

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3299S.02I
 Bill No.: SB 906
 Subject: Crimes and Punishment; Sexual Offenses; Children and Minors; Law Enforcement Officers and Agencies; Nurses; Social Workers; Internet and E-Mail; Criminal Procedure; Judges; Courts; Civil Penalties; Liability; Attorney General
 Type: Original
 Date: February 2, 2024

Bill Summary: This proposal modifies provisions relating to the sexual exploitation of vulnerable persons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
General Revenue	Could exceed (\$249,442)	Could exceed (\$179,624)	Could exceed (\$182,441)	Could exceed (\$349,385)
Total Estimated Net Effect on General Revenue	Could exceed (\$249,442)	Could exceed (\$179,624)	Could exceed (\$182,441)	Could exceed (\$349,385)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
Human Trafficking and Sexual Exploitation Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

*Revenue and disbursements net to zero. Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
General Revenue	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE	2 FTE

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

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2032)
Local Government	\$0 or Minimal	\$0 or Minimal	0 or Minimal	0 or Minimal

FISCAL ANALYSIS

ASSUMPTION

§27.120 – Counter Human Trafficking Task Force

Officials from the **Attorney General’s Office (AGO)** assume the need for one (1) administrative support staff to support the Counter Human Trafficking Task Force.

Officials from the **Missouri Senate (SEN)** anticipate a negative fiscal impact to reimburse two senators for travel to Counter Human Trafficking Task Force meetings.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 256 miles and the current mileage rate, as set by the Office of Administration is \$0.655 cents per mile. Therefore, the SEN estimates a total cost for senator mileage of approximately \$335. The SEN assumes no fiscal responsibility for the other committee members.

Oversight does not have any information to the contrary. Oversight notes extrapolating the SEN’s anticipated expenses to the entire task force (13 people) would be approximately \$2,180 per meeting. Oversight assumes four meeting per year for a total cost of \$8,719.

Officials from the **Office of the Governor (GOV)** state this bill adds to the Governor’s current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

Officials from the **Missouri House of Representatives** 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.

§§190.142, 198.082, and 590.050 – Sex and human trafficking awareness training

Officials from the **Department of Health and Senior Services (DHSS)** state section 190.142.2(5) of the proposed legislation requires emergency medical technicians (EMTs), including paramedics, to receive five hours of sex and human trafficking training as part of the continuing education requirements for re-licensure with the DHSS every five years. The Division of Regulation and Licensure’s Bureau (DRL) of Emergency Medical Services will have the ability to verify the sex and human trafficking continuing education requirement during the EMT and paramedic re-licensure process.

DHSS assumes they can absorb the costs of this section with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

DHSS states §198.082.9 of the proposed legislation states “each certified nursing assistant shall annually complete one hour of sex and human trafficking awareness training.” The department assumes the intent of the proposed legislation is to require the training as a condition of a nurse aide certification remaining in good standing.

As a result of the proposed legislation, the Department’s Division of Regulation and Licensure, Section for Long Term Care Regulation (SLCR) will have to create rules to outline the requirements for nurse aides, track and monitor compliance, and provide continual education and outreach to nurse aides to ensure compliance and minimize disruption to access of care. The department will need the following staff to carry out the provisions outlined in the proposed legislation.

One (1 FTE) full-time Administrative Support Assistant (\$35,132) to perform tracking, monitoring, education, outreach and compliance reviews.

In addition, the provisions in the proposed legislation will require the department, in consultation with the Information Technology Services Division (ITSD), to create a tracking system to monitor compliance among the 42,107 certified nurse aides in Missouri. It is assumed that every new IT project/system will be bid out because all ITSD resources are at full capacity. ITSD estimates it will cost \$81,648 (777.60 hours x \$105 per hour) for the IT consultants.

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

Officials from the **Department of Public Safety - Office of the Director (DPS)** assume OA-ITSD services will be required at a cost of \$9,072 in FY 2025 (86.40 hours x \$105 per hour).

Oversight assumes DPS is provided with core funding to handle a certain amount of computer programming activity each year. Oversight assumes DPS could absorb the programming costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, could request funding through the appropriation process.

§§566.151 and 567.030 – Criminal offenses involving a child

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to the sexual exploitation of vulnerable persons. Section 566.151 changes the age of the victim from any person who is less than fifteen to seventeen years of age. Section 566.211 expands the offense of sexual trafficking of a child in the second degree to stipulate if perpetrated by a parent, legal guardian, or other person having custody or control of a child, the penalty is life imprisonment without eligibility for probation or parole until the defendant has served not less than 25 years. Section 567.030 changes 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 changes the existing class D felony to a class B felony.

