitution as well as other types of human trafficking as well.

The chart below shows the children picked up using the HT code for FY19, FY20 and FY21. Of the total of those years 755, 46 children entered foster care in the first 30 days, or about 6%.

### **MISSOURI DEPARTMENT OF SOCIAL SERVICES FY19-21 NUMBER OF HT KIDS AND THOSE ENTERED FOSTER CARE**

	NUMBER OF KIDS WITH HTCODE	NUMBER OF HT KIDS ENTERED FOSTER CARE IN 30 DAYS
FY19	260	14
FY20	244	11
FY21	251	21
TOTAL	755	46

If this percentage holds true, 340 new cases annually would result in about 20 children entering care yearly.

Assuming that an additional 20 children enter foster care, it is assumed that there would be a need of one additional full-time attorney to assist with additional needs that would result from permanency and adoption issues that may result.

**CD**

Three hundred and forty additional reports a year works out to 28 investigations or assessments per month, requiring two (2) FTE investigator/assessors.

The Children’s Division would also require two (2) FTE Program Development Specialists to provide administrative support and to serve as the point for the committee to arrange meetings dates and locations, and to collaborate with all council members to:

- Collect and analyze data relating to sex trafficking and sexual exploitation of children;
- Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children; and
- Generate and submit a report of the council's activities to the governor and general assembly and the joint committee on child abuse and neglect including statutory or regulatory changes relating to the response to sex trafficking and sexual exploitation of children and services for child victims.

**Oversight** notes the one (1) DLS FTE is 100 percent General Revenue funded and the four (4) CD FTE are split 63% GR; 37% Federal. Oversight notes DSS has broken out the CD FTE positions in this version to reflect the salary and fringe costs for (2) FTE investigator/assessors and two (2) FTE Program Development Specialists, rather than four (4) FTE Program Development Specialists in the previous version to better reflect the duties required in this proposal. Oversight does not have any information contrary to that provided by DSS. Therefore, Oversight will reflect DSS’s impact for fiscal note purposes.

In response to similar legislation from this year, Perfected HCS for HB 2032, officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from this year, Perfected HCS for HB 2032, officials from the **Department of Elementary and Secondary Education**, the **City of Claycomo**, the **City of Springfield**, the **Hermann Area Hospital District**, the **Office of Administration**, **Missouri State University** and the **University of Central Missouri** 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.

#### §210.1505 – Statewide Council on Sex Trafficking and Sexual Exploitation of Children

In response to a previous version, officials from the **Missouri Senate (SEN)** stated this proposal establishes the Statewide Council on Sex Trafficking and Sexual Exploitation of Children. The council is comprised of 2 Senators, 2 Representatives, 5 Department Directors, and 6 general public members.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 261 miles and the current mileage rate, as set by the Office of Administration, is 49 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of \$256 per meeting.

**Oversight** does not have any information to the contrary. Oversight notes extrapolating the SEN's anticipated expenses to the entire council (15 individuals) would total approximately \$1,920 per meeting. Oversight assumes the council will meet quarterly or four meetings per year for a total of \$7,680. As this is not a material amount, Oversight will not reflect this in the fiscal note; however, if additional councils are added in other proposals, additional appropriation authority may be needed. Oversight notes the council expires on December 31, 2023.

#### §§217.703, 559.036, 559.115 – Post Conviction Treatment Programs

In response to a previous version, officials from the **Department of Corrections (DOC)** assumed changes to §§559.036 and 559.115 will reflect no changes to admissions to DOC as these offenders could be required to receive a new structured cognitive behavioral program during their 120-day incarceration.

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

In response to similar legislation from this year, HCS for HB 2597, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

§§455.073, 455.075, 455.085, 546.262, 546.263, 595.320 – Provisions relating to domestic violence

In response to similar legislation from this year, Perfected HCS for HB 1699, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these sections.

**Oversight** notes the number of adult abuse and child protection order cases that have been filed and disposed over the last five years relating to domestic relations.

