

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3895S.05C
Bill No.: SCS for HB 2088, HB 1705, HCS for HB 1699
Subject: Attorneys; Probation and Parole; Department of Corrections; Crimes and Punishment; Firearms; Victims of Crime; Animals; Bonds - Bail; Courts; Children and Minors; Judges; Juries; Criminal Procedure; Consumer Protection; Evidence; Highway Patrol; Firearms; Internet and E-Mail; Law Enforcement Officers and Agencies; Sexual Offenses; Weapons
Type: Original
Date: April 28, 2022

Bill Summary: This proposal modifies provisions relating to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue	Could exceed (\$1,237,922)	Could exceed (\$1,409,353)	Could exceed (\$2,298,838)	Less than or More than (\$5,639,567)
Total Estimated Net Effect on General Revenue	Could exceed (\$1,237,922)	Could exceed (\$1,409,353)	Could exceed (\$2,298,838)	Less than or More than (\$5,639,567)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Missouri Interstate Compact Fund	Less than \$293,854	Less than \$352,625	Less than \$352,625	Less than \$352,625
Correctional Center Nursery Program Fund*	\$0	\$0	\$0	\$0
Public Defender- Federal and Other Fund**	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$293,854	Less than \$352,625	Less than \$352,625	Less than \$352,625

*Revenue and expenditures net to zero.

**Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
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 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
General Revenue	0 FTE	1 FTE	2 FTE	0 FTE
Correctional Center Nursery Program Fund	1 FTE	8 FTE	8 FTE	8 FTE
Total Estimated Net Effect on FTE	1 FTE	9 FTE	10 FTE	8 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 2023	FY 2024	FY 2025	Fully Implemented (FY 2029)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

§§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.

In response to similar legislation from 2022 (Perfect HB 1705), officials from the **Department of Corrections (DOC)** stated after further review of this legislation, the DOC has determined that this language adds the terms violent offender to the online registry but does not reference penalties relating to failing to register. This online registry is for notification purposes only in relation to sexual and violent offenders. Therefore, the DOC assumes no impact to this legislation.

Oversight notes §589.425 states "a person commits the crime of failing to register as a sex offender" as either a class E felony or a class D felony. Oversight notes there does not appear to be a penalty for failing to register as a violent offender; therefore, notes DOC's assumption that failing to register as a violent offender does not have penalty provisions attached. Therefore, Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to similar legislation from 2022 (Perfect HB 1705), officials from the **Department of Mental Health** 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.

§§67.145, 70.631, 170.310, 190.091, 650.320, 650.330, and 650.340 – Telecommunicator first responders

In response to similar legislation from 2022 (HB 1676), officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Kansas City Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments, schools and LAGERS were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

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

In response to similar legislation from 2022 (HB 2601), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to the protection of vulnerable persons.

Section 565.184

The Office of State Court Administrators (OSCA) reports 17 class A misdemeanors under §565.184 during FY 2021. These offenses are now considered nonviolent class D felony offenses.

For each new nonviolent class D felony, the DOC estimates three (3) people could be sentenced to prison and five (5) 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 DOC could be 17 additional offenders in prison and 46 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	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	11	11	11	11	11	11	11	11	11	11
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	11	11	11	11	11	11	11	11	11	11
Cumulative Populations										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	11	22	33	33	33	33	33	33	33	33
Impact										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	11	22	34	40	46	46	46	46	46	46
Population Change	17	34	51	57	63	63	63	63	63	63

Section 630.155

The DOC did not receive any new commitments under §630.155 in FY 2021. Therefore, the DOC estimates no impact to minimal impact from changing the class E felony offense in that section to a class D felony offense.

Section 191.905

A new class D Felony was added for person who knowingly abuse or neglect a person receiving health care.

For each new nonviolent class D felony, the DOC estimates three (3) people could be sentenced to prison and five (5) 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 could 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 Estimated Cumulative Impact

The combined estimated cumulative impact of a new Class D felony and 17 class A misdemeanor changed to Class D Felony on the DOC could be 25 additional offenders in prison and 68 additional offenders on field supervision by FY 2027.

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	9	9	9	9	9	9	9	9	9	9
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	16	16	16	16	16	16	16	16	16	16
Change (After Legislation - Current Law)										
Admissions	9	9	9	9	9	9	9	9	9	9
Probations	16	16	16	16	16	16	16	16	16	16
Cumulative Populations										
Prison	9	18	25	25	25	25	25	25	25	25
Parole	0	0	2	11	20	20	20	20	20	20
Probation	16	32	48	48	48	48	48	48	48	48
Impact										
Prison Population	9	18	25	25	25	25	25	25	25	25
Field Population	16	32	50	59	68	68	68	68	68	68
Population Change	25	50	75	84	93	93	93	93	93	93

In response to similar legislation from 2022 (HB 2601), officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Labor and Industrial Relations**, the **Department of Social Services**, 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.

In response to similar legislation from 2022 (HB 2601), officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for a statement of fiscal impact.

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.

§§217.035, 217.650, 217.670, 217.710, 217.720, 548.241, 589.564, and 589.565 – Interstate compact

In response to similar legislation from 2022 (HCS SS SCS SB 834), officials from the **Department of Corrections (DOC)** stated the additional authority to request adjustments to conditions of supervision introduced in §589.564 prohibits requesting modification of the length of an offender's sentence. Therefore, there is no expected impact on offender populations from this change. While the requirement of offenders to pay a fee to apply for interstate transfer introduced in §589.565 may reduce the number of such requests, there is no way for the department to know how many offenders will not apply due to the fee, and how many offenders may have the fee requirement waived by the compact commission because the fee was determined to be an undue economic burden on the offender.

In 2021, Missouri submitted 3,359 outgoing transfers for Interstate Compact. This figure will be used to estimate the number of transfers in all subsequent years. Approximately 40% of transfers or 1,344 offenders ($3,359 \times .40$) are projected to be indigent and would receive a waiver of the \$175 fee. The DOC assumes the remaining 2,015 offenders would be able to pay the \$175 application fee required for transfer.

At most, there will be \$293,854 ($2,015 \text{ offenders} \times \175) revenue deposited into the Missouri Interstate Compact Fund in FY 2023, which shall be used for the costs of administration of these provisions.

	Number of Interstate Compact Transfer Applications	Cost per Transfer	Total Revenue Collected
Year 1	2,015	(\$175)	(\$293,854)
Year 2	2,015	(\$175)	(\$352,625)
Year 3	2,015	(\$175)	(\$352,625)
Year 4	2,015	(\$175)	(\$352,625)
Year 5	2,015	(\$175)	(\$352,625)
Year 6	2,015	(\$175)	(\$352,625)
Year 7	2,015	(\$175)	(\$352,625)
Year 8	2,015	(\$175)	(\$352,625)
Year 9	2,015	(\$175)	(\$352,625)
Year 10	2,015	(\$175)	(\$352,625)

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

Oversight notes under current law, all necessary expenses accrued as a result of a person being returned to Missouri pursuant to the Interstate Compact for the Supervision of Parolees and Probationers shall be paid out of the state treasury. This act repeals this provision and provides that any person being returned to Missouri pursuant to the Interstate Compact for Adult Offender Supervision shall be paid out of either the "Missouri Interstate Compact Fund" or out of the state treasury.

