

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3817H.01P  
 Bill No.: Perfected HB 1637  
 Subject: Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: March 25, 2022

Bill Summary: This proposal modifies provisions concerning crime prevention.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
General Revenue	Could exceed (\$1,164,177)	Could exceed (\$1,355,450)	Could exceed (\$1,949,907)	Could exceed (\$2,416,597)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$1,164,177)</b>	<b>Could exceed (\$1,355,450)</b>	<b>Could exceed (\$1,949,907)</b>	<b>Could exceed (\$2,416,597)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
State Legal Expense Fund (0692)*	\$0	\$0	\$0	\$0
Colleges and Universities	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

\*Transfers-In and expenses net to zero.  
 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 2027)
Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
General Revenue - DOC	2 FTE	4 FTE	6 FTE	9 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>2 FTE</b>	<b>4 FTE</b>	<b>6 FTE</b>	<b>9 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 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

#### §570.212 – Mail theft

Officials from the **Department of Corrections (DOC)** state this bill establishes the offense of mail theft. The bill makes it a class A misdemeanor for a first offense and a class E felony for any second or subsequent offense.

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates the offense of mail theft, in violation of Section 570.212 and, therefore, could increase the number of persons who are eligible for representation by SPD. The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase 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.

In response to a previous version, officials from the **Office of Administration**, the **Office of the State Courts Administrator**, and the **St. Louis County Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

House Amendment 1

**Oversight** assumes House Amendment 1 is a title change and will have no fiscal impact on state or local governments.

House Amendment 2

§§569.170 and 569.175 – Offenses involving motor vehicles

Officials from the **Department of Corrections (DOC)** state this proposal creates a new class C felony when a burglary is committed with the possession of a firearm and new class E felony when unlawfully gaining entry into a motor vehicle.

In response to similar legislation from 2022 (HB 1582), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates new offense of unlawful entry into a motor vehicle and redefines burglary 2nd degree, in violation of Sections 569.170 and 569.175, which could result in additional cases eligible for SPD representation. The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but anticipated to be under \$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.

In response to similar legislation from 2022 (HB 1582), 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 this agency for this section.

House Amendment 3, AA

§544.453 – Release of a defendant

In response to similar legislation from 2022 (HCS HB 2246), officials from the **Office of the State Courts Administrator** and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

In response to similar legislation from 2022 (HCS HB 2246), officials from the **St. Louis County Police Department** assumed the proposal will have no fiscal impact on their

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

In response to a previous version, officials from the **Springfield Police Department** assumed the proposal will have no fiscal impact on their organization.

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

**Oversight** assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be implemented and if this will result in a savings or cost to local jails from an increase or decrease in jail days. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this proposal.

#### §374.702 – Bail bond agents

In response to similar legislation from 2022 (HB 2486), officials from the **Office of the State Public Defender** 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.

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

#### House Amendment 4, AA

#### §§566.010 and 566.086 – Sexual offenses

Officials from the **Department of Corrections (DOC)** state the proposal expands the definition of “Sexual contact” to include “*causing semen, seminal fluid, or other ejaculate to come into contact with another person*” under section 566.010.

This proposal also expands section 566.086 to include “*A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble*” as a perpetrator if have a sexual contact with a student.

As new perpetrator i.e. “*A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble*” is added to the offense of sexual contact with a student, which is a class E felony. This will create an impact similar to creating a new sex and child abuse class E felony.

In response to similar legislation from 2022 (HB 2590), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation expands offenses by amending Section 566.010 and 566.086 and therefore, could increase the number of persons who are eligible for representation by the State Public Defender (SPD). The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase 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.

In response to similar legislation from 2022 (HB 2590), officials from the **St. Louis County Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for these sections.

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

#### §566.155 – Sexual offenders

Officials from the **Department of Corrections (DOC)** state this proposal adds language to section 566.155 that prohibits any person convicted of a tier III offense under section 589.414 from supervising or employing any child under seventeen years of age.

The first violation of this section is a class E felony, and any subsequent violation is a class D felony. Thus, the intent of the bill is to create a new class E felony offense and a new class D felony offense.

In response to similar legislation from 2022 (HB 2112), officials from the **Department of Labor and Industrial Relations**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their 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.

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

#### House Amendment 5

#### §§569.010, 569.100, 569.190, 570.010, and 570.030 – Teller machines

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

Section 569.100: A violation of subdivision (4) results in a class D felony. If the damage of the teller machine or value obtained is \$750 or greater, it results in a class C felony. If the offense was committed to obtain financial credentials of another person, it results in a class B felony.

Section 569.190: Tampering with a teller machine is a class D felony, unless the intent is fraud or the damage done to the machine is \$1000 or more, in which case it is a class C felony.

