

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5625H.011  
Bill No.: HJR 134  
Subject: Constitutional Amendments; Law Enforcement Officers and Agencies; Crimes and Punishment; Courts; Department of Public Safety; Workers Compensation; Department of Labor and Industrial Relations; Emergencies; Fees  
Type: Original  
Date: April 8, 2024

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Bill Summary: This proposal proposes a constitutional amendment relating to first responders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034)</b>
General Revenue*	\$0 or (More than \$8,004,037)	\$0 or (\$19,766)	\$0 or (\$30,241)	\$0 or (\$115,793)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or (More than \$8,004,037)</b>	<b>\$0 or (\$19,766)</b>	<b>\$0 or (\$30,241)</b>	<b>\$0 or (\$115,793)</b>

\*The potential fiscal impact of “(More than \$8,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters. The additional impact from the Department of Corrections would only be realized if the joint resolution is approved by voters (reflected as “\$0 or”).

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034)</b>
Line of Duty Compensation Fund (0939)	\$0 or more or less than \$6,693,320	\$0 or more or less than \$6,693,320	\$0 or more or less than \$6,693,320	\$0 or more or less than \$6,693,320
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or more or less than \$6,693,320</b>	<b>\$0 or more or less than \$6,693,320</b>	<b>\$0 or more or less than \$6,693,320</b>	<b>\$0 or more or less than \$6,693,320</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034)</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</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>				
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>Fully Implemented (FY 2034)</b>
<b>Local Government*</b>	<b>\$0 or (Unknown, could exceed \$75,000)</b>	<b>\$0 or (Unknown, could exceed \$150,000)</b>	<b>\$0 or (Unknown, could exceed \$150,000)</b>	<b>\$0 or (Unknown, could exceed \$150,000)</b>

\*Transfer out and transfer in net to zero if the Governor calls a special election.

### FISCAL ANALYSIS

#### ASSUMPTION

**Oversight** notes the provisions of this proposal are subject to a vote of the people. In the event the proposal does not pass, the provisions would not be implemented and the fiscal impact would be \$0. Therefore, for fiscal note purposes, all costs will be ranged as “\$0 or...” for the appropriate agency and fund.

Officials from **Office of the Secretary of State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the Governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. The cost of the special election has been estimated to be \$8 million based on the cost of the 2022 primary and general election reimbursements.

The Secretary of State’s office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY25 petitions cycle, the SOS estimates publication costs at \$60,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

**Oversight** has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2025. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide general election is in November 2024 (FY 2025). It is assumed the subject within this proposal could be on this ballot; however, it could also be on a special election called for by the Governor (a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2025.

#### Section 38 (e) and (f) of Article III – Crime Against First Responders

Officials from the **Department of Corrections (DOC)** assume this proposal creates a constitutional amendment relating to first responders.

This is a joint resolution to submit to qualified voters of the State of Missouri for their approval, the amendment of Section 38(e) and Section 38(f) to Article III of the Constitution of the State of Missouri. That amendment would create a class A felony penalty for the offense of assault against a first responder.

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

Offenders committed to prison with a class A felony have an average sentence length of 17.1 years and serve, on average, 12.3 years in prison prior to first release. The DOC assumes one third of the remaining sentence length could be served in prison as a parole return, and the rest of the sentence could be served on supervision in the community.

The sentence lengths associated with these offenses pushes the estimate of total cumulative impact on the department beyond the 10-year time frame of this fiscal note. However, the estimated impact by FY 2034 is 10 additional offenders in prison.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations										
<b>Cumulative Populations</b>										
Prison	1	2	3	4	5	6	7	8	9	10
Parole										
Probation										
<b>Impact</b>										
Prison Population	1	2	3	4	5	6	7	8	9	10
Field Population										
<b>Population Change</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$9,689)	(\$4,037)	0	\$0	0	(\$4,037)
Year 2	2	(\$9,689)	(\$19,766)	0	\$0	0	(\$19,766)
Year 3	3	(\$9,689)	(\$30,241)	0	\$0	0	(\$30,241)
Year 4	4	(\$9,689)	(\$41,128)	0	\$0	0	(\$41,128)
Year 5	5	(\$9,689)	(\$52,438)	0	\$0	0	(\$52,438)
Year 6	6	(\$9,689)	(\$64,185)	0	\$0	0	(\$64,185)
Year 7	7	(\$9,689)	(\$76,380)	0	\$0	0	(\$76,380)
Year 8	8	(\$9,689)	(\$89,037)	0	\$0	0	(\$89,037)
Year 9	9	(\$9,689)	(\$102,170)	0	\$0	0	(\$102,170)
Year 10	10	(\$9,689)	(\$115,793)	0	\$0	0	(\$115,793)