Section 589.565 states a Missouri probationer or parolee requesting a transfer of their supervision through this compact shall pay a \$175 application fee and these moneys will be used for the sole benefit of the DOC in support of the administration of this section. Therefore, for purposes of this fiscal note, Oversight assumes transportation expenses will be paid out of the Missouri Interstate Compact Fund and will reflect a negative unknown cost to the fund. However, if the Missouri Interstate Compact Fund does not have moneys available due to the

number of offenders granted a waiver of the transfer application fee, there could be an impact to the state treasury. Oversight notes the DOC has clarified the state treasury is the General Revenue Fund. Therefore, Oversight will reflect a potential savings from the deletion of §217.810.4.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other county prosecutors and circuit clerks 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.

§§217.541, 217.705, 217.718, 217.730, 558.011, 558.026, 558.046, 570.030, and 571.015 –
Conditional release

In response to similar legislation from 2022 (SB 964), officials from the **Department of Corrections (DOC)** stated this proposal intends to remove the requirement for conditional releases of offenders as defined under section 558.011.

Operational Impact

DOC evaluated first releases of offenders on conditional release and parole release during fiscal years 2017 through 2021. When offenders had multiple sentences associated with their first release, and possibly different release statuses associated with different sentences, for the purpose of this analysis they were only considered as a conditional release if all release statuses were conditional release. Otherwise, unless the offender was discharged from all sentences upon release or released to probation, they were classified as a parole release.

The sentence with the most serious felony class (and longest sentence length where multiple sentences of the same felony class were involved) was used to determine the additional time that would be spent in prison if offenders were not released on conditional release.

In FY 2021, 334 offenders were released on conditional release. The following table shows the difference in times between condition release dates and maximum discharge dates for those offenders broken down by sentence felony class.

Felony class	Releases	Average Sentence Length (Years)	Average Time Served (Years)	Difference
A	5	22.8	20.0	2.8
B	58	9.4	7.4	2.0
C	122	6.5	4.8	1.6
D	67	4.0	2.2	1.8
E	54	3.3	1.5	1.8
U	28	13.0	10.7	2.3
Total	334	6.8	4.9	1.8

Impact if offenders were released on maximum discharge date:

Based on this number of conditional releases in FY 2021, with an average sentence length of 6.8 years and average release time of 4.9 years, if all offenders who would have been released on conditional release were instead not released until their maximum discharge date, there could be up to an additional 635 offenders in prison and 635 fewer offenders under supervision in the field by FY 2029.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	334	334	334	334	334	334	334	334	334	334
After Legislation	334	334	334	334	334	334	334	334	334	334
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	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison					33	367	635	635	635	635
Parole					-33	-367	-635	-635	-635	-635
Probation										
Impact										
Prison Population					33	367	635	635	635	635
Field Population					-33	-367	-635	-635	-635	-635
Population Change	0	0	0	0	0	0	0	0	0	0

Impact if offenders were released one year prior to maximum discharge date:

If the 334 offenders released on conditional release in FY 2021 were instead released one year prior to their maximum discharge date (i.e., at 5.8 years instead of 4.9 years), there could be up to an additional 301 offenders in prison and 301 fewer offenders under supervision in the field by FY 2028.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	334	334	334	334	334	334	334	334	334	334
After Legislation	334	334	334	334	334	334	334	334	334	334
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	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison					33	301	301	301	301	301
Parole					-33	-301	-301	-301	-301	-301
Probation										
Impact										
Prison Population					33	301	301	301	301	301
Field Population					-33	-301	-301	-301	-301	-301
Population Change	0	0	0	0	0	0	0	0	0	0

§217.690 – Eligibility for parole

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to criminal laws.

This section adds language that excludes offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years from consideration for parole after serving fifteen years of incarceration, thereby requiring offenders with a conviction of murder in the second degree for an offense committed when under the age of 18 years to serve a longer period of incarceration prior to consideration for parole.

There are currently 201 offenders in prison who are both: 1) incarcerated only on a sentence, or a combination of sentences, for offenses committed when they were less than 18 years, and 2) serving a sentence for a conviction of murder in the second degree. Of those 201 offenders, nine are excluded from consideration for having a prior release from prison. Of the remaining 192 offenders, 65 have been incarcerated for 15 years or more. Given the parole board is currently reviewing these cases, DOC assumes the passage of this proposal would result in these 65 individuals remaining in prison.

Oversight notes the DOC stated an (Unknown) fiscal impact in SB 664. However, for purposes of this fiscal note, DOC assumes the passage of section 217.690 would result in the 65 individuals remaining in prison. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

§§217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, and 217.947 – Correctional Center Nursery Program

In response to similar legislation from 2022 (HCS SS SCS SB 834), officials from the **Department of Corrections (DOC)** stated this bill establishes a Correctional Center Nursery Program that will allow the department to house eligible inmates and children born to them while in the custody of the department for a period of up to 18 months. The program must be in operation no later than July 1, 2025. While the bill provides the department discretion to determine program eligibility criteria, it does list some specific eligibility requirements. The bill also establishes a new fund in the state treasury to collect appropriations, donations, and any support or public assistance funds received on behalf of the mother.

Potential Number of Eligible Program Participants:

In 2020, a total of 26 women gave birth while in the department's custody. Of that number, 11 had drug offenses, 6 had nonviolent offenses, 1 had a sex offense, and 7 had violent offenses. Twenty-two of the 26 women have been released from custody as of 12/1/21, the average post-delivery time served was 2.32 months.

In 2021, a total of 25 women gave birth while in the department's custody (as of 12/1/21). Of that number, 10 had drug offenses, 13 had nonviolent offenses, and 2 had violent offenses. Fifteen of the 25 women have been released from custody as of 12/1/21, the average post-delivery time served was 3.1 months.

Identifiable Costs:

The costs depend significantly based on the size of the program. Based on the potential number of eligible female offenders discussed above, the department anticipates that the conversion of one wing of one housing unit to establish a seven-bed capacity nursery wing will likely meet the capacity needs of the program due to the typically short stays of the offenders post-delivery. However, please note there may be instances where capacity limits delay or prevent a women's ability to enter the program. Based on the scenario of converting one wing of one housing unit the costs would be:

7-Bed Unit:

One-Time Costs:	
\$14,000	Furnishings/equipment/toys
\$190,832	One-Time conversion
\$26,887	Vehicle (7 passenger minivan) for appointments, etc.
\$16,000	Startup for staff – uniforms, office furniture, etc.
\$247,719	Total One-Time Costs
On-Going Costs:	
\$112,000	On-Going Operating Cost (formula, diapers, pump, etc.) (\$16k/year/bed)
\$100,000	Contract Pediatrician Services
\$8,400	Caregiver wages (\$100/month, per caregiver, 7 caregivers)
\$140,000	Reentry Services (\$5,000 per mother/child at 28 women per year)
\$315,246	Staff PS 8 FTE (5 Correctional Officers I, 2 Correctional Case Managers, 1 Functional Unit Manager/Program Administrator)
\$224,046	Staff fringe
\$899,692	Total On-Going Costs

Given the delayed implementation date, the costs listed will be phased over the first three fiscal years.