Section 570.030: The offense of stealing is a class C felony if the value of the property or services appropriated is \$25,000 or more or the property is a teller machine or the contents of a teller machine including cash regardless of the value or amount.

In response to similar legislation from 2022 (HCS HB 2127), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates an offense under Section 569.190 of tampering with a teller machine and, therefore, could increase the number of persons who are eligible for representation by the State Public Defender (SPD). The fiscal impact of this legislation on the SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that any increase 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.

In response to a similar proposal (HB 2127), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization.

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

#### House Amendment 6, AA

§575.095 – Tampering with a judicial officer

Officials from the **Department of Corrections (DOC)** state this proposal introduces language that creates a class D felony for the offense of disseminating personal information of a judicial officer and a class B felony if the violation results in death or bodily injury.

Additionally, it introduces language that creates a class D felony for the offense of disseminating personal information of public officials and, a class B felony if the violation results in death or bodily injury.

House Amendment 7

§556.046 – Included offenses

In response to similar legislation from 2022 (HB 2589), officials from the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Oversight assumes this proposal clarifies instructions given to a jury regarding included offenses and, therefore, will reflect a zero impact in the fiscal note.

House Amendment 8, AA

§§43.650 and 589.437 – Violent offender registry

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposal would require the Patrol's Sex Offender Registry vendor to create and maintain a database specific for the Violent Offender Registry and develop an interface with DOC for the submission of the registry data to be generated to the website and when an offender is to be removed once individuals are no longer on probation or parole for offenses requiring registration. The cost to create a Violent Offender Registry and associated components is estimated at \$600,000.

The Patrol states a portion of §43.650 related to the sexual offender registry website is federally mandated, pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Title I of the Sex Offender Registration and Notifications Act (SORNA).

The MHP states this response is different than the response provided for HB 293 (2021) for a couple of reasons. In 2019, the state contract for the Sex Offender Registry was awarded to a new vendor. During the 2021 Legislative Session, the vendor continued working towards implementation of the Sex Offender Registry but did not offer a Violent Offender Registry. Therefore, HB 293 (2021) would not have been able to be completed by this vendor and would have been required to be developed and built by MHP IT personnel. In addition, as the workflow of the Violent Offender Registry was anticipated to be similar to the Sex Offender Registry, the



MHP would need two (2) FTE to train and audit entities, monitor phone lines, e-mail inquiry response, perform quality control on offenders being added to and removed from the registry as well as other general administration duties as it relates to the registry and website.

However, since the completion of the 2021 Legislative Session, the contract was terminated with the vendor that was awarded the contract in 2019 as they were unable to implement certain provisions outlined in the contract. Consequently, the Patrol used the vendor who had previously maintained the contract; however, the contract is near expiration. As these two vendors are the main resource of Sex Offender Registry systems in the country, a Single Feasible Source contract is being pursued with the current vendor to include the website. With the proposal of HB 1705 and limitations of MHP IT personnel and other projects, the Violent Offender Registry would be required to be developed and built by this vendor. This bill was provided to the vendor and the fiscal impact was the estimated quote provided. Due to the level of automation that is anticipated with this proposal, personnel involvement is anticipated to be limited and could be handled by current MHP personnel.

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

Officials from the **Department of Corrections (DOC)** state this proposal's Section 589.437 defines offenders under supervision for a conviction of murder in the first degree or murder in the second degree as violent offenders. The intent of this bill is to add offenders defined as violent in section 589.437 to the list of sex offenders included in the publicly searchable offender registry.

The potential for this bill to impact operations of the DOC is related to the likelihood that an offender will fail to register, and therefore be convicted of a felony under section 589.425.

- In FY 2021, 75 prison admissions and 177 new probation cases were related to sentences for failing to register as a sex offender.
- In FY 2021, 334 offenders were released from prison with a sentence that requires them to register as a sex offender.
- DOC applied the above numbers to estimate that for every 5 sex offenders released, one will be sentenced to prison for failing to register and, for every 2 sex offenders released, one will be sentenced to probation for failing to register.
- DOC then applied the above ratios of released offenders to offenders who fail to register to the population of offenders convicted of murder in the first degree and murder in the second degree.
- In FY 2021, 88 people with murder convictions were released from prison.

Assuming offenders with murder convictions will fail to register at the same rate as offenders with sex offense convictions, DOC applied the ratios from above to estimate the potential for 18 additional prison admissions and 44 new probation cases following the implementation of this bill.

Given the penalty for failure to register under section 589.425 is a class D felony if based on having committed an unclassified felony, or a class A or class B felony, the estimated impact of these new sentences based on murder convictions is made as if these are new class D felony offenses.

§285.575 – Whistleblower’s Protection Act

In response to similar legislation from 2021 (HB 125), officials from **Office of Administration - Budget & Planning (B&P)** assumed this provision does not directly impact TSR/18(e). However, this provision may allow a cause of action against the state for violations of the Whistleblower’s Protection Act. If the state is found liable, there may be additional payouts from the State Legal Expense Fund.

