

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3691H.02P
Bill No.: Perfected HCS for HB 2120
Subject: State Employees; State Departments
Type: Original
Date: March 31, 2022

Bill Summary: This proposal creates the Personal Privacy Protection Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
General Revenue Fund*	Could exceed (\$34,396)	Could exceed (\$84,201)	Could exceed (\$120,239)	Could exceed (\$160,839)
Total Estimated Net Effect on General Revenue	Could exceed (\$34,396)	Could exceed (\$84,201)	Could exceed (\$120,239)	Could exceed (\$160,839)

*Oversight notes this proposal could create exposure for the state government and/or local political subdivisions. Oversight does not expect this exposure to reach \$250,000 in a given fiscal year. Oversight assumes the cost to the state for all provisions of this bill could possibly reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Legal Expense Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*LEF will net to zero.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
Various Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on All Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
Total Estimated Net Effect on FTE	0	0	0	\$0

☒ 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 2023	FY 2024	FY 2025	Fully Implemented (FY 2027)
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version, officials from the **Office of the State Public Defender, Office of Administration, Missouri Office of Prosecution Services, Missouri Highway Patrol, and Attorney General's Office** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from **Missouri Ethics Commission** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight assumes the OSCA 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 OSCA for fiscal note purposes.

Oversight assumes subsection 105.1500.5 of this proposal would allow causes of action against various public agencies throughout the state. If the state is found liable, there may be additional payouts from the State Legal Expense Fund. Oversight assumes an annual fiscal impact from \$0 (no such civil actions brought against the state) to an unknown amount - not likely to exceed \$250,000 – of civil damages payouts.

Therefore, **Oversight** will assume the net fiscal impact to the Legal Expense Fund will be \$0 due to transfers in from General Revenue, Federal Funds, and Other State Funds from various state agencies to offset judgements against the state.

House Amendment 1

§575.095 – Tampering with a judicial officer

Officials from the **Department of Corrections (DOC)** assumed this amendment creates two new class B felony and one new class D felony offenses.

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 for each new class B felony.

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 10 additional offenders in prison and 8 additional offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
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	2	2	2	2	2	2	2	2	2	2
Probations										
Cumulative Populations										
Prison	2	4	6	8	10	10	10	10	10	10
Parole						2	4	6	8	8
Probation										
Impact										
Prison Population	2	4	6	8	10	10	10	10	10	10
Field Population						2	4	6	8	8
Population Change	2	4	6	8	10	12	14	16	18	18

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 8 additional offenders in prison and 22 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

Combined Cumulative Estimated Impact

The combined cumulative estimated impact on the department is 18 additional offenders in prison and 30 additional offenders on field supervision by FY 2031.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	5	5	5	5	5	5	5	5	5	5
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	5	10	14	16	18	18	18	18	18	18
Parole	0	0	1	4	7	9	11	13	15	15
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	5	10	14	16	18	18	18	18	18	18
Field Population	5	10	16	19	22	24	26	28	30	30
Population Change	10	20	30	35	40	42	44	46	48	48

* 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.

SEQ CHAPTER \h \r 1

	# to prison	Cost per year	Total Costs for prison	# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	5	(\$8,255)	(\$34,396)	5	\$0	\$0	(\$34,396)
Year 2	10	(\$8,255)	(\$84,201)	10	\$0	\$0	(\$84,201)
Year 3	14	(\$8,255)	(\$120,239)	16	\$0	\$0	(\$120,239)
Year 4	16	(\$8,255)	(\$140,164)	19	\$0	\$0	(\$140,164)
Year 5	18	(\$8,255)	(\$160,839)	22	\$0	\$0	(\$160,839)
Year 6	18	(\$8,255)	(\$164,055)	24	\$0	\$0	(\$164,055)
Year 7	18	(\$8,255)	(\$167,336)	26	\$0	\$0	(\$167,336)
Year 8	18	(\$8,255)	(\$170,683)	28	\$0	\$0	(\$170,683)
Year 9	18	(\$8,255)	(\$174,097)	30	\$0	\$0	(\$174,097)
Year 10	18	(\$8,255)	(\$177,579)	30	\$0	\$0	(\$177,579)