	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2017</u>	<u>FY 2016</u>	<u>5 Year Avg</u>
Adult Abuse Filed	41,609	43,552	43,846	44,359	43,877	43,449
Adult Abuse Disposed	39,104	42,884	43,680	43,931	43,133	42,546
Child Protection Orders Filed	7,584	8,705	8,729	8,783	8,462	8,453
Child Protection Orders Disposed	7,315	8,564	8,687	8,595	8,517	8,336
Source: Table 42 - OSCA's Annual Statistical Supplemental Report on Domestic Relations Cases						

In response to similar legislation from this year, Perfected HB 1637, officials from the **Department of Elementary and Secondary Education**, the **Office of the State Treasurer**, the **City of Claycomo**, the **City of Hughesville**, the **City of Springfield**, **Gordon Parks Elementary**, the **University of Missouri**, and the **Hermann Area Hospital District** assume the proposal will have no fiscal impact on their respective organizations.

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

§478.600 – 11<sup>th</sup> Judicial Circuit

In response to similar legislation from this year, HCS for HB 2423, officials from the **Office of the State Courts Administrator (OSCA)** assumed this proposed legislation adds provisions relating to the Eleventh Judicial Court.

**Oversight** notes this version appears to not increase the number of judicial employees. Therefore, Oversight will not reflect a fiscal impact from this change.

§§491.015, 595.201, 595.226

In response to a previous version, officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Commerce and Insurance**, the **Department of Public Safety (Office of the Director, Alcohol and Tobacco Control, Gaming Commission, National Guard, Veterans Commission, State Emergency Management Agency)** the **Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Phelps County Sheriff's Department**, the **Hermann Area Hospital District**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **Office of the State Courts Administrator** and the **Department of Elementary and Secondary Education** 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.

§556.046 – Jury Instructions

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

§§566.010 and 566.086 – Expands the Definition of Sexual Contact and Perpetrators

In response to a previous version, officials from the **Department of Corrections (DOC)** stated for each new sex or child abuse related class E felony, the Department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years, of which 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years. The cumulative impact on the Department is estimated to be 9 additional offenders in prison and 17 additional offenders on field supervision by FY 2027.

§§566.149, 566.150 & 566.155 – Sexual Offenders

In response to a previous version, officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to sexual offenses.

The first violation of the provisions of sections 566.150 and 566.155 is a class E felony and a second or subsequent violation of these sections is a class D felony. Thus, the bill essentially creates a new class E non-violent felony and a new non-violent class D felony for any person previously convicted under section 573.037.

For two new nonviolent class E felonies, the DOC estimates 2 people will be sentenced to prison and 4 to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 4 additional offenders in prison and 15 additional offenders on field supervision by FY 2026.

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

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2
<b>Probation</b>									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4
<b>Change (After Legislation - Current Law)</b>									
Admissions	2	2	2	2	2	2	2	2	2
Probations	4	4	4	4	4	4	4	4	4
<b>Cumulative Populations</b>									
Prison	2	4	4	4	4	4	4	4	4
Parole			2	3	3	3	3	3	3
Probation	4	8	12	12	12	12	12	12	12
<b>Impact</b>									
Prison Population	2	4	4	4	4	4	4	4	4
Field Population	4	8	14	15	15	15	15	15	15
Population Change	6	12	18	19	19	19	19	19	19

For two new nonviolent class D felonies, the DOC estimates 6 people will be sentenced to prison and 10 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 DOC is estimated to be 17 additional offenders in prison and 43 additional offenders on field supervision by FY 2027.

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

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

Combined Cumulative Impact



The combined cumulative impact is 21 new prison admissions and 58 new offenders in the field by FY2027.

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

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8
<b>Probation</b>									
Current Law	0	0	0	0	0	0	0	0	0
After Legislation	14	14	14	14	14	14	14	14	14
<b>Change (After Legislation - Current Law)</b>									
Admissions	8	8	8	8	8	8	8	8	8
Probations	14	14	14	14	14	14	14	14	14
<b>Cumulative Populations</b>									
Prison	8	16	21	21	21	21	21	21	21
Parole	0	0	3	10	16	16	16	16	16
Probation	14	28	42	42	42	42	42	42	42
<b>Impact</b>									
Prison Population	8	16	21	21	21	21	21	21	21
Field Population	14	28	45	52	58	58	58	58	58
Population Change	22	44	66	73	79	79	79	79	79