**Oversight** notes that in response to a similar proposal, HB 2393 (4871H.011) (2020), **Office of Administration Risk Management (OARM)** noted that most Legal Expense Fund (LEF) costs are reimbursed from the General Revenue Fund (GR). GR has paid for the majority of payments from the LEF since payments on LEF cases for agencies with designated reimbursable funds have been relatively small. According to OARM, broader budget authority to transfer from Federal and Other Funds beginning in FY 18 allowed for an increase of percentage of payments from Federal and Other Funds. Table 1 below shows LEF costs broken down for GR versus Federal Funds/Other Funds.

	<b>GR</b>	<b>Fed/Other</b>	<b>Total</b>	<b>GR %</b>	<b>Fed/Other %</b>
<b>FY 15</b>	\$9,197,461	\$661,555	\$9,859,016	93%	7%
<b>FY 16</b>	\$11,386,339	\$600,489	\$11,986,828	95%	5%
<b>FY 17</b>	\$19,983,784	\$4,217,582	\$24,201,366	83%	17%
<b>FY 18</b>	\$18,625,000	\$9,649,513	\$28,274,513	66%	34%
<b>Total</b>	\$59,192,584	\$15,129,139	\$74,321,723	80%	20%

*Table 1 Source information provided by Office of Administration Risk Management (OARM)*

OARM provided Oversight with claim payment data from FY 2015 to FY 2018. Based on the data provided, Oversight estimated the number of claims and amount paid by claim type shown in table 2 below. Motor vehicle claims accounted for 69% of the total number of claims but only 11% of the value of claims. Claims related to discrimination accounted for 8% of the total number of claims but 25% of the value of claims paid.

Table 2: Payment data **by type** of claim

Type of Claim	Number of Claims	Cost of Claims
Discrimination	67	\$19.6 million
Wrongful Death	5	\$11.9 million
Motor Vehicle	583	\$8.6 million
Medical Malpractice	10	\$8.3 million
STL & KC Police	5	\$5.4 million
Tort	10	\$4.6 million
Harassment	3	\$4.3 million
Personal Injury	10	\$3.6 million
Class Action Law Suit	1	\$2.6 million
Dangerous Condition of Property	96	\$1.6 million

*Source - OARM: Includes motor vehicle and dangerous condition of property claims.*

There is no way to know how many whistleblower cases the department would have or if any of those cases would be in favor of the plaintiff. If the case was in favor of the plaintiff, the Department could have the following costs: back pay, reimbursement of medical bills directly related to a violation and reasonable attorney fees.

In response to similar legislation from 2021 (HB 125), officials from the **Missouri Department of Conservation (MDC)** assumed the proposal would have negative “Unknown” fiscal impact but less than \$100,000 to meet potential investigative and legal requirements.

**Oversight** does not have any information to the contrary in regards to OA=s and MDC=s assumptions; therefore, Oversight will range the fiscal impact from \$0 (does not increase litigation) to an AUnknown@ cost (increased claims related to unlawful practices based on whistle blower protection) on the fiscal note.

In response to similar legislation from 2021 (HB 125), officials from the **Department of Labor and Industrial Relations (DOLIR)** deferred to the **Office of Administration** to estimate the fiscal impact of the proposed legislation on their respective organizations.

In response to similar legislation from 2021 (HB 125), officials from the **Department of Public Safety - Capital Police**, the **Office of the State Public Defender**, the **Joint Committee on Public Employee Retirement**, **Legislative Research**, the **Office of the State Courts Administrator**, and the **Economic & Policy Analysis Research Center** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2021 (HB 125), officials from the **City of O'Fallon** assumed if proposal passes, it could increase the City's liability by widening the definition of a whistle-blower and opens the City up to additional litigation. The potential cost would be the City's self-insured retention (deductible) which for FY2021 will be \$250,000 per occurrence.

In response to similar legislation from 2021 (HB 125), officials from the **City of Gordonville** assumed the proposal would have negative fiscal impact on their Local Government.

Officials from the **University of Central Missouri** state an indeterminate fiscal impact due to uncertainty to application and federal laws.

In response to similar legislation from 2021 (HB 125), officials from the **Missouri State University** assumed the proposal would have negative fiscal impact of undetermined amount to the organization.

**Oversight** assumes the proposal will require additional expenditures due to the increased exposure and liability for some colleges, universities, and local government organizations. Therefore, Oversight will range a negative fiscal impact from \$0 (no lawsuit was brought against above organizations) or unknown (lawsuit increased exposure to liability to above organizations) on the fiscal note. Oversight notes the Legal Expense Fund is funded by the General Revenue Fund as well as other state funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities as well as local political subdivisions.