\* 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 could be utilized. This cost of incarceration is \$26,545 per day or an annual cost of \$9,689 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 \$99.90 per day or an annual cost of \$36,464 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 information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume there is an average of 6 Line of Duty claims per year currently at a cost of \$25,000 per claim. This proposal would increase to \$250,000 per claim and the current appropriation is at \$600,000. DOLIR would need to increase the appropriation by a minimum of \$150,000 to be able to process at least 3 claims annually, but would realistically need an increase of \$900,000 to be able to process the average of 6 claims.

DOLIR also note that HJR 134 proposes a Constitutional amendment that, if adopted, creates the felony offense of "assault against a first responder" if a person attempts to kill or knowingly cause serious physical injury to a first responder. It would also establish that first responders killed in the line of duty, who qualify for a claim through the Division of Workers Compensation, will be compensated \$250,000. Note that HJR 134 includes "first responders" and section 287.243, RSMo, includes "public safety officers". As defined, the proposal includes different personnel.

It is unknown the impact this would have on increasing claims, but both GR TRF and Line of Duty Compensation appropriation would need to be increased to accommodate the claims.

DOLIR also notes an unknown impact due regarding inconsistency with 287.243. National Guardsmen are included in this resolution, despite injury/death benefits already being compensated in a different manner. It is unclear regarding how the fund will be administered in light of this and how it would impact the Line of Duty Compensation Fund. The new language also includes "emergency personnel; emergency room, hospital, or trauma center personnel," which have not been included before and could increase the number of claims by an unknown amount.

**Oversight** notes there is similar legislation in §287.243 regarding the payout of claims from the Line of Duty Compensation Fund, however, first responders are not within the definition of §287.243. Public Safety Officers within §287.243 may have similar meaning to first responders within this resolution, however, this resolution also includes National Guardsmen, emergency room, hospital or trauma center personnel. Therefore, Oversight will assume the estimates from DOLIR could exceed the amounts for this resolution.

Officials from **Kansas City** assume this proposal will have a negative fiscal impact of approximately \$150,000 (based on 2022 cases). Although this charge directly would be assessed against the defendant and should not directly have a fiscal impact, minor traffic violations have a cap of \$225 including costs. In order to stay under the cap, the fine on those cases, and amended pleas to defective equipment would require a reduction of \$20 in fine revenue on those cases resulting in a reduction of revenue. In 2022, they had 7,403 cases that had a fine and costs between \$205 and \$225.

**Oversight** notes Kansas City indicates this resolution may have an unknown negative impact of up to \$150,000; however, Oversight is unable to project a statewide cost from the limitation of fines and court costs for minor traffic violations to \$225 (§479.353.1 (1) (a)). Oversight will show a cost to local governments-political subdivisions as \$0 or unknown, could exceed \$150,000.

**Oversight** notes the following table shows the average number of criminal cases filed over the last five years. If the resolution is enacted, this could result in potential revenue from the \$20 surcharge on criminal cases filed of \$7,593,320 (\$20 x 379,666) annually. Therefore, Oversight will reflect this potential revenue for this resolution.

<b>CASELOADS FILED</b>						
	2022	2021	2020	2019	2018	5yr. Avg
<b>CRIMINAL</b>						
Felonies (Circuit)	45,023	44,692	37,314	45,000	46,912	43,788
Felonies (Associate)	52,805	55,230	59,549	61,944	62,330	58,372
Misdemeanors	84,280	80,836	88,768	89,591	97,053	88,106
Traffic	178,566	161,328	161,641	112,346	100,777	142,932
Ordinance	53,950	80,937	36,855	29,689	23,923	45,071
Municipal Certification/Trial De Novo	1,331	563	1,073	1,663	2,361	1,398
<b>TOTAL</b>	<b>415,955</b>	<b>423,586</b>	<b>385,200</b>	<b>340,233</b>	<b>333,356</b>	<b>379,666</b>
						<b>Caseloads filed at \$20 surcharge</b>
						<b>\$ 7,593,320</b>