Year 1:

- \$247,719 – one-time startup costs to convert and equip the housing unit wing
- \$47,252 Personal Services and one (1) FTE as the Program Administrator
- \$30,635 Staff fringe
- **\$325,606 Total**

Year 2:

- \$323,127 Personal Services and eight (8) FTE* ($\$315,246 \times 1.025$)
- \$229,647 Staff fringe* ($\$224,046 \times 1.025$)
- **\$552,774 Total**

Year 3 and on-going:

- \$323,127 Personal Services and eight (8) FTE
- \$229,647 Staff fringe
- \$360,400 Expense and equipment for program operating costs
- **\$913,174 Total**

***Oversight** notes these costs include an inflation rate of 2.5 percent in year 2; however, DOC did not apply the inflation rate for year 3 and on-going.

DOC notes the bill establishes a new fund in the state treasury to collect appropriations, donations, and assistance payments from supporting parties or public assistance programs. It is

unknown if the revenues into this fund would be sufficient to fund the on-going operating costs of the program.

The bill also specifies that financial support for the mother/child is to be forwarded to the department to deposit into the mother's inmate banking account.

Unknown costs:

Section 217.947 removes the applicability of section 537.600, RSMo, which would otherwise have granted the state of Missouri sovereign immunity from liability and suit for negligent acts or omissions, which would include legal liability for damages or injury to the child.

The DOC operates and maintains prisons. These prisons are not built for babies. They are institutional buildings built of concrete and steel with heavy locking doors, heavy furniture, and numerous features that could constitute a "dangerous condition" for a baby. Further, these prisons house violent offenders who have already admitted to or been proven guilty of committing bodily harm on others. There are only so many mitigating actions the department can take to make a prison "baby-safe" and still maintain the security of the facility. The potential legal exposure to the state of housing a baby in an adult correctional center represents an unknown potential cost to the state.

Custody of child. The bill states in §217.940.1 that "neither the inmate's participation in the program nor any provisions of [the law] shall affect, modify or interfere with the inmate's custodial rights to the child nor does it establish legal custody of the child with the department."

This language means that the mother, and possibly another person, could have legal custody of the child and the authority to make all decisions regarding the child's health and welfare. The DOC will have no legal authority to make those decisions and it is probable that issues will arise for department staff overseeing the program.

For example, if staff observe the child is in need of medical care but the mother refuses to accept medical treatment for the child's distress, it is unclear on whether the department could be legally liable to the child. On the flip side, what if mom thinks the child needs to go to the doctor or urgent care (accompanied by mom) every time they have a fever – is the department required to allow her to make those decisions, and therefore, leave the institution whenever she claims it is medically necessary for the child? The department is unclear of the legal implications of having legal custody over the mother, but not of the child that the mother has legal custody of and is the primary caregiver. These issues represent a potential unknown cost to the state.

The department has and continues to reach out to other states that have similar programs within their correctional centers. As the department continues to learn more from the operational and policy experience of the other states, the operational approach (and, therefore, cost projections) may be changed going forward.

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

Oversight notes §217.945 establishes a new fund from moneys collected under this section and section 217.944 as well as any appropriations made by the General Assembly, gifts, grants, or donations. Oversight assumes an unknown income to the Correctional Center Nursery Program Fund from gifts, grants, or donations. For fiscal note purposes, Oversight assumes services provided under this proposal will equal income/appropriations and net to zero.

Oversight notes the Division of Child Support Enforcement will forward support payments to the DOC for deposit into the inmate’s banking account as outlined in §217.944.

Oversight states, according to [The Benefits of Prison Nursery Programs](#), nine states currently operate prison nursery programs—California, Illinois, Indiana, Nebraska, New York, Ohio, South Dakota, Washington, and West Virginia.

In response to similar legislation from 2022 (HCS SS SCS SB 834), officials from the **Attorney General’s Office**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Office of Administration**, the **Office of the Governor**, and the **Office of the State Courts Administrator** 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.

In response to similar legislation from 2022 (HCS SS SCS SB 834), officials from the **Department of Elementary and Secondary Education**, the **Missouri Office of Prosecution Services**, and the **Office of the State Treasurer** 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.

§§407.1700 and 570.036 – Organized retail theft

In response to a previous version (Perfected HB 2697), officials from the **Department of Corrections (DOC)** stated this proposal establishes the offense of organized retail theft. A class C felony is created for all thefts during a period of 120 days and less than \$1,000, and a class B felony was created for all thefts during a period of 120 days and more than \$10,000.

In section 407.1700.7, the bill creates the equivalent of a new class E felony by designating violations of the provisions of 407.1700 to be treated as violations of sections 407.010 to 407.130.

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 2 additional offenders in prison and 7 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

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

	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	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

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 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

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	1	1	1	1	1	1	1	1	1	1
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	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

Thus, the combined cumulative impact is estimated to be 22 additional offenders in prison and 30 additional offenders on field supervision by FY 2027, with a net population change of 43 new offenders.

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	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	8	8	8	8	8	8	8	8	8	8
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	8	8	8	8	8	8	8	8	8	8
Cumulative Populations										
Prison	6	12	17	21	22	22	22	22	22	22
Parole	0	0	1	2	6	11	16	17	18	18
Probation	8	16	24	24	24	24	24	24	24	24
Impact										
Prison Population	6	12	17	21	22	22	22	22	22	22
Field Population	8	16	25	26	30	35	40	41	42	42
Population Change	14	28	42	47	52	57	62	63	64	64

Oversight notes the provisions of this proposal state the court shall order a person who violates §570.036 to pay restitution. Oversight assumes restitution will be paid to the merchant and there will be no impact to the State.

In response to a previous version (HB 2697), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates the crime of organized retail theft under Section 570.036. 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 previous version (HB 2697), officials the **Office of the State Courts Administrator**, the **City of O'Fallon**, and the **City of Springfield** 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.

In response to similar legislation from 2022 (HCS HB 2108), officials from the **Office of Attorney General (AGO)** assumed any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

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.

In response to SCS HB 2697, HB 1589, 1637, and HCS HB 2127), officials from the **Joint Committee on Administrative Rules** assumed this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to SCS HB 2697, HB 1589, 1637, and HCS HB 2127), officials from the **Office of the Secretary of State (SOS)** noted 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.

In response to similar legislation from 2022 (HCS HB 2108), officials from the **Office of the State Courts Administrator**, the **City of Claycomo**, the **City of O'Fallon**, and the **City of Springfield** assumed the proposal will have no fiscal impact on their organizations.

In response to a previous version (HB 2108), officials from the **City of Freistatt**, the **City of Hughesville**, the **City of Laclede**, the **City of Osceola**, the **City of St. Louis**, and the **Greene County Prosecutor's Office** 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.

§§455.073, 455.075, 455.085, 546.262, 546.263, and 595.320 – Domestic Violence

In response to a previous version (HB 1699), 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.

In response to a previous version, 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.

Oversight notes the number of adult abuse and child protection order cases that have been filed and disposed over the last five years relating to domestic relations.

	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2017</u>	<u>FY 2016</u>	<u>5 Year Avg</u>
Adult Abuse Filed	41,609	43,552	43,846	44,359	43,877	43,449
Adult Abuse Disposed	39,104	42,884	43,680	43,931	43,133	42,546
Child Protection Orders Filed	7,584	8,705	8,729	8,783	8,462	8,453
Child Protection Orders Disposed	7,315	8,564	8,687	8,595	8,517	8,336

Source: Table 42 - OSCA's Annual Statistical Supplemental Report on Domestic Relations Cases

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 listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

In response to similar legislation from 2022 (Perfected HCS HB 1699), officials from the **Attorney General's Office**, the **Department of Corrections**, the **Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Phelps County Sheriff's Office**, the **Kansas City Police Department** and the **St. Joseph 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.