In response to similar legislation from 2021 (HB 125), officials from **City of Ballwin, Corder, Hale, Minden Mines, Springfield, Sugar Creek, Saint Louis – Budget Division, Malta Bend R-V School, Northwest Missouri State University**, and **State Technical College Of Missouri** each assumed the proposal would not have direct fiscal impact on their respective organization.

#### House Amendment 9, AA

#### §§407.300 and 570.030 – Sale of certain materials

Officials from the **Department of Corrections (DOC)** state the offense of stealing in Section 570.030 is a class E felony if the property appropriated is a detached catalytic converter.

In response to similar legislation from 2022 (HCS HB Nos. 2574, 1929 & 1456), officials from the **St. Louis County Police Department** stated in 407.300.3(3) of the bill, a purchaser, collector, or dealer of scrap metal or any secondhand property would be required to submit to

certain records to law enforcement for entry. Officers and detectives within our agency would be responsible for the collection and entry of this information; however, the number of hours that would be required to accomplish this is difficult to estimate since it is unknown how many records the Department will receive on a monthly basis.

Additionally, the legislation specifies that the Department of Public Safety will be responsible for creating a form in order to record the records required under the proposed legislation. If the Department of Public Safety were to also utilize a database to maintain all the records, it is possible they may choose to charge agencies for access to the records incurring more costs to the Department.

Since it is not possible to estimate how many forms that would be received and processed and whether or not an additional expense would be incurred by the Department of Public Safety for the use of their records system, the proposed legislation could have an unknown cost to the Department.

**Oversight** notes the provisions of this proposal require, at least monthly, a purchaser or collector of, or dealer in, junk, scrap metal, or any secondhand property to submit to the law enforcement agency with jurisdiction over their primary place of business, the records required on the Department of Public Safety's form, with copies of any supporting documentation attached. The submission may be in either a paper or electronic format. Therefore, Oversight assumes the St. Louis Police Department and the St. Joseph Police Department would be able to implement the provisions of this proposal with existing staff and resources and will indicate no fiscal impact for fiscal note purposes.

**Oversight** notes that violations of section 407.300.5 currently result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. However, this proposal removes the fines that are currently imposed under statute. Therefore, Oversight will reflect a potential negative fiscal impact of \$0 to Unknown to local school districts.

In response to similar legislation from 2022 (HCS HB Nos. 2574, 1929 & 1456), officials from the **Office of the State Public Defender**, and the **City of O'Fallon** assumed the proposal will have no fiscal impact on their organizations.

In response to a similar proposal (HB 2574), officials from the **Office of the State Courts Administrator** and the **Springfield Police Department** assumed the proposal will have no fiscal impact on their organizations.

In response to a similar proposal from 2022 (HB 1929), officials from the **Greenwood Police Department** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal (HB 2574), officials from the **Eldon Police Department** responded to the legislation but did not provide a fiscal impact.

**Oversight** notes in an article from the Bismark Tribune from February 22, 2021 regarding North Dakota’s SB 2242, “*Catalytic converters -- devices mandatory on gasoline-burning vehicles since the mid-1970s -- are a hot item, and not just because vehicle exhaust passes through them. Inside each device is a sort of honeycomb lined with metals such as palladium, rhodium and platinum, which remove pollutants from the exhaust.*

*Palladium is worth about \$2,400 an ounce, said Larry Schneider, owner of Bismarck Gold and Silver Exchange. That equates to about \$85 per gram. Platinum is valued at about \$1,300 per ounce (\$46 per gram). Rhodium is worth about \$20,000 per ounce (\$706 per gram)”.*

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties and local law enforcement 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.

**Oversight** notes any violation of subdivision (6) of subsection 1 is an infraction. Fine revenue for the ticket goes to local school funds and courts costs go to various state and local funds. Oversight notes that violations resulting in fines could vary widely from year to year and assumes the amount of fine revenue collected for this new charge will not be material. Therefore, for fiscal note purposes, Oversight will assume no material fiscal impact from fines.

Below are examples of some of the state and local funds which court costs are distributed to.

<b>Fee/Fund Name</b>	<b>Fee Amount</b>
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims’ Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Sheriff’s Retirement Fund	\$3.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff’s Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

House Amendment 10

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state Section 566.151 changed the age of the victim of from any person who is less than fifteen to seventeen years of age. The increase in the minimum age under which a person can be considered to be enticed as a child could create additional instances in which a person could be charged with a crime under this section. However, there is no available data to determine the number of 16 and 17 year olds to whom this could have potentially applied.

Section 567.030 of the bill changed the age of the victim from less than eighteen years of age but older than fourteen to older than fifteen years of age. The bill also changes the existing class D felony to a class B felony. There were no new court commitment to prison under section 567.030 during FY 2021. Therefore, this change is considered as similar to the creation of a new class B felony.