Source: Table 1 of OSCA's Annual Judicial & Statistical Report Supplement

Officials from the **Office of the State Courts Administrator**, the **Department of Public Safety (Capitol Police, Fire Safety, Office of the Director, Missouri Highway Patrol & State Emergency Management Agency)**, the **Missouri National Guard**, the **Missouri Office of Prosecution Services**, the **Office of the State Public Defender**, the **Phelps County Sheriff’s Office**, the **Branson Police Department**, the **Kansas City Police Department** and the **St. Louis County Police Department** 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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local law enforcement agencies, fire protection districts, ambulance districts and hospitals 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 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<b>GENERAL REVENUE</b>				
<u>Cost – DOC – Increased incarceration costs</u>	\$0 or (\$4,037)	\$0 or (\$19,766)	\$0 or (\$30,241)	\$0 or (\$115,793)
<u>Transfer Out - SOS - reimbursement of local election authority election costs if a special election is called by the Governor</u>	\$0 or (More than \$8,000,000)	\$0	\$0	\$0
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0 or (More than \$8,004,037)</u></b>	<b><u>\$0 or (\$19,766)</u></b>	<b><u>\$0 or (\$30,241)</u></b>	<b><u>\$0 or (\$115,793)</u></b>



<u>FISCAL IMPACT – State Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<b>LINE OF DUTY FUND (0939)</b>				
<u>Revenue</u> – creates additional \$20 surcharge on criminal cases filed	\$0 or more or less than \$7,593,320	\$0 or more or less than \$7,593,320	\$0 or more or less than \$7,593,320	\$0 or more or less than \$7,593,320
<u>Cost</u> – DOLIR - claims paid out on first responders	\$0 or (Unknown, could exceed \$900,000)	\$0 or (Unknown, could exceed \$900,000)	\$0 or (Unknown, could exceed \$900,000)	\$0 or (Unknown, could exceed \$900,000)
<b>ESTIMATED NET EFFECT ON LINE OF DUTY FUND (0939)</b>	<b><u>\$0 or more or less than \$6,693,320</u></b>	<b><u>\$0 or more or less than \$6,693,320</u></b>	<b><u>\$0 or more or less than \$6,693,320</u></b>	<b><u>\$0 or more or less than \$6,693,320</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<b>LOCAL POLITICAL SUBDIVISIONS</b>				
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$8,000,000	\$0	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than \$8,000,000)	\$0	\$0	\$0
<u>Revenue Loss</u> – traffic violation amounts capped with new implementation of surcharge	\$0 or (Unknown, could exceed \$75,000)	\$0 or (Unknown, could exceed \$150,000)	\$0 or (Unknown, could exceed \$150,000)	\$0 or (Unknown, could exceed \$150,000)

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (6 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2034)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or (Unknown, could exceed \$75,000)</u></b>	<b><u>\$0 or (Unknown, could exceed \$150,000)</u></b>	<b><u>\$0 or (Unknown, could exceed \$150,000)</u></b>	<b><u>\$0 or (Unknown, could exceed \$150,000)</u></b>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

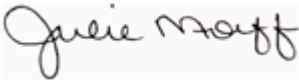
This resolution proposes to amend the Constitution by adding the offense of assault against a first responder, which a person commits if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a first responder. "First responder" is defined in the resolution. The offense is a class A felony.

The resolution also proposes to add to the Missouri Constitution provisions related to line of duty deaths for first responders. As specified in the resolution, a claim for compensation for a first responder killed in the line of duty must be filed by survivors of the deceased with the Division of Workers' Compensation no later than one year from the date of the first responder's death. If the claim is made within the one-year time period, compensation will be paid if the Division finds the claimant to be entitled to compensation. The amount of compensation will be \$250,000 for any such death occurring after December 31, 2024. A \$20 surcharge will be assessed as costs in each court proceeding filed in any court in the State in all criminal cases, but the surcharge will not be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the State, county, or municipality. The surcharge will be deposited into the "Line of Duty Compensation Fund" or any other fund used solely for paying claims of first responders killed in the line of duty.

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

Office of the Secretary of State  
Department of Corrections  
Department of Labor and Industrial Relations  
Department of Public Safety  
    Capitol Police  
    Fire Safety  
    Office of the Director  
    Missouri Highway Patrol  
    State Emergency Management Agency  
Missouri National Guard  
Office of the State Courts Administrator  
Missouri Office of Prosecution Services  
Office of the State Public Defender  
Kansas City  
Branson Police Department  
Phelps County Sheriff's Office  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
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April 8, 2024



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April 8, 2024