§544.170 – Period of detention

In response to similar legislation (SB 130) from 2021, officials from the **Boone County Sheriff's Department** stated over the last several years, the department has seen a large increase in those persons arrested on felony charges. At this time, the jail is housing just six misdemeanor detainees with more than 200 detainees' total. The extension to 48 hours for certain felony arrestees will result in an increase in the amount of time a felony arrestee is housed in the jail. The daily average cost to house a detainee is around \$60 a day. The jail intakes 8-12 persons a day. Therefore, the department estimates the housing cost will increase \$120 a day.

In response to similar legislation (SB 130) from 2021, officials from the **Lewis County Sheriff's Department** stated impact will vary dependent on size and scope of jurisdiction. The cost per day will also vary from jurisdiction. Generally, the cost of incarceration ranges from \$45 per day to \$80 per day. Departments must consider new booking data and calculate the release of these types of inmate.

In response to similar legislation (SB 130) from 2021, officials from the **Crestwood Police Department** stated this 48 hour detention period could have a fiscal impact, though not terribly

burdensome, on the department for the extra meals the city would provide to the suspect/prisoner.

In response to similar legislation (SB 130) from 2021, officials from the **Ellisville Police Department** stated this would have a positive impact from a criminal investigation standpoint. The minor fiscal impact of housing someone an extra day is greatly offset by the positive nature of this change.

Oversight notes the statements of fiscal impact and no impact to various police and sheriff's departments. Oversight is unable to project a statewide impact to local jailers for the additional time some persons may be kept in custody. Oversight will reflect an impact to local governments as \$0 to (Unknown) additional costs, but as stated above, this additional time would be beneficial to law enforcement agencies. Oversight notes this proposal is permissive and allows more flexibility to local law enforcement.

§544.453 – Release from prison

In response to similar legislation from 2022 (SB 1093), officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, and the **Department of Corrections** 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.

In response to similar legislation from 2022 (SB 1093), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation of §544.453 on the judicial setting of bond could substantially increase the number of persons held in pretrial detention resulting in an increase in persons eligible for SPD services. The fiscal impact of this legislation on SPD is unknown as the number of additional persons 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 (SB 1093), officials from the **Phelps County Sheriff's Office** 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.

In response to similar legislation from 2021 (SB 487), officials from the **St. Joseph 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.

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 listing of political subdivisions included in the Missouri Legislative Information System 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 (fewer persons being held pretrial) or additional cost (more persons being held pretrial) to local jails. Therefore, Oversight will reflect a positive to negative unknown savings/costs to local jail funds for this proposal.

§545.473 – Change of Venue

In response to similar legislation from 2022 (SCS SB 937), officials from the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, and the **Office of the State Public Defender** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (SB 937), officials from the **Attorney General’s Office** and **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.

In response to similar legislation from 2022 (SCS SB 937), officials from the **Missouri Office of Prosecution Services (MOPS)** stated there would be no measurable fiscal impact to MOPS. The bill would provide a positive fiscal impact to county prosecuting attorneys’ offices in jurisdictions with 75,000 or less in population by reducing the number of cases transferred to other counties which in return would reduce travel and other expenses of those prosecutors. However, the exact positive fiscal impact on those local prosecutors' office is difficult to determine.

Oversight will reflect a potential savings to counties based on MOPS’ response.

Oversight notes all of the counties in Missouri except those listed below have “seventy-five thousand or fewer inhabitants.”

COLE	77,279		BOONE	183,610
CAPE GIRARDEAU	81,710		JEFFERSON	226,739
BUCHANAN	84,793		CLAY	253,335
CHRISTIAN	88,842		GREENE	298,915
FRANKLIN	104,682		ST. LOUIS CITY	301,578
PLATTE	106,718		ST. CHARLES	405,262
CASS	107,824		JACKSON	717,204
JASPER	122,761		ST. LOUIS	1,004,125

§556.036 – Statute of limitation for certain sexual offenses

In response to similar legislation from 2022 (SB 837), officials from the **Department of Corrections (DOC)** stated while there may be additional admissions as a result of an increase in prosecution for these particular offenses, it is not possible to determine how many additional prosecutions may occur nor how many admissions would result from such prosecutions. In addition, because the removal of the statute of limitations would not affect offenses that occurred prior to the effective date of this bill, it would be many years before any effect on the department would be seen. Therefore, DOC estimates no impact.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

In response to similar legislation from 2022 (SB 837), officials from the **Attorney General's Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, 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.

§556.046 – Included offenses

In response to similar legislation from 2022 (HB 2589), officials from the **Attorney General's Office**, the **Department of Corrections**, 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. Oversight assumes this proposal clarifies instructions given to a jury regarding included offenses and, therefore, will reflect a zero impact in the fiscal note for these agencies.

§§558.016, 558.019, 571.015, and 571.070 – Criminal laws

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated this proposal intends to extend the amount of time an offender spends in prison prior to first release when admitted on an Armed Criminal Action (ACA) sentence. Given ACA sentences are already defined as dangerous felonies, which require a minimum prison term of 85% of the length of the sentence prior to first release and current legislation requires all ACA sentences to be served consecutive to other sentences, DOC estimates that the proposed changes to the sentencing for ACA offenses presents minimal to no potential to impact department operations.

Section 571.070 modifies the felony class for unlawful possession of a firearm from a class D felony to a class C felony if the person has no history of a dangerous felony conviction or prior conviction for unlawful possession of a firearm, and from a class C felony to a class B felony if the person has a prior conviction for a dangerous felony or a prior conviction for unlawful possession of a firearm. The proposal also intends to increase the penalties associated with first and subsequent convictions related to the unlawful possession of a firearm.

There were 70 offenders admitted to prison in FY 2021 on a new court commitment for unlawful possession of a firearm as their most serious sentence. Of those, two had a prior conviction for a dangerous felony or unlawful possession of a firearm. Therefore, DOC estimates the impact based on 68 new court commitments per year as class C felonies instead of class D felonies and two new court commitments per year as class B felonies instead of class C felonies.

Change from class D felony to class C felony

The difference in average sentence lengths between a nonviolent class D felony and a class C felony is 1.9 years. The difference in average time to first release from prison for a nonviolent class D felony and a class C felony is 0.4 years. When these differences are applied to 68 new court commitments annually, this equates to maximum cumulative impact of approximately 61 additional offenders in prison and 68 additional offenders on field supervision after seven years.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	68	68	68	68	68	68	68	68	68	68
After Legislation	68	68	68	68	68	68	68	68	68	68
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			14	61	61	61	61	61	61	61
Parole			-14	-61	-61	7	68	68	68	68
Probation										
Impact										
Prison Population			14	61	61	61	61	61	61	61
Field Population			-14	-61	-61	7	68	68	68	68
Population Change	0	0	0	0	0	68	129	129	129	129

Change from class C felony to class B felony

The difference in an average sentence length between a class C felony and a class D felony is 2.1 years. The difference in average time to first release from prison for a class C felony and a class D felony is 1.3 years. When these differences are applied to two new court commitments annually, this equates to maximum cumulative impact of approximately three additional offenders in prison and one additional offenders on field supervision after nine years.