In response to a previous version, officials from the **Office of the State Courts Administrator** and the **Office of the State Public Defender** assumed the proposal will have no fiscal impact on their 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.

House Amendment 11, AA

§610.130 – Relating to expungement

**Oversight** notes current law requires a \$250 surcharge to be paid for petitions for expungement of criminal records and provides that the judge may waive the surcharge if the petitioner is indigent. The funds for this surcharge go to the General Revenue Fund. As the exact number of expungement requests is unknown, Oversight will reflect a \$0 to Unknown impact to the General Revenue Fund.

§§610.120 and 610.140 – Criminal records

Officials from the **Department of Revenue (DOR)** state section 610.140 requires that any records subject to expungement shall be destroyed. Specific language states “A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall [close] destroy any record, except the arrest record, in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120”.

**Administrative Impact**

To implement the proposed legislation, the Department will be required to:

- Update procedures; and
- Train staff.

FY 2021 – Motor Vehicle Bureau

Associate Research Data Analyst 10 hrs. @ \$18.86 per hr. = \$188.60  
Lead Admin Support Assistant 10 hrs. @ \$14.83 per hr. = \$148.30  
Administrative Manager 5 hrs. @ \$25.56 per hr. = \$126.30  
Total = \$463.20

FY 2021 – Personnel Services Bureau

Associate Research Data Analyst 10 hrs. @\$18.86 per hr. = \$188.60  
Associate Research Data Analyst 10 hrs. @ \$18.86 per hr. = \$188.60  
Total = \$377.20

Total Costs = \$840.40

The Department anticipates being able to absorb these costs. However, until the FY23 budget is final, the Department cannot identify specific funding sources. If multiple bills pass that require Department resources, FTE/funding will be requested through the appropriations process.

It should be noted that the Department is required retain all CDL, drug and alcohol-related offenses for 75 years, and assumes, for the purposes of this fiscal note, such is excluded in this proposed language.

**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal.

Officials from the **Department of Corrections (DOC)** state Section 610.120 authorizes expungement of certain offenses.

This legislation may cause an increase in workload for Institutional Records Office Staff, as it expands the list of offenses for which an individual can request expungement. Expunging these records for the specified offenses through destruction, redacting or removal (electronic) will result in an increase in workload for our Institutional Records Officers, as they are the custodian of records for our offender files. This could also affect records kept at Probation and Parole Offices. While it represents an increase in workload, it is not anticipated that petitions for expungement will occur often enough to significantly impact the Department of Corrections.

While the department assumes a \$0 impact, the use of expungement by offenders is unknown. There is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the department.



If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

In response to similar legislation from 2022 (HB 2521), officials from the **Office of the State Public Defender**, the **Springfield Police Department**, and the **St. Louis County Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for these sections.

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

#### House Amendment 12

##### §571.031 – Blair’s Law

In response to similar legislation from 2022 (HB 1568), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates a new criminal offense under Section 571.031, which could increase the number of persons who are eligible for representation by State Public Defender (SPD). The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated that the impact would be under \$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.

In response to similar legislation from 2022 (HB 1568), officials from the **Department of Public Safety – Missouri National Guard**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, 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 for this section.

#### House Amendment 13, AA

§210.493 - Background checks required of certain individuals

In response to similar legislation from 2022 (HB 2623), officials from the **Office of Administration** and the **St. Louis County Police Department** each assumed the proposal will not have a material 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.

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

§§191.900, 191.905, 565.184, and 630.155 – Protection of vulnerable persons

Officials from the **Department of Corrections (DOC)** state this introduces language that creates a class D felony for abuse of an elderly person, a person with a disability, or a vulnerable person.

In response to similar legislation from 2022 (HCS HB 2601), officials from the **Department of Labor and Industrial Relations** and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for these sections.

In response to the previous version of this proposal, officials from the **Office of the State Public Defender** assumed the proposal would have no fiscal impact on their organization.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other hospitals and nursing homes 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.

House Amendment 14, AA

§571.069 – Business Liability and firearms

In response to similar legislation from 2022 (HB 2538), officials from the **City of O’Fallon** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

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

### House Amendment 15

#### §575.205 – Electronic monitoring equipment

Officials from the **Department of Corrections (DOC)** state Section 575.205 is modified to include failing to charge or otherwise attempting to disable an electronic monitoring device in the list of actions considered as an offense of tampering with electronic monitoring equipment and specifies that offense as a class E felony. However, if the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

#### **Operational Impact on DOC for the Bill as a Whole**

In total, this bill creates 4 new class B felonies, 4 new class C felonies, 6 new class D felonies, and 6 new class E felonies.

#### Class B Felonies

Given the seriousness of class B felony offenses and that the introduction of a completely new class B felony offense is a rare event, the department assumes the admission of one person per year to prison following the passage of the legislative proposal.