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Change in P&P Officers	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	8	(\$8,255)	(\$55,033)	14	0	\$0	(\$55,033)
Year 2	16	(\$8,255)	(\$134,722)	28	0	\$0	(\$134,722)
Year 3	21	(\$8,255)	(\$180,359)	45	0	\$0	(\$180,359)
Year 4	21	(\$8,255)	(\$183,966)	52	1	(\$84,020)	(\$267,986)
Year 5	21	(\$8,255)	(\$187,645)	58	1	(\$76,150)	(\$263,796)
Year 6	21	(\$8,255)	(\$191,398)	58	1	(\$76,969)	(\$268,367)
Year 7	21	(\$8,255)	(\$195,226)	58	1	(\$77,797)	(\$273,023)
Year 8	21	(\$8,255)	(\$199,130)	58	1	(\$78,637)	(\$277,767)
Year 9	21	(\$8,255)	(\$203,113)	58	1	(\$79,484)	(\$282,597)
Year 10	21	(\$8,255)	(\$207,175)	58	1	(\$80,342)	(\$287,517)

**Oversight** notes during the past two fiscal years, 57 people have been found guilty under §566.150:

	Felony guilty dispositions
FY 2021	29
FY 2020	28
Total	57

Of the 29 individuals convicted in FY 2021, three were charged with a D felony, and 26 were charged with an E felony. In FY 2020, all 28 individuals were convicted with an E felony.

**Oversight** notes this proposal adds offenders who have been convicted of possession of child pornography under §573.037 to the statute. Therefore, Oversight will assume DOC's estimated number of additional prisoners may be too high and will assume less than the estimate provided by DOC.

**Oversight** also inquired the **Department of Public Safety's Office of the Director (DPS-DO)** regarding the forensic exams in §595.201.2(2) of this proposal and DPS-DO responded as follows:

In SFY21, the DPS SAFE program paid providers 2,961 claims in the amount of \$1,733,429.07

Regardless of any omissions to [RSMo 595.201.2\(2\)](#), DPS SAFE is required to comply with [RSMo 595.220](#) and pay appropriate medical providers.

§§573.024 and 573.206 – Child trafficking

In response to a previous version, officials from the **Department of Corrections (DOC)** stated §§573.024 & 573.206 create a new class E felony for the first offense of the sexual exploitation of a child and a new class C felony for the second offense. A new class C felony was created for the offense of patronizing a sexual performance by a child.

For 2 new class C felony, the Department estimates eight people will be sentenced to prison and 12 to probation. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years. The cumulative impact on the Department is estimated to be 30 additional offenders in prison and 62 additional offenders on field supervision by FY 2029.

**Change in prison admissions and probation openings with legislation-Class C Felony**

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	12	12	12	12	12	12	12	12	12	12
<b>Change (After Legislation - Current Law)</b>										
Admissions	8	8	8	8	8	8	8	8	8	8
Probations	12	12	12	12	12	12	12	12	12	12
<b>Cumulative Populations</b>										
Prison	8	16	24	30	30	30	30	30	30	30
Parole				2	10	18	26	26	26	26
Probation	12	24	36	36	36	36	36	36	36	36
<b>Impact</b>										
Prison Population	8	16	24	30	30	30	30	30	30	30
Field Population	12	24	36	38	46	54	62	62	62	62
<b>Population Change</b>	<b>20</b>	<b>40</b>	<b>60</b>	<b>68</b>	<b>76</b>	<b>84</b>	<b>91</b>	<b>91</b>	<b>91</b>	<b>91</b>

For each new sex or child abuse related class E felony, the Department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years, of which 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years.

The cumulative impact on the Department is estimated to be 9 additional offenders in prison and 17 additional offenders on field supervision by FY 2027.

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

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	3	3	3	3	3	3	3	3	3	3
<b>Cumulative Populations</b>										
Prison	3	6	9	9	9	9	9	9	9	9
Parole				2	2	2	2	2	2	2
Probation	3	6	9	12	15	15	15	15	15	15
<b>Impact</b>										
Prison Population	3	6	9	9	9	9	9	9	9	9
Field Population	3	6	9	14	17	17	17	17	17	17
<b>Population Change</b>	<b>6</b>	<b>12</b>	<b>18</b>	<b>23</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>

**Combined Cumulative Estimated Impact**

The impact of two new class C felonies and a new class E felony on the department is estimated to be 39 additional offenders in prison and 79 on field supervision by FY2029.