Change in prison admissions and probation openings with legislation

	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032
New Admissions										
Current Law	2	2	2	2	2	2	2	2	2	2
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										
Probations										
Cumulative Populations										
Prison				1	3	3	3	3	3	3
Parole				-1	-3	-3	-3	-1	1	1
Probation										
Impact										
Prison Population				1	3	3	3	3	3	3
Field Population				-1	-3	-3	-3	-1	1	1
Population Change	0	0	0	0	0	0	0	2	4	4

§§566.010 and 566.086 – Sexual offenses

In response to similar legislation from 2022 (HB 2590), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to sexual offenses.

The bill 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 bill 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.

For each new sex or child abuse related class E felony, the department estimates three people will be sentenced to prison and three to probation. The average sentence for a sex or child abuse related class E felony offense is 3.5 years of which, 2.9 years will be served in prison with 2.6 years to first release. The remaining 0.6 years will be on parole. Probation sentences will be 5 years.

The cumulative impact on the department is estimated to be 9 additional offenders in prison and 9 additional offenders on field supervision by FY 2025.

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	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	3	3	3	3	3	3	3	3	3	3
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	3	3	3	3	3	3	3	3	3	3
Cumulative Populations										
Prison	3	6	9	9	9	9	9	9	9	9
Parole				2	2	2	2	2	2	2
Probation	3	6	9	12	15	15	15	15	15	15
Impact										
Prison Population	3	6	9	9	9	9	9	9	9	9
Field Population	3	6	9	14	17	17	17	17	17	17
Population Change	6	12	18	23	26	26	26	26	26	26

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 **Department of Elementary and Secondary Education**, the **Office of the State Courts Administrator**, the **St. Joseph Police Department**, and the **Phelps County Sheriff's 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.

§§559.036, and 559.115 – Post-conviction treatment programs

In response to similar legislation from 2022 (HCS SS SCS SB 834), officials from the **Department of Corrections (DOC)** assumed the proposal will have no fiscal impact on their organization. Sections 559.036 and 559.115 will continue to be used for sentencing and, therefore, the number of offenders received will not change.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

§§566.149, 566.150 & 566.155 – Sexual Offenders

In response to similar legislation from 2022 (SS SCS SB 850), the **DOC** states the following:

Section 566.150 creates a violation for a person to knowingly loiter within 500 feet of certain properties if previously convicted of provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors. The intent of the bill is to create a new class E felony for a first offense of loitering with 500 ft. of certain properties. A second offense would result in a new class D felony.

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 2 additional offenders in prison and 7 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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 16 additional offenders on field supervision by FY 2025.

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

Oversight notes during the past two fiscal years, 57 people have been found guilty under §566.150:

	Felony guilty dispositions
FY 2021	29
FY 2020	28
Total	57

Of the 29 individuals convicted in FY 2021, three were charged with a D felony, and 26 were charged with an E felony. In FY 2020, all 28 individuals were convicted with an E felony.

Section 566.155 states that an individual shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member if previously convicted of provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; section 573.037, possession of child pornography; or section 573.040, furnishing pornographic material to minors. The intent of the bill is to create a new class E felony for a first offense. A second offense would result in a new class D felony.

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 2 additional offenders in prison and 7 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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

§§566.151 and 567.030 – Criminal offenses involving a child

In response to similar legislation from 2022 (HCS HB 2616), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to criminal offenses involving a child. Section 566.151 changes the age of the victim of from any person who is less than fifteen to less than seventeen years of age. 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. It also changes the existing class D felony to a class B felony.

Operational Impact

There were no new court commitments to prison under Section 567.030 during FY 2021. These offenses will be changed from class D felony to class B felony.

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 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

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	1	1	1	1	1	1	1	1	1	1
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	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

Oversight notes, from information provided by the State Courts Administrator, the following number of felony convictions under §567.030:

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
Felonies	0	1	0	2

Oversight notes due to the infrequency of this offense, Oversight will reflect DOC's impact as \$0 (no additional offenses committed or additional incarceration time) to the estimate provided by DOC to the General Revenue Fund.

In response to similar legislation from 2022 (HCS HB 2616), officials from the **Department of Social Services** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (HB 2616), officials from the **Attorney General's Office**, 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.

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

DOC states this proposal modifies provisions relating to criminal offenses involving teller machines. It modifies section 569.100 to include the offense of tampering with a teller machine and associated penalties and modifies section 570.030 to include the offense of stealing a property that is a teller machine or the content of a teller machine including cash regardless of the value or amount.

The offense of tampering with a teller machine is a class D felony unless the offense is committed for the purpose to defraud or obtain any property of \$750 or more or the damage to a teller machine exceeds \$750, in which case it is a class C felony. Any second or subsequent offense is a class B felony. The offense of stealing a teller machine is a class C felony.

Operational Impact

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 16 additional offenders on field supervision by FY 2025.

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	0	0	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

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 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

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

	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	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

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 5 additional offenders in prison and 0 additional offenders on field supervision by FY 2027.

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	1	1	1	1	1	1	1	1	1	1
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	1	1	1	1	1	1	1	1	1	1
Probations										
Cumulative Populations										
Prison	1	2	3	4	5	5	5	5	5	5
Parole						1	2	3	4	4
Probation										
Impact										
Prison Population	1	2	3	4	5	5	5	5	5	5
Field Population						1	2	3	4	4
Population Change	1	2	3	4	5	6	7	8	9	9

§570.030 – Stealing

DOC states this section creates a total of two new felony offense in relation to stolen property. The proposal intends to create the following felonies:

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.

The offense of stealing is a class E felony if the property appropriated is an animal; the property is a catalytic converter; a person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or the property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by common carrier or delivery service and not yet received by the addressee or that had been left to be collected for shipment by a common carrier or delivery service.

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 2 additional offenders in prison and 7 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

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 15 additional offenders in prison and 19 additional offenders on field supervision by FY 2026.

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

	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	4	4	4	4	4	4	4	4	4	4
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Change (After Legislation - Current Law)										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	6	6	6	6	6	6	6	6	6	6
Cumulative Populations										
Prison	4	8	12	15	15	15	15	15	15	15
Parole				1	5	9	13	13	13	13
Probation	6	12	18	18	18	18	18	18	18	18
Impact										
Prison Population	4	8	12	15	15	15	15	15	15	15
Field Population	6	12	18	19	23	27	31	31	31	31
Population Change	10	20	30	34	38	42	46	46	46	46

In response to similar legislation from 2022 (SCS SB 919), officials from the **Office of Administration** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SB 919), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Greenwood 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.

§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 Corrections (DOC)** stated the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad, train, boat, aircraft, motor vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

In response to similar legislation from 2022 (HB 1568), officials from the **Attorney General's Office**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **City of Springfield**, the **City of St. Louis**, and the **Phelps County Sheriff's 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.

§575.205 – Electronic monitoring equipment

In response to similar legislation from 2022 (SB 878), officials from the **Department of Corrections (DOC)** stated this proposal modifies provisions relating to the offense of tampering with electronic monitoring equipment. 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, it is a class A misdemeanor. As misdemeanors do not fall under the department's purview, it will not be addressed here.