Offenders committed to prison with a class B felony as their most serious sentence who were first released sometime during fiscal years 2019, 2020 and 2021, had an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

The cumulative impact on the department is estimated to be 21 additional offenders in prison and 3 additional offenders on field supervision by FY 2028.

**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	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations										
<b>Cumulative Populations</b>										
Prison	4	8	12	16	20	21	21	21	21	21
Parole						3	7	11	15	15
Probation										
<b>Impact</b>										
Prison Population	4	8	12	16	20	21	21	21	21	21
Field Population						3	7	11	15	15
<b>Population Change</b>	<b>4</b>	<b>8</b>	<b>12</b>	<b>16</b>	<b>20</b>	<b>24</b>	<b>28</b>	<b>32</b>	<b>36</b>	<b>36</b>

Class C Felonies

For each new class C felony, the department estimates four people will be sentenced to prison and six 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 59 additional offenders in prison and 123 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	16	16	16	16	16	16	16	16	16	16
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	24	24	24	24	24	24	24	24	24	24
<b>Change (After Legislation - Current Law)</b>										
Admissions	16	16	16	16	16	16	16	16	16	16
Probations	24	24	24	24	24	24	24	24	24	24
<b>Cumulative Populations</b>										
Prison	16	32	48	59	59	59	59	59	59	59
Parole				5	21	37	51	51	51	51
Probation	24	48	72	72	72	72	72	72	72	72
<b>Impact</b>										
Prison Population	16	32	48	59	59	59	59	59	59	59
Field Population	24	48	72	77	93	109	123	123	123	123
<b>Population Change</b>	<b>40</b>	<b>80</b>	<b>120</b>	<b>136</b>	<b>152</b>	<b>168</b>	<b>182</b>	<b>182</b>	<b>182</b>	<b>182</b>

Class D Felonies

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 50 additional offenders in prison and 130 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	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	18	18	18	18	18	18	18	18	18	18
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	30	30	30	30	30	30	30	30	30	30
<b>Change (After Legislation - Current Law)</b>										
Admissions	18	18	18	18	18	18	18	18	18	18
Probations	30	30	30	30	30	30	30	30	30	30
<b>Cumulative Populations</b>										
Prison	18	36	50	50	50	50	50	50	50	50
Parole			4	22	40	40	40	40	40	40
Probation	30	60	90	90	90	90	90	90	90	90
<b>Impact</b>										
Prison Population	18	36	50	50	50	50	50	50	50	50
Field Population	30	60	94	112	130	130	130	130	130	130
<b>Population Change</b>	<b>48</b>	<b>96</b>	<b>144</b>	<b>162</b>	<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>

Class E Felonies

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

The cumulative impact on the department is estimated to be 13 additional offenders in prison and 41 additional offenders on field supervision by FY 2025.

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

	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	6	6	6	6	6	6	6	6	6	6
<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	6	6	6	6	6	6	6	6	6	6
Probations	12	12	12	12	12	12	12	12	12	12
<b>Cumulative Populations</b>										
Prison	6	12	13	13	13	13	13	13	13	13
Parole			5	8	8	8	8	8	8	8
Probation	12	24	36	36	36	36	36	36	36	36
<b>Impact</b>										
Prison Population	6	12	13	13	13	13	13	13	13	13
Field Population	12	24	41	44	44	44	44	44	44	44
<b>Population Change</b>	<b>18</b>	<b>36</b>	<b>54</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>	<b>56</b>

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 50 additional offenders in prison and 172 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	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	18	18	18	18	18	18	18	18	18	18
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	44	44	44	44	44	44	44	44	44	44
<b>Change (After Legislation - Current Law)</b>										
Admissions	18	18	18	18	18	18	18	18	18	18
Probations	44	44	44	44	44	44	44	44	44	44
<b>Cumulative Populations</b>										
Prison	18	36	50	50	50	50	50	50	50	50
Parole			4	22	40	40	40	40	40	40
Probation	44	88	132	132	132	132	132	132	132	132
<b>Impact</b>										
Prison Population	18	36	50	50	50	50	50	50	50	50
Field Population	44	88	136	154	172	172	172	172	172	172
<b>Population Change</b>	<b>62</b>	<b>124</b>	<b>186</b>	<b>204</b>	<b>222</b>	<b>222</b>	<b>222</b>	<b>222</b>	<b>222</b>	<b>222</b>

