

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3295S.01I  
Bill No.: SB 949  
Subject: Crimes and Punishment; Political Subdivisions; Sexual Offenses  
Type: Original  
Date: January 17, 2024

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Bill Summary: This proposal creates the offense of engaging in an adult cabaret performance.

**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>    |
| General Revenue                                      | (\$8,074)        | (\$19,766)        | (\$20,161)        |
|  |                  |                   |                   |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>(\$8,074)</b> | <b>(\$19,766)</b> | <b>(\$20,161)</b> |

| <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>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: () indicate costs or losses.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</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>Total Estimated Net Effect on FTE</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>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

**FISCAL ANALYSIS**

**ASSUMPTION**

**§573.520 – Adult cabaret**

Officials from the **Department of Corrections (DOC)** state this proposal creates the offense of engaging in an adult cabaret performance.

This bill adds the definition of “adult cabaret performance” to section 573.010. This bill also adds section 573.520, which makes it a class A misdemeanor for the first offense of engaging in an adult cabaret performance and a class E felony for any subsequent offense. Misdemeanors fall outside the purview of DOC, and there is no expected impact from that portion of the bill.

For each new nonviolent class E felony, the department estimates one person could 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 could be served in prison with 1.4 years to first release. The remaining 1.3 years could be on parole. Probation sentences could be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2027.

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

|   | 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                               | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Change (After Legislation - Current Law)</b> |          |          |          |          |          |          |          |          |          |          |
| Admissions                                      | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probations                                      | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| <b>Cumulative Populations</b>                   |          |          |          |          |          |          |          |          |          |          |
| Prison  | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Parole  |          |          | 1        | 1        | 1        | 1        | 1        | 1        | 1        | 1        |
| Probation                                       | 2        | 4        | 6        | 6        | 6        | 6        | 6        | 6        | 6        | 6        |
| <b>Impact</b>                                   |          |          |          |          |          |          |          |          |          |          |
| Prison Population                               | 1        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        | 2        |
| Field Population                                | 2        | 4        | 7        | 7        | 7        | 7        | 7        | 7        | 7        | 7        |
| <b>Population Change</b>                        | <b>3</b> | <b>6</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> | <b>9</b> |

|         | # to<br>prison | Cost per<br>year | Total Costs for<br><b>prison</b> | Change in<br>probation<br>& parole<br>officers | Total cost<br>for<br><b>probation<br/>and<br/>parole</b> | # to<br>probation<br>& parole | Grand Total -<br>Prison and<br>Probation<br>(includes 2%<br>inflation) |
|---------|----------------|------------------|----------------------------------|--|--|-------------------------------|--|
| Year 1  | 1              | (\$9,689)        | (\$8,074)                        | 0  | \$0  | 2                             | (\$8,074)  |
| Year 2  | 2              | (\$9,689)        | (\$19,766)                       | 0  | \$0  | 4                             | (\$19,766)   |
| Year 3  | 2              | (\$9,689)        | (\$20,161)                       | 0  | \$0  | 7                             | (\$20,161)   |
| Year 4  | 2              | (\$9,689)        | (\$20,564)                       | 0  | \$0  | 7                             | (\$20,564)   |
| Year 5  | 2              | (\$9,689)        | (\$20,975)                       | 0  | \$0  | 7                             | (\$20,975)   |
| Year 6  | 2              | (\$9,689)        | (\$21,395)                       | 0  | \$0  | 7                             | (\$21,395)   |
| Year 7  | 2              | (\$9,689)        | (\$21,823)                       | 0  | \$0  | 7                             | (\$21,823)   |
| Year 8  | 2              | (\$9,689)        | (\$22,259)                       | 0  | \$0  | 7                             | (\$22,259)   |
| Year 9  | 2              | (\$9,689)        | (\$22,704)                       | 0  | \$0  | 7                             | (\$22,704)   |
| Year 10 | 2              | (\$9,689)        | (\$23,159)                       | 0  | \$0  | 7                             | (\$23,159)   |

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 the 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 any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by the change to Section 573.520 would take approximately twenty-two to thirty-five hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional one to two attorneys. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel, and litigation expenses.

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

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (573.520) 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 **Department of Health and Senior Services**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **City of Kansas City**, the **Phelps County Sheriff's 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, 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.

| <u>FISCAL IMPACT – State Government</u>                    | FY 2025<br>(10 Mo.)     | FY 2026                  | FY 2027                  |
|--|-------------------------|--------------------------|--------------------------|
|  |                         |                          |                          |
| <b>GENERAL REVENUE</b>                                     |                         |                          |                          |
|  |                         |                          |                          |
| <u>Cost – DOC (§573.520) Increased incarceration costs</u> | <u>(\$8,074)</u>        | <u>(\$19,766)</u>        | <u>(\$20,161)</u>        |
|  |                         |                          |                          |
| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>             | <b><u>(\$8,074)</u></b> | <b><u>(\$19,766)</u></b> | <b><u>(\$20,161)</u></b> |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025<br>(10 Mo.) | FY 2026           | FY 2027           |
|---|---------------------|-------------------|-------------------|
|   |                     |                   |                   |
|   | <b><u>\$0</u></b>   | <b><u>\$0</u></b> | <b><u>\$0</u></b> |

FISCAL IMPACT – Small Business

Certain sexually oriented small businesses could be impacted as a result of this proposal.

FISCAL DESCRIPTION

This act creates the offense of engaging in an adult cabaret performance if such performance is on public property or in a location where the performance could be viewed by a person who is not an adult.

Such offense shall be a class A misdemeanor for the first offense and a class E felony for any subsequent offense.

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

L.R. No. 3295S.011

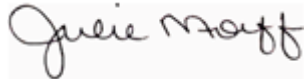
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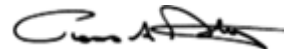
January 17, 2024

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Health and Senior Services  
Department of Public Safety - Missouri Highway Patrol  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
City of Kansas City  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
January 17, 2024



Ross Strobe  
Assistant Director  
January 17, 2024