Regarding the E felony, since this is a new offense, the department will use a standard class E felony response. 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 2 additional offenders in prison and 7 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
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
Change (After Legislation - Current Law)										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
Cumulative Populations										
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
Impact										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
Population Change	3	6	9	9	9	9	9	9	9	9

In response to similar legislation from 2022 (SB 878), 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 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 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 (SB 878), officials from the **Attorney General's Office**, the **Office of the State Courts Administrator**, and the **Phelps County Sheriff's 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.

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.

§§575.353, 578.007, and 578.022 – Offenses against police dogs

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Department of Corrections (DOC)** stated Section 575.353 creates penalties for assault of a law enforcement animal, proposing a new class E felony for the serious injury of a law enforcement animal and a new class D felony for an assault of a law enforcement animal that results in death.

New Class E Felony

For each new violent class E felony, the department estimates two people will be sentenced to prison and one to probation. The average sentence for a violent class E felony offense is 4 years, of which 3 years will be served in prison with 2.2 years to first release. The remaining 1.0 year will be on parole. Probation sentences will be 4 years.

The cumulative impact on the department is estimated to be 6 additional offenders in prison and 6 additional offenders on field supervision by FY 2026.

New Class D Felony

For each new violent class D felony, the department estimates four people will be sentenced to prison and four to probation. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

The cumulative impact on the department is estimated to be 16 additional offenders in prison and 23 additional offenders on field supervision by FY 2028.

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

In response to similar legislation from 2022 (SB 765), officials from the **Greenwood Police Department** and the **St. Joseph 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 those agencies.

In response to similar legislation from 2022 (SCS SB 831), 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.

§§590.040 and 590.080 – Peace officer standards

In response to similar legislation from 2022 (SB 689), officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety – (Capitol Police, Office of the Director, and Missouri Highway Patrol)**, the **Department of Social**

Services, the Missouri Department of Conservation, the Office of Administration, the St. Louis County Police Department, and the Phelps County Sheriff's Department 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.

§595.201 – Sexual assault survivors

In response to similar legislation from 2022 (SS SCS SB Nos. 775, 751, & 640), officials from the **Department of Public Safety - Office of the Director (DPS)** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (Perfectured SS SCS SB Nos. 775, 751 & 640), **Oversight** inquired the **Department of Public Safety's Office of the Director (DPS)** regarding the forensic exams in §595.201.2(2) of this proposal and DPS responded as follows:

In SFY21, the DPS SAFE program paid providers 2,961 claims in the amount of \$1,733,429.07. Regardless of any omissions to [RSMo 595.201.2\(2\)](#), DPS SAFE is required to comply with [RSMo 595.220](#) and pay appropriate medical providers.

In response to similar legislation from 2022 (SS SCS SB 850), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation creates or expands offenses under Sections 566.149, 566.150, 566.155, 569.100, 570.030, 571.070, 575.200, 575.353, 578.007, 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 (SS SCS SB 850), officials from the **Department of Elementary and Secondary Education, the Department of Health and Senior Services, the Department of Public Safety – Office of the Director, the Department of Social Services, the Missouri Department of Conservation, the Missouri Department of Transportation, and the Phelps County Sheriff's Department** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation from 2022 (SCS SB Nos. 775, 751, & 640), officials from the **St. Joseph 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.

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

§600.042 – Public Defender funding

In response to similar legislation from 2022 (SB 1039), officials from the **Office of the State Public Defender (SPD)** stated the proposed legislation amending Section 600.042 would allow SPD to receive gifts and grants in a specified public defender fund up to the currently authorized amount of \$625,000. It is unknown how much will be received within a fiscal year.

In response to similar legislation from 2022 (HB 2370), SPD noted that a minimal amount of donations have been made to General Revenue using this statute. SPD states they have not historically sought gifts or grants because of the requirement that the funds should be deposited into GR. SPD has solicited grants from Americorp Vista for in kind donations and would like to solicit grants from the DOJ if the Equal Defense Act is passed. That legislation authorizes substantial grants for public defender organizations that have completed workload studies and are working to establish appropriate workloads. SPD would also investigate other grant funding available.

Oversight assumes since no material amount of donations have been received by General Revenue through this statute, changing the designation to the new Public Defender – Federal and Other Fund would not create a material direct fiscal impact to the state.

In response to similar legislation from 2022 (SB 1039), officials from the **Office of Administration - Budget and Planning** and the **Office of the State Courts Administrator** each 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.

In response to similar legislation from 2022 (HB 2370), officials from the **Office of the State Treasurer** 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

§632.305 – Application for detention for evaluation and treatment

In response to similar legislation from 2022 (SCS SB 1109), officials from the **Department of Mental Health**, the **Department of Commerce and Insurance**, the **Department of Health and**

Senior Services, the Department of Public Safety, Missouri Highway Patrol, the Missouri Office of Prosecution Services, the Office of the State Courts Administrator, the Office of the State Public Defender, the Hermann Area Hospital District, the Kansas City Police Department, the Phelps County Sheriff's Department 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.

In response to similar legislation from 2022 (SCS SB 1109), officials from the **University of Missouri System** stated they anticipate no significant fiscal impact.

Oversight assumes the costs incurred by the University of Missouri System related to this proposal can be absorbed within current resource levels.

In response to similar legislation (HB 2110), officials from the **Eldon Police Department** stated they support the proposed changes because they would reduce barriers law enforcement encounters when they are presented with individuals experiencing mental health issues who may benefit from evaluation. Officials made no statement of fiscal impact. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

In response to similar legislation (HB 2110), officials from the **Greenwood 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other public administrators, sheriffs, police departments 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 database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
GENERAL REVENUE				
<u>Savings</u> – removal of expense in deletion of §217.810.4 p. 10	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Savings</u> – DOC (§558.011) Change in P&P officers (fewer) p. 4, 10				Could exceed...
Personal service	\$0	\$0	\$0	\$203,645
Fringe benefits	\$0	\$0	\$0	\$140,092
Equipment and expense	\$0	\$0	\$0	\$19,631
<u>Total savings</u> - DOC	\$0	\$0	\$0	\$363,368
FTE Change - DOC	0 FTE	0 FTE	0 FTE	(5) FTE
<u>Cost</u> – DOC (§558.011) Increased incarceration costs	\$0	\$0	\$0	Could exceed... (\$2,743,370)
<u>Cost</u> – MHP (§§43.650 and 589.437) To build and maintain public website p. 4	(\$600,000)	\$0	\$0	\$0
<u>Cost</u> – DOC (§§191.905 and 565.184) p. 6, 47				
Personal service	\$0	\$0	\$0	(\$41,137)
Fringe benefits	\$0	\$0	\$0	(\$28,299)
Equipment and expense	\$0	\$0	\$0	(\$4,024)
Incarceration and parole	(\$61,913)	(\$151,562)	(\$214,713)	(\$232,412)
<u>Total Cost</u> – DOC	(\$61,913)	(\$151,562)	(\$214,713)	(\$305,872)
FTE Change – DOC	0 FTE	0 FTE	0 FTE	1 FTE
<u>Cost</u> – DOC - (§§217.690, 566.150, 566.155, 569.100, 570.030, 571.015, 571.070, 575.353) p. 12,28,40,47,50				
Personal service	\$0	(\$42,167)	(\$85,178)	(\$177,272)
Fringe benefits	\$0	(\$28,025)	(\$56,611)	(\$117,819)
Equipment and expense	\$0	(\$11,738)	(\$15,718)	(\$25,581)
Increased incarceration costs	(\$185,738)	(\$454,685)	(\$772,965)	(\$1,413,064)