Combined Cumulative Estimated Impact

The combined cumulative impact on the department is estimated to be 193 additional offenders in prison and 476 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	FY2031	FY2032
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	62	62	62	62	62	62	62	62	62	62
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	110	110	110	110	110	110	110	110	110	110
<b>Change (After Legislation - Current Law)</b>										
Admissions	62	62	62	62	62	62	62	62	62	62
Probations	110	110	110	110	110	110	110	110	110	110
<b>Cumulative Populations</b>										
Prison	62	124	173	188	192	193	193	193	193	193
Parole	0	0	13	57	109	128	146	150	154	154
Probation	110	220	330	330	330	330	330	330	330	330
<b>Impact</b>										
Prison Population	62	124	173	188	192	193	193	193	193	193
Field Population	110	220	343	387	439	458	476	480	484	484
<b>Population Change</b>	<b>172</b>	<b>344</b>	<b>516</b>	<b>574</b>	<b>630</b>	<b>650</b>	<b>668</b>	<b>672</b>	<b>676</b>	<b>676</b>

	# to prison	Cost per year	Total Cost for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	(62)	(\$8,255)	(\$426,508)	2	(\$137,669)	(110)	(\$564,177)
Year 2	(124)	(\$8,255)	(\$1,044,092)	4	(\$311,358)	(220)	(\$1,355,451)
Year 3	(173)	(\$8,255)	(\$1,485,811)	6	(\$464,096)	(343)	(\$1,949,906)
Year 4	(188)	(\$8,255)	(\$1,646,931)	7	(\$536,064)	(387)	(\$2,182,995)
Year 5	(192)	(\$8,255)	(\$1,715,612)	8	(\$618,139)	(439)	(\$2,333,751)
Year 6	(193)	(\$8,255)	(\$1,759,038)	8	(\$615,758)	(458)	(\$2,374,796)
Year 7	(193)	(\$8,255)	(\$1,794,219)	9	(\$622,378)	(476)	(\$2,416,597)
Year 8	(193)	(\$8,255)	(\$1,830,103)	9	(\$717,498)	(480)	(\$2,547,602)
Year 9	(193)	(\$8,255)	(\$1,866,705)	9	(\$715,357)	(484)	(\$2,582,063)
Year 10	(193)	(\$8,255)	(\$1,904,039)	9	(\$723,081)	(484)	(\$2,627,120)

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.

**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 similar legislation from 2022 (HB 1547), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation expands the criminal offense of Tampering with Electronic Monitoring Equipment, Section 575.205, which could increase the number of persons who are eligible for representation by the SPD and result in a need for additional staff to represent eligible applicants. The fiscal impact of this legislation on SPD is unknown as the number of additional cases eligible for representation as the result of the legislation is unknown, but it is anticipated to be under \$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 direct 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.

In response to similar legislation from 2022 (HB 1547), 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 this agency.

In response to similar legislation from 2022 (HB 1547), officials from the **St. Louis County Police Department** estimated if the department received 100 cases annually, it would require two hours of booking, two hours of report writing and warrant application, and one hour of warrant application review for each case. Therefore, at five hours per case, with an average hourly pay of \$46, each case would total \$230 (5 x \$46). This equates to approximately \$23,000 annually.



**Oversight** notes the estimated cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments for an additional crime; therefore, the impact to local governments will be presented as \$0 to (Unknown).

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

#### Bill as a Whole

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 (569.175, 571.031, and 407.300.5) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Office of Administration - Budget and Planning (B&P)** state this proposal creates new and modifies several felony and misdemeanor provisions relating to various offenses including the offense of burglary, unlawful entry to a vehicle, unlawful discharge of firearms, abuse of an elderly person, and tampering with electronic monitoring equipment among others. To the extent any related fines or penalties are deposited in the state treasury, TSR may be impacted.

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)** notes 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.

Officials from the **Attorney General's Office, the Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Mental Health, the Department of Public Safety – (Division of Alcohol and Tobacco Control, Fire Safety, Office of the Director, Missouri Gaming Commission, State**