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

SEQ CHAPTER \h \r 1

In response to similar legislation from 2021, Perfected HCS for HB 59, officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Public Safety's Fire Safety & Office of the Director**, the **Ellisville Police Department**, the **Pettis County Ambulance District**, the **St. Louis County Police Department**, the **Crawford County 911 Board**, the **Boone County Sheriff's Department**, the **Crestwood Police Department**, the **Springfield Police Department** and the **Nodaway County Ambulance District** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies

<u>FISCAL</u> <u>IMPACT – State</u> <u>Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2027)
GENERAL REVENUE				
<u>Costs – DOC –</u> <u>HA 1 –</u> <u>Increase in</u> <u>incarceration</u> <u>costs</u>	(\$34,396)	(\$84,201)	(\$120,239)	(\$160,839)
<u>Cost - Potential</u> <u>increase in</u> <u>payments to</u> <u>Legal Expense</u> <u>Fund for increase</u> <u>in claims</u> <u>§105.1500.5</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>Could exceed</u> <u>(\$34,396)</u>	<u>Could exceed</u> <u>(\$84,201)</u>	<u>Could exceed</u> <u>(\$120,239)</u>	<u>Could exceed</u> <u>(\$160,839)</u>
<u>FISCAL</u> <u>IMPACT – State</u> <u>Government</u> <u>continued</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2027)
OTHER STATE FUNDS				
<u>Cost - Potential</u> <u>increase in</u> <u>payments to</u> <u>Legal Expense</u> <u>Fund for increase</u> <u>in claims</u> <u>§105.1500.5</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

ESTIMATED NET EFFECT TO OTHER STATE FUNDS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
LEGAL EXPENSE FUND (0692)				
<u>Transfer In</u> - from GR, Federal, and Other State Funds Potential increase in claims	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Transfer Out</u> - payment of discrimination claims §105.150 0.5	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT – State Government continued</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2027)
FEDERAL FUNDS				
<u>Various Federal Funds</u> - Potential increase in payments for	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

increase in claims \$105.1500.5				
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2027)
LOCAL POLITICAL SUBDIVISIONS				
Cost Potential increase in claims \$105.1500.5	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill establishes the "Personal Privacy Protection Act", prohibiting public agencies from disclosing or requiring the disclosure of personal information, as defined in the bill. The bill prohibits public agencies from;

- (1) Requiring any individual to provide the public agency with personal information or otherwise compel the release of such personal information;

(2) Requiring any entity exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to provide a public agency with personal information or otherwise compel the release of personal information;

(3) Releasing, publicizing, or otherwise publicly disclosing personal information in possession of the public agency; or

(4) Requiring any current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income taxation under Section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

The bill shall not preclude any individual or entity from being required to comply with any of the following:

(1) Submitting any report or disclosure required by this chapter or Chapter 130, RSMo;

(2) Responding to any lawful request or subpoena for personal information from the Missouri Ethics Commission as a part of an investigation, or publicly disclosing personal information as a result of an enforcement action from the Missouri Ethics Commission pursuant to its authority in Sections 105.955 to 105.966;

(3) Responding to any lawful warrant for personal information issued by a court of competent jurisdiction;

(4) Responding to any lawful request for discovery of personal information in litigation as provided in the bill;

(5) Admitting any personal information as relevant evidence before a court of competent jurisdiction. However, no court shall publicly reveal personal information absent a specific finding of good cause.

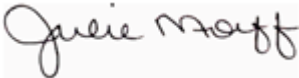
Any person or entity may bring a civil action for appropriate injunctive relief, damages, or both. Damages may be not less than \$2,500 to compensate for injury or loss caused by each violation of this bill and, for an intentional violation, a sum of money not to exceed three times the sum of damages assessed. A court may additionally award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant in the action if the court determines that the award is appropriate. Furthermore, a person who knowingly violates this bill is guilty of a Class B misdemeanor.

This bill also changes provisions regarding the offense of tampering with a judicial officer by making the offense a class B felony if the tampering results in the death or injury of a judicial officer member of judicial officer's family. Currently, tampering is a class D felony.

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

Missouri Ethics Commission
Missouri Highway Patrol
Missouri Office of Prosecution Services
Office of Administration
Office of the State Public Defender
Attorney General's Office
Department of Corrections

A handwritten signature in cursive script, appearing to read "Julie Morff".

Julie Morff
Director
March 31, 2022

A handwritten signature in cursive script, appearing to read "Ross Strobe".

Ross Strobe
Assistant Director
March 31, 2022