Total Cost – DOC	<u>(\$185,738)</u>	<u>(\$536,615)</u>	<u>(\$930,472)</u>	<u>(\$1,733,736)</u>
FTE Change – DOC	0 FTE	1 FTE	2 FTE	4 FTE
Cost – DOC (§§407.1700 and 570.036) Increased incarceration costs p. 16, 48	<u>(\$37,148)</u>	<u>(\$101,041)</u>	<u>(\$146,005)</u>	<u>(\$204,522)</u>
Cost - DOC (§§566.010 and 566.086) Increased incarceration costs p. 26, 27, 50	<u>(\$20,638)</u>	<u>(\$50,521)</u>	<u>(\$77,297)</u>	<u>(\$83,668)</u>
Cost – DOC (§567.030) p. 31,50 Increased incarceration costs	<u>\$0 to (\$6,879)</u>	<u>\$0 to (\$16,840)</u>	<u>\$0 to (\$25,766)</u>	<u>\$0 to (\$46,482)</u>
Cost – DOC (§575.205) p. 37-38 Increased incarceration costs	<u>(\$6,879)</u>	<u>(\$16,840)</u>	<u>(\$17,177)</u>	<u>(\$18,593)</u>
Transfer Out – To the Correctional Center Nursery Program Fund (§§217.940 through 217.947) p. 13-15, 47-48	<u>Could exceed (\$325,606)</u>	<u>Could exceed (\$552,774)</u>	<u>Could exceed (\$913,174)</u>	<u>Could exceed (\$913,174)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>Could exceed (\$1,237,922)</u>	<u>Could exceed (\$1,409,353)</u>	<u>Could exceed (\$2,298,838)</u>	<u>Less than or More than (\$5,639,567)</u>
Estimated Net FTE Change for the General Revenue Fund	0 FTE	1 FTE	2 FTE	0 FTE
MISSOURI INTERSTATE COMPACT FUND				
Revenue – DOC (§589.565) Transfer application fee p. 9-10	\$293,854	\$352,625	\$352,625	\$352,625
Cost – DOC (§589.565) Transportation expense p. 9-10	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON THE MISSOURI INTERSTATE COMPACT FUND	<u>Less than \$293,854</u>	<u>Less than \$352,625</u>	<u>Less than \$352,625</u>	<u>Less than \$352,625</u>

CORRECTIONAL CENTER NURSERY PROGRAM FUND				
<u>Income</u> – Gifts, grants, donations (§§217.940 thru 217.947) p. 13-15, 47-48	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Transfer In</u> – From General p. 5-8 Revenue (§§217.940 thru 217.947)	Could exceed \$325,606	Could exceed \$552,774	Could exceed \$913,174	Could exceed \$913,174
<u>Cost</u> – DOC (§§217.940 thru 217.947) Nursery program, includes costs for FTE	Could exceed (\$325,606)	Could exceed (\$552,774)	Could exceed (\$913,174)	Could exceed (\$913,174)
FTE Change – DOC	1 FTE	8 FTE	8 FTE	8 FTE
ESTIMATED NET EFFECT ON THE CORRECTIONAL CENTER NURSERY PROGRAM FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change to the Correctional Center Nursery Program Fund	1 FTE	8 FTE	8 FTE	8 FTE
PUBLIC DEFENDER – FEDERAL AND OTHER FUND				
<u>Income</u> - (§600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025	Fully Implemented (FY 2029)
LOCAL POLITICAL SUBDIVISIONS				
<u>Savings</u> – (§545.473) Potential reduction in the number of cases transferred to other counties – reduced travel and other expenses p. 23, 49-50	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Savings/Cost</u> – Police and Sheriff's Departments (§544.453) Implementing new provisions relating to setting bail or conditions of release in courts p. 22,49	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
<u>Cost</u> - Police and Sheriff's Departments (§544.170) Increased costs to house individuals kept in custody longer p. 21,49	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

OFFENDER REGISTRIES (Section 43.650)

This bill specifies that the State Highway Patrol must maintain on its website a registry for violent offenders who are on probation or parole for the offense of first or second degree murder in Missouri or for an equivalent offense in any other state. The Division of Probation and Parole within the Department of Corrections must notify the State Highway Patrol if a violent offender

is placed on probation or parole, is removed from probation or parole, or relocates to the state under the Interstate Compact for adult offender supervision so the State Highway Patrol can update the offender registry accordingly.

VULNERABLE PERSONS (Sections 191.905 and 565.184)

Currently, a person who commits the offense of patient, resident or client abuse or neglect against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program can be charged with a class A misdemeanor.

In this bill, if the person knowingly neglects an individual receiving health care, treats them in a brutal or inhuman manner, or fails to provide services which are reasonable and necessary to maintain the physical and mental health of the individual when such failure presents either an imminent danger to the health, safety or welfare of the individual, he or she can be charged with a class D felony.

This bill also amends the offense of abuse of an elderly person, a person with a disability, or a vulnerable person from being a class A misdemeanor to being a class D felony.

CONDITIONAL RELEASE (Sections §§217.541, 217.705, 217.718, 217.730, 558.011, 558.026, 558.046, 570.030, and 571.015)

Under current law, a sentence of imprisonment for felonies other than dangerous felonies or a sentence of imprisonment for a person's fourth or subsequent remand to the Department of Corrections, shall consist of a prison term and a conditional release term.

This act provides that for offenses occurring on or after August 28, 2022, a sentence of imprisonment shall consist only of a prison term without eligibility for conditional release.

ELIGIBILITY FOR PAROLE (Section 217.690)

Under current law, a person sentenced to a term or terms of imprisonment amounting to 15 years or more when such person was under the age of 18, is eligible for parole after serving 15 years, unless such person was found guilty of murder in the first degree.

This act adds that such a person will also be ineligible for parole if he or she was found guilty of murder in the second degree.

CORRECTIONAL CENTER NURSERY PROGRAM (Sections 217.940, 217.941, 217.942, 217.943, 217.944, 217.945, 217.946, and 217.947)

This act establishes the "Correctional Center Nursery Program" which requires the Department of Corrections to establish a correctional center nursery in one or more of the correctional centers for women operated by the Department by July 1, 2025. The program allows eligible inmates and children born to them while in the custody of the Department to reside together in the institution for up to eighteen months post-delivery. Nothing in this act shall affect, modify, or interfere with the inmate's custodial rights to the child nor establish legal custody of the child with the Department.

An inmate is eligible for the program if:

- She delivers the child while in custody of the Department;
- She gives birth on or after the program is implemented;
- She has a presumptive release date of 18 months or less from the date she applies to participate in the program;
- She has no dangerous felony, sexual offense, or offenses against the family convictions; and
- She meets any other criteria established by the Department.

To participate in the program, the inmate must agree to abide by certain requirements set forth in the act. Any inmate's participation in the program can be terminated by the Department for reasons set forth in the act.

The Division of Child Support Enforcement shall collect support payments made under the assignment and such payments shall be deposited in the inmate's banking account. The Department may accept donations on behalf of the program, but no donations shall be made on behalf of one particular inmate or child. Any financial donations for a specific inmate shall be made through the inmate banking system.

This act also established the "Correctional Center Nursery Program Fund" which shall be used to maintain the program.