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

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	11	11	11	11	11	11	11	11	11	11
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	15	15	15	15	15	15	15	15	15	15
<b>Change (After Legislation - Current Law)</b>										
Admissions	11	11	11	11	11	11	11	11	11	11
Probations	15	15	15	15	15	15	15	15	15	15
<b>Cumulative Populations</b>										
Prison	11	22	33	39	39	39	39	39	39	39
Parole	0	0	0	4	12	20	28	28	28	28
Probation	15	30	45	48	51	51	51	51	51	51
<b>Impact</b>										
Prison Population	11	22	33	39	39	39	39	39	39	39
Field Population	15	30	45	52	63	71	79	79	79	79
<b>Population Change</b>	<b>26</b>	<b>52</b>	<b>78</b>	<b>91</b>	<b>102</b>	<b>110</b>	<b>117</b>	<b>117</b>	<b>117</b>	<b>117</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	11	(\$8,255)	(\$75,671)	0	\$0	15	(\$75,671)
Year 2	22	(\$8,255)	(\$185,242)	0	\$0	30	(\$185,242)
Year 3	33	(\$8,255)	(\$283,421)	0	\$0	45	(\$283,421)
Year 4	39	(\$8,255)	(\$341,651)	1	(\$79,810)	52	(\$421,461)
Year 5	39	(\$8,255)	(\$348,484)	1	(\$71,897)	63	(\$420,381)
Year 6	39	(\$8,255)	(\$355,453)	1	(\$72,673)	71	(\$428,126)
Year 7	39	(\$8,255)	(\$362,562)	1	(\$73,460)	79	(\$436,023)
Year 8	39	(\$8,255)	(\$369,814)	1	(\$74,255)	79	(\$444,069)
Year 9	39	(\$8,255)	(\$377,210)	1	(\$75,060)	79	(\$452,270)
Year 10	39	(\$8,255)	(\$384,754)	1	(\$75,873)	79	(\$460,627)

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

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 (573.024 and 573.206) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

#### §573.550 – Offense of Providing Explicit Sexual Material to a Student

In response to a previous version, officials from the **Department of Corrections** assumed the proposal will have no fiscal impact on their organization because the proposed offense is a class A misdemeanor. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

#### §589.404 – Sexual Offender's duty to report

In response to similar legislation from this year, Perfected HB 2160, officials from the **Department of Elementary and Secondary Education**, the **Office of the State Courts Administrator** and the **Springfield Police Department** each 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.

#### §632.305 – Application for detention for evaluation and treatment

In response to similar legislation from this year, HB 2110, officials from the **Office of the State Courts Administrator**, the **Greenwood Police Department** and the **Hermann Area Hospital 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 these agencies for this section.

In response to similar legislation from this year, HB 2110, officials from the **Eldon Police Department** support the proposed changes because they would reduce barriers law enforcement encounter when they are presented with individuals experiencing mental health issues who may benefit from evaluation. Officials made no statement of fiscal impact. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

#### Bill as a Whole

Officials from the Office of the **State Public Defender** assume the proposed legislation creates or expands offenses under sections 566.086, 573.024, 573.206 and 573.550 which could result in additional persons eligible for SPD representation. The exact number of cases is unknown, but it is anticipated that the fiscal impact would be less than \$250,000.

**Oversight** notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Department of Commerce and Insurance**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety (Division of Alcohol and Tobacco Control, Fire Safety, Missouri Highway Patrol, Missouri Gaming Commission)**, the **Missouri Department of Transportation**, **St. Louis City**, the **City of Kansas City**, **St. Louis County**, **Phelps County Sheriff's Office**, the **St. Louis County Police Department**, the **Office of the State Auditor**, the **Office of the State Treasurer**, the **Missouri House of Representatives**, the **Joint Committee on Administrative Rules**, the **Missouri State Employee's Retirement System** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **Department of Corrections (DOC)** stated the following:

The combined cumulative impact on the department is estimated to be 69 additional offenders in prison and 154 additional offenders on field supervision by FY 2029.

## Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY
<b>New Admissions</b>									
Current Law	0	0	0	0	0	0	0	0	
After Legislation	22	22	22	22	22	22	22	22	
<b>Probation</b>									
Current Law	0	0	0	0	0	0	0	0	
After Legislation	32	32	32	32	32	32	32	32	
<b>Change (After Legislation - Current Law)</b>									
Admissions	22	22	22	22	22	22	22	22	
Probations	32	32	32	32	32	32	32	32	
<b>Cumulative Populations</b>									
Prison	22	44	63	69	69	69	69	69	
Parole	0	0	3	16	30	38	46	46	
Probation	32	64	96	102	108	108	108	108	
<b>Impact</b>									
Prison Population	22	44	63	69	69	69	69	69	
Field Population	32	64	99	118	138	146	154	154	
Population Change	54	108	162	187	207	215	222	222	

	# to prison	Cost per year	Total Costs for prison	Change in & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	22	(\$8,255)	(\$151,342)	0	\$0	32	(\$151,342)
Year 2	44	(\$8,255)	(\$370,484)	1	(\$81,930)	64	(\$452,414)
Year 3	63	(\$8,255)	(\$541,076)	1	(\$74,541)	99	(\$615,617)
Year 4	69	(\$8,255)	(\$604,459)	2	(\$159,360)	118	(\$763,819)
Year 5	69	(\$8,255)	(\$616,548)	2	(\$152,300)	138	(\$768,848)
Year 6	69	(\$8,255)	(\$628,879)	2	(\$153,940)	146	(\$782,818)
Year 7	69	(\$8,255)	(\$641,456)	3	(\$242,876)	154	(\$884,332)
Year 8	69	(\$8,255)	(\$654,286)	3	(\$235,910)	154	(\$890,196)
Year 9	69	(\$8,255)	(\$667,371)	3	(\$238,452)	154	(\$905,824)
Year 10	69	(\$8,255)	(\$680,719)	3	(\$241,027)	154	(\$921,745)

\* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$22.616 per day or an annual cost of \$8,255 per offender and includes such

costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$88.12 per day or an annual cost of \$32,162 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases 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.

In response to a previous version, officials from **Attorney General's Office**, the **Department of Economic Development**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Revenue**, the **Department of Public Safety (Capitol Police, Office of the Director, Missouri National Guard, Missouri Veterans Commission, State Emergency Management Agency)**, the **Missouri Department of Agriculture**, the **Missouri Ethics Commission**, the **MoDOT & Patrol Employees' Retirement System**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **Office of the Governor**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, the **Missouri Lottery**, the **Missouri Consolidated Health Care Plan**, the **Missouri Higher Education Loan Authority**, the **Oversight Division**, the **Missouri Office of Prosecution Services**, **Legislative Research**, the **Office of Administration - Administrative Hearing Commission**, the **Department of Health and Senior Services**, the **Office of the State Courts Administrator**, the **Department of Elementary and Secondary Education**, the **Hermann Area Hospital District** the **Missouri Department of Conservation**, the **Petroleum Storage Tank Insurance Fund** and the **Department of Commerce and Insurance** each assume the proposal will have no fiscal impact on their organizations.

In response to a previous version, 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 SOS 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 the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves



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.

In response to a previous version, officials from the **University of Missouri System** assume this proposal, as amended, should not have a significant fiscal impact.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, nursing homes, county prosecutors, public administrators, local law enforcement, schools, hospitals and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
<b>GENERAL REVENUE FUND</b>				
<u>Cost – DOC (§§566.010, 566.086, 566.149, 566.150, 566.155, 573.024 &amp; 573.206) Increased incarceration costs) p. 15</u>	Less than (\$151,342)	Less than (\$370,484)	Less than (\$541,076)	Less than (\$641,456)
<u>Cost – DOC (§§566.010, 566.086, 566.149, 566.150, 566.155, 573.024 &amp; 573.206) p. 15</u>				
Personal Service	\$0	(\$42,167)	(\$42,589)	(\$132,954)
Fringe Benefits	\$0	(\$28,025)	(\$28,306)	(\$88,365)
Equipment & Expense	\$0	(\$11,738)	(\$3,646)	(\$21,557)
Total Cost – DOC	\$0	(\$81,930)	(\$74,541)	(\$242,876)
FTE Change	0 FTE	1 FTE	1 FTE	3 FTE
<u>Cost – DSS-DLS (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) p. 3-4</u>				
Personal service	(\$51,667)	(\$62,620)	(\$63,246)	(\$63,879)
Fringe benefits	(\$25,087)	(\$30,312)	(\$30,522)	(\$30,734)
Equipment and expense	(\$7,766)	(\$7,053)	(\$7,229)	(\$7,408)
Total cost – DSS-DLS	(\$84,520)	(\$99,985)	(\$100,997)	(\$102,021)
FTE Change - DSS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DSS-CD (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) p. 4</u>				
Personal service	(\$96,522)	(\$116,984)	(\$118,154)	(\$119,336)
Fringe benefits	(\$63,428)	(\$76,501)	(\$76,894)	(\$77,290)
Equipment and expense	(\$45,179)	(\$28,209)	(\$28,914)	(\$29,637)
Total cost – DSS-CD	(\$205,129)	(\$221,694)	(\$223,962)	(\$226,263)