Regarding section 566.151, 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. Therefore, the impact is an **unknown cost**.

Regarding section 566.211, there were five new court commitments to prison and one new probation case under section 566.211 during the past three years. However, none of these cases would have been applicable to the proposed legislation. Therefore, there is no impact to this section.

Regarding section 567.030, there were three new court commitments to prison and five new probation cases under section 567.030 during FY 2023. These offenses would be changed from class D felonies to class B felonies. The average sentence length for a class D felony sex and child abuse offense is 6.6 years, with 5.3 years spent in prison. Changing this to a class B felony would extend the sentence length to 9.0 years, with 7.2 years spent in prison.

The estimated cumulative impact on the department would be an additional 15 offenders in prison and (4) offenders on field supervision by FY 2032.

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

	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033	FY2034
New Admissions										
Current Law	8	8	8	8	8	8	8	8	8	8
After Legislation	8	8	8	8	8	8	8	8	8	8
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	0	0	0	0	0	0	0	0	0	0
Change (After Legislation - Current Law)										
Admissions										
Probations										
Cumulative Populations										
Prison						6	14	15	15	15
Parole						-6	-10	-4	4	4
Probation										
Impact										
Prison Population						6	14	15	15	15
Field Population						-6	-10	-4	4	4
Population Change							4	11	19	19

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 2	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 3	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 4	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 5	0	(\$9,689)	\$0	0	\$0	0	\$0
Year 6	6	(\$9,689)	(\$64,185)	0	\$0	(6)	(\$64,185)
Year 7	14	(\$9,689)	(\$152,759)	0	\$0	(10)	(\$152,759)
Year 8	15	(\$9,689)	(\$166,944)	0	\$0	(4)	(\$166,944)
Year 9	15	(\$9,689)	(\$170,283)	0	\$0	4	(\$170,283)
Year 10	15	(\$9,689)	(\$173,689)	0	\$0	4	(\$173,689)

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 \$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 notes, from information provided by the State Courts Administrator, the following number of felony convictions under §566.151 and §567.030:

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
§566.151 felonies	15	19	25	22	24
§567.030 felonies	1	0	2	3	10

Oversight notes the felony convictions under §566.151 are a class F felony.

Oversight will reflect DOC’s impact as an unknown impact to the General Revenue Fund. Oversight notes it would take roughly 26 additional prisoners to reach the \$250,000 cost threshold. Oversight will assume a fiscal impact of less than \$250,000.

§§566.203, 566.206, 566.209, 566.210, 566.211, 566.215, and 589.700 – Restitution for human trafficking offenses

Oversight notes the provisions of this bill state in addition to any fine imposed, the court shall enter a judgment of restitution in the amount of \$5,000 payable to the Human Trafficking and Sexual Exploitation Fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section. The moneys will be distributed to the county where the offense occurred and allocated 50% toward local rehab services for victims of human trafficking and 50% towards local efforts to prevent human trafficking.

Oversight notes OSCA reported the following number of guilty convictions in 2019 – 2023:

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
§566.203	0	0	0	0	0
§566.206	0	0	0	0	0
§566.209	1	0	0	0	1
§566.210	0	0	0	1	0
§566.211	3	1	1	2	3
§566.215	0	0	0	0	0

Oversight notes with the low number of guilty convictions reflected above, we will assume a minimal amount of restitution proceeds (average of approximately 3 guilty dispositions per year x \$5,000 = \$15,000) collected into the new Human Trafficking and Sexual Exploitation Fund.

Responses regarding the proposed legislation as a whole

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Commerce and Insurance**, the **Department of Mental Health**, the **Department of Public Safety – Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Public Defender**, the **Office of the State Treasurer**, the **Phelps County**