**Emergency Management Agency, Missouri Veterans Commission), the Missouri Department of Agriculture, the Missouri Ethics Commission, the Missouri Department of Transportation, the Missouri Lottery, the Department of Transportation - Patrol Employees' Retirement System, the Office of the State Treasurer, the Office of Administration - Administrative Hearing Commission, the Office of the Governor, the Missouri House of Representatives, the Joint Committee On Education, the Oversight Division, the Missouri Senate, the Missouri Consolidated Health Care Plan, the Missouri Higher Education Loan Authority, the Missouri State Employees Retirement System, the State Tax Commission, the Department of Health and Senior Services, the Department of Natural Resources, the Department of Social Services, the Office of the State Auditor, the City of Claycomo, the City of Hughesville, the City of Kansas City, the City of Springfield, the City of St. Louis, the Kansas City Police Department, the St. Joseph Police Department, the Phelps County Sheriff's Department, 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.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
<b>GENERAL REVENUE FUND</b>				
<u>Revenue</u> - (§610.130) Surcharge on petition for expungement HA 11, p. 16	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost</u> – DOC - Increased incarceration costs p. 23	(\$426,508)	(\$1,044,092)	(\$1,485,811)	(\$1,794,219)
<u>Cost</u> – DOC - Increase in P&P officers p. 23				
Personal service	(\$69,584)	(\$168,668)	(\$255,534)	(\$354,544)
Fringe benefits	(\$46,247)	(\$112,101)	(\$169,834)	(\$235,639)
Equipment and expense	(\$21,838)	(\$30,589)	(\$38,728)	(\$32,195)
<u>Total cost</u> – DOC	(\$137,669)	(\$311,358)	(\$464,096)	(\$622,378)
FTE Change – DOC	2 FTE	4 FTE	6 FTE	9 FTE
<u>Cost</u> – MHP (§§43.650 and 589.437) To build and maintain public website HA 8, p. 8	(\$600,000)	\$0	\$0	\$0
<u>Cost</u> - Potential increase in payments to Legal Expense Fund for increase in claims HA 8, p. 10-12	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
<u>Transfer Out</u> – to the State Legal Expense Fund – OA (§585.575) Potential increase in litigation HA 8, p. 10-12	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>Could exceed</u> (\$1,164,177)</b>	<b><u>Could exceed</u> (\$1,355,450)</b>	<b><u>Could exceed</u> (\$1,949,907)</b>	<b><u>Could exceed</u> (\$2,416,597)</b>
Estimated Net FTE Change for the General Revenue Fund	2 FTE	4 FTE	6 FTE	9 FTE
<b>OTHER STATE FUNDS</b>				
<u>Cost</u> – (\$585.575) Potential increase in payments to LEF HA 8, p. 10-12	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT TO OTHER STATE FUNDS</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>
<b>FEDERAL FUNDS</b>				
<u>Cost</u> - (\$585.575) Potential increase in claims HA 8, p. 10-12	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>
<b>LEGAL EXPENSE FUND (0692)</b>				
<u>Transfer In</u> - from General Revenue HA 8, p. 10-12	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>Cost</u> – (§585.575) Potential increase in litigation HA 8, p. 10-12	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>COLLEGES AND UNIVERSITIES</b>				
<u>Cost</u> - (§585.575) Potential increase in litigation HA 8, p. 10-12	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES</b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2027)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Savings/Cost</u> Local Jail Funds – implementing new provisions relating to setting bail or conditions of release HA 3, p. 4-5	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
<u>Cost</u> – (\$585.575) Potential increase in litigation HA 8, p. 10-12	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost</u> – Police and sheriff’s departments (\$575.205) Increased labor hours to process cases HA 15, p. 24-25	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Loss</u> – Schools districts (\$407.300) Removal of fines from violations HA 9, p. 13	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)

FISCAL IMPACT – Small Business

Small businesses will be required to comply with revised sections. If a small business fails to comply, it could be held liable for those actions as a result of this proposal. (Section 585.575)

Small businesses that purchase catalytic converters would need to require vehicle identification numbers on catalytic converters that are purchased. (Sections 407.300 and 570.030)

Section 571.069 creates a cause of action against a business that prohibits the possession of firearms if a person authorized to carry firearms or other arms under Chapter 571, RSMo, is

injured, suffers bodily injury or death, incurs economic loss or expense, or suffers property damage as a result of a business breaching the duty to defend such person. (Section 571.069)

### FISCAL DESCRIPTION

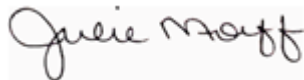
This proposal modifies provisions relating to crime prevention.

This legislation is partly 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 Commerce and Insurance  
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 Revenue  
Department of Social Services  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation  
Department of Transportation - Patrol Employees' Retirement System  
Missouri Ethics Commission  
Missouri House of Representatives  
Missouri Office of Prosecution Services  
Missouri Senate  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Legislative Research  
Oversight Division  
Missouri Lottery  
Missouri Consolidated Health Care Plan  
Missouri Higher Education Loan Authority  
Missouri State Employees Retirement System  
Office of Administration  
Office of the Governor  
Office of the Secretary of State

Office of the State Auditor  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
State Tax Commission  
Economic & Policy Analysis Research Center  
City of Claycomo  
City of Hughesville  
City of O'Fallon  
City of Kansas City  
City of Gordonville  
City of Ballwin  
City of Corder  
City of Hale  
City Minden Mines  
City of Springfield  
City of Sugar Creek  
City of St. Louis  
City of Sugar Creek  
Malta Bend R-V School  
Northwest Missouri State University  
State Technical College of Missouri  
University Of Central Missouri  
University Of Missouri  
Eldon Police Department  
Greenwood Police Department  
Kansas City Police Department  
Springfield Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Phelps County Sheriff's Department



Julie Morff  
Director  
March 25, 2022



Ross Strobe  
Assistant Director  
March 25, 2022