FTE Change - DSS	2.52 FTE	2.52 FTE	2.52 FTE	2.52 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>Less than (\$440,991)</u></b>	<b><u>Less than (\$774,093)</u></b>	<b><u>Less than (\$940,576)</u></b>	<b><u>Less than (\$1,212,616)</u></b>
Estimated Net FTE Change for General Revenue Fund	3.52 FTE	4.52 FTE	4.52 FTE	6.52 FTE
<b>FEDERAL FUNDS</b>				
<u>Income</u> – DSS-CD (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206) Program reimbursement	\$113,838	\$126,060	\$127,289	\$128,532
<u>Cost</u> – DSS-CD (§§210.1500, 210.1505, 211.031, 567.020, 573.010, 573.024, 573.206)				
Personal service	(\$56,687)	(\$68,705)	(\$69,392)	(\$70,086)
Fringe benefits	(\$37,251)	(\$44,929)	(\$45,160)	(\$45,392)
Equipment and expense	(\$19,900)	(\$12,426)	(\$12,737)	(\$13,054)
<b>Total cost – DSS</b>	<b>(\$113,838)</b>	<b>(\$126,060)</b>	<b>(\$127,289)</b>	<b>(\$128,532)</b>
FTE Change – DSS	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change for Federal Funds	1.48 FTE	1.48 FTE	1.48 FTE	1.48 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

This proposal will not have an impact on small business.

FISCAL DESCRIPTION

This bill modifies provisions relating to judicial proceedings.

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 Economic Development
- Department of Higher Education and Workforce Development
- Department of Mental Health
- Department of Natural Resources
- Department of Revenue
- Department of Public Safety
  - Fire Safety
  - Missouri Gaming Commission
  - State Emergency Management Agency
  - Office of the Director
  - Capitol Police
  - Missouri Highway Patrol
  - Division of Alcohol and Tobacco Control
  - Missouri Veterans Commission
  - Missouri National Guard
- Missouri Department of Agriculture
- Missouri Ethics Commission
- Missouri Department of Transportation
- MoDOT & Patrol Employees’ Retirement System
- City of Kansas City
- City of St. Louis
- Phelps County Sheriff’s Department
- Kansas City Police Department
- St. Joseph Police Department

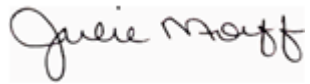
St. Louis County Police Department  
Office of the Governor  
Office of the State Auditor  
Office of the State Treasurer  
Missouri House of Representatives  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Missouri Lottery  
Missouri Consolidated Health Care Plan  
Missouri Higher Education Loan Authority  
Oversight Division  
Missouri Office of Prosecution Services  
State Tax Commission  
University of Missouri System  
Office of the State Courts Administrator  
Department of Elementary and Secondary Education  
Missouri Department of Conservation  
Department of Commerce and Insurance  
Department of Health and Senior Services  
Hermann Area Hospital District  
Department of Corrections  
Department of Social Services  
Administrative Hearing Commission  
Office of Administration  
Missouri Senate  
Office of the Secretary of State  
Office of the State Public Defender  
City of Claycomo  
City of Springfield  
Missouri State University  
University of Central Missouri  
Joint Committee on Administrative Rules  
Missouri State Employee's Retirement System  
Springfield Police Department  
City of Hughesville  
Gordon Parks Elementary  
Greenwood Police Department  
Eldon Police Department  
Legislative Research  
Petroleum Storage Tank Insurance Fund  
St. Louis County

L.R. No. 3386S.11S

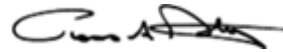
Bill No. CCS for HCS for SS for SCS for SB Nos. 775, 751 & 640

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May 10, 2022

A handwritten signature in cursive script that reads "Julie Morff".

Julie Morff  
Director  
May 10, 2022

A handwritten signature in cursive script that reads "Ross Strobe".

Ross Strobe  
Assistant Director  
May 10, 2022