Sheriff's Department, the Kansas City Police Department, 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 counties, nursing homes, local law enforcement, ambulance and EMS, 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 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
GENERAL REVENUE				
<u>Costs – AGO (\$27.120)</u>				Could exceed...
Personal Service	(\$41,667)	(\$51,000)	(\$52,020)	(\$52,020)
Fringe Benefits	(\$28,667)	(\$34,788)	(\$35,183)	(\$35,183)
Exp. & Equip.	(\$12,883)	(\$9,841)	(\$10,038)	(\$10,038)
Meeting expenses	(\$8,719)	(\$8,719)	(\$8,719)	(\$8,719)
<u>Total Costs - AGO</u>	<u>(\$91,936)</u>	<u>(\$104,348)</u>	<u>(\$105,960)</u>	<u>(\$105,960)</u>
FTE Change - AGO	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs – DHSS (\$198.082)</u>				Could exceed...
Personal Service	(\$29,277)	(\$35,835)	(\$36,551)	(\$36,551)
Fringe Benefits	(\$23,863)	(\$28,909)	(\$29,186)	(\$29,186)
Expense & Equipment	(\$22,718)	(\$10,533)	(\$10,743)	(\$10,743)
OA-ITSD Services	(\$81,648)	\$0	\$0	\$0
<u>Total Costs - DHSS</u>	<u>(\$157,506)</u>	<u>(\$75,276)</u>	<u>(\$76,481)</u>	<u>(\$76,481)</u>
FTE Change - DHSS	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs – DOC (§§566.151 and 567.030) Increased incarceration costs</u>				Could exceed
	(Unknown)	(Unknown)	(Unknown)	(\$166,944)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Could exceed</u> <u>(\$249,442)</u>	<u>Could exceed</u> <u>(\$179,624)</u>	<u>Could exceed</u> <u>(\$182,441)</u>	<u>Could exceed</u> <u>(\$349,385)</u>
Estimated Net FTE Change on General Revenue	2 FTE	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND				
Revenue - (§§566.203, 566.206, 566.209, 566.210, 566.211, 566.215) Potential fine revenue	\$0 or Minimal	\$0 or Minimal	\$0 or Minimal	\$0 or Minimal
<u>Transfer Out – To Counties</u>	<u>\$0 to (Minimal)</u>	<u>\$0 to (Minimal)</u>	<u>\$0 to (Minimal)</u>	<u>\$0 to (Minimal)</u>
ESTIMATED NET EFFECT ON THE HUMAN TRAFFICKING AND SEXUAL EXPLOITATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2032)
COUNTIES				
<u>Transfer In – from Human Trafficking and Sexual Exploitation Fund</u>	<u>\$0 or Minimal</u>	<u>\$0 or Minimal</u>	<u>0 or Minimal</u>	<u>0 or Minimal</u>
ESTIMATED NET EFFECT TO COUNTIES	<u>\$0 or Minimal</u>	<u>\$0 or Minimal</u>	<u>\$0 or Minimal</u>	<u>\$0 or Minimal</u>

FISCAL IMPACT – Small Business

The proposed legislation could have an impact on long-term care facilities’ ability to employ certified nurses aids which, in turn, could impact the delivery of care to residents.

FISCAL DESCRIPTION

This act modifies provisions relating to sexual exploitation of vulnerable persons.

SEX AND HUMAN TRAFFICKING AWARENESS TRAINING (Sections 190.142, 198.082, 211.326, 335.059, 337.618, 566.300 & 590.050)

This act provides that emergency medical technicians, nursing assistants, nurses, social workers, and peace officers shall undergo training annually on sex and human trafficking awareness.

Additionally, this act creates within the office of the Attorney General a sex and human trafficking training committee which shall establish guidelines for sex and human trafficking awareness training. The committee shall expire on December 31, 2028.

SEXUAL OFFENSES (Sections 566.151 & 567.030)

Under current law, a person over 21 years old commits the offense of enticement of a child if he or she persuades any person less than 15 years old to engage in sexual conduct. This act changes the age to less than 17 years old.

Additionally, this act modifies the offense of patronizing prostitution if the person patronized for prostitution is ages 15 to 17 it shall be a class E felony and if the person is less than 15 years old it shall be a class B felony.

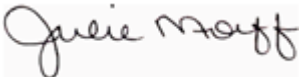
RESTITUTION FOR HUMAN TRAFFICKING OFFENSES (Section 566.203, 566.206, 566.209, 566.210, 566.211, 566.218, & 589.700)

This act provides that the court shall award \$5,000 in restitution payable to the newly created Human Trafficking and Sexual Exploitation Fund when a person pleads guilty or is convicted of a human trafficking offense. The Human Trafficking and Sexual Exploitation Fund shall allocate 50% toward local rehabilitation services for victims of human trafficking and 50% toward local efforts to prevent human trafficking.

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Health and Senior Services
Department of Mental Health
Department of Public Safety
Department of Social Services
Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration
Office of the Governor
Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



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