This act provides that neither the Department of Corrections, nor the program, shall be subject to regulation, licensing, or oversight by the Department of Health and Senior Services, Department of Social Services, Children's Division, juvenile officer of any jurisdiction, or Office of Childhood unless the Department of Corrections agrees to voluntary regulation, licensing, or oversight.

Finally, under this act, the Department of Corrections and its employees shall be immune from any suit or liability brought by or on behalf of children who participated in the program for any injuries or damages arising from correctional facility conditions. A motor vehicle operated by an employee of the Department who unintentionally causes injury or death to a child resident of the correctional center nursery shall not be liable.

ORGANIZED RETAIL THEFT (Sections 407.1700 and 570.036)

Beginning February 28, 2023, this bill requires any high-volume third-party seller on an online marketplace to provide to the marketplace certain information, such as bank account information and contact information, within 10 days of becoming a high-volume seller. The online marketplace must verify, within 10 days, the information provided by the seller.

The online marketplace must, at least annually, notify each highvolume third-party seller that the seller must inform the marketplace, within three days, of any changes to the information provided. If a seller does not provide the required information the marketplace shall suspend future sales activity until the seller provides and the marketplace verifies the required documentation. The bill also specifies certain information the seller must disclose to consumers conspicuously, either on the product listing or through a link in the product's listing. If a third-party seller requests, an online marketplace may provide for a partial disclosure of such information.

This bill provides that a person commits the offense of organized retail theft if they commit a series of thefts of retail merchandise on the premise of a merchant or through the use of the internet with the intent to return the merchandise to the merchant for value or resell, trade, or barter the merchandise for value in any manner.

The offense of organized retail theft is a class C felony if the aggregate value of the property or services, as determined under the bill, involved in all thefts committed during a 120 day period is between \$5,000 and \$10,000 and a class B felony if such aggregate value is over \$10,000. In addition to any other penalty, the person who violates the provisions of this bill shall pay restitution.

PERIOD OF DETENTION (Section 544.170)

Under current law, all persons arrested and confined in any jail, without warrant or other process, for any alleged breach of the peace or other criminal offense, shall be discharged from custody within 24 hours from the time of arrest, unless they are charged with a criminal offense.

This act changes the period of detention on arrest without a warrant to 48 hours if a person is arrested for a criminal offense involving a dangerous felony or deadly weapon.

RELEASE FROM PRISON (Section 544.453)

When a judge or judicial officer sets bail or conditions of release in all courts in Missouri for any offense charged, he or she shall consider whether:

- A defendant poses a danger to a victim of crime, the community, any witness to the crime, or to any other person;
- A defendant is a flight risk;
- A defendant has committed a violent misdemeanor offense, sexual offense, or felony offense in this state or any other state in the last 5 years; and
- A defendant has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony within the last 3 years.

CHANGE OF VENUE (Section 545.473)

Under current law, criminal cases filed in Cole County shall follow procedures different from the Missouri Supreme Court Rules in order to obtain a change of venue for misdemeanors or felonies. This act provides that counties with 75,000 or fewer inhabitants shall follow procedures different from the Missouri Supreme Court Rules in order to obtain a change of venue for misdemeanors or felonies. Additionally, this act provides that in felony and misdemeanor cases, the application for change of venue must be filed not later than 10 days after the initial plea is entered.

MINIMUM PRISON TERMS FOR ARMED CRIMINAL ACTION (Sections 558.019 & 571.015)

Under current law, certain offenses are excluded from minimum prison terms for offenders who also have prior felony convictions. This act repeals the exclusion of the offense of armed criminal action.

This act also modifies the minimum prison terms for the offense of armed criminal action. For a person convicted of a first offense of armed criminal action, the term of imprisonment shall be no less than 3 years. For a person convicted of a second offense of armed criminal action, the term of imprisonment shall be no less than 5 years. Additionally, this act provides that a person convicted of armed criminal action shall not be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence.

SEXUAL OFFENSES (Sections 566.010 and 566.086)

This bill changes the definition of "sexual contact" and it adds a coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association to the list of those who can be charged with committing the offense of sexual contact with a student.

SEXUAL OFFENDERS (Sections 566.149, 566.150, & 566.155)

Under current law, certain offenders shall not knowingly be present in certain areas, such as schools, public parks with playgrounds, public swimming pools, and athletic fields primarily used by children. Additionally, under current law, certain offenders can not serve as an athletic coach or trainer for a sport team if a child less than 17 years of age is a member of the team.

This act adds that any person found guilty of the offense of possession of child pornography shall not knowingly be present in such areas and shall not serve as an athletic coach.

CRIMINAL OFFENSES INVOLVING A CHILD (Sections 566.151 and 567.030)

This bill modifies the offense of enticement of a child by increasing the age of the victim from less than 15 years old to less than 17 years old.

Additionally, the bill modifies the penalty provisions for the offense of patronizing prostitution. Currently, the penalty distinctions are for older than 14 years of age and 14 or younger. This bill increases the age from 14 to 15 years old and modifies the offense of patronizing prostitution if the individual is 15 years of age or younger from a class D felony to a class B felony.

OFFENSE OF PROPERTY DAMAGE IN THE FIRST DEGREE (Sections 569.010 & 569.100)

This act adds to the offense of property damage in the first degree if such person knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

This offense is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds \$750 or the damage to the teller machine exceeds \$750, in which case it is a class C felony. It shall be a class B felony if committed for the purpose of obtaining the personal financial credentials of another person or if the person has committed a second or subsequent offense of damaging a teller machine.

OFFENSE OF STEALING (Sections 570.010 & 570.030)

This act adds that the offense of stealing shall be a class C felony if the property stolen is a teller machine or the contents of a teller machine including cash regardless of the value or amount stolen.

This act provides that a person commits the offense of mail theft if the person intentionally appropriates mail from another person's mailbox or premises without consent of the addressee and with intent to deprive such addressee of the mail. This offense shall be a Class A misdemeanor for the first offense and a Class E felony for any second or subsequent offense.

This act shall not prohibit such person from being charged with another crime in relation to mail obtained in violation of this act.

OFFENSE OF UNLAWFUL POSSESSION OF FIREARMS (Section 571.070)

Under current law, unlawful possession of a firearm is a Class D felony, unless a person has been convicted of a dangerous felony then it is a Class C felony.

This act changes the penalty for the offense to a Class C felony, unless a person has been convicted of a dangerous felony or the person has a prior conviction for unlawful possession of a firearm, then it is a Class B felony.

ELECTRONIC MONITORING EQUIPMENT (Section 575.205)

This act modifies the offense of tampering with electronic monitoring equipment to provide that a person commits the offense if he or she intentionally removes, alters, tampers with, damages, destroys, fails to charge, or otherwise disables electronic monitoring equipment which a court or the Parole Board has required such person to wear.

The offense of tampering with electronic monitoring equipment if the person fails to charge or otherwise disables the electronic monitoring equipment is a Class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a Class A misdemeanor.

MISSOURI STATE COMPACT FUND (Section 589.565)

Under this act, a Missouri probationer or parolee seeking transfer of his or her supervision pursuant to the Interstate Compact for Adult Offender Supervision shall pay a \$175 fee for each application, unless waived by the compact commissioner for an undue economic burden on the offender.

This act establishes the "Missouri State Compact Fund" and all fees collected by the commissioners shall be paid to the Fund. The money from the Fund shall be used for the sole benefit of the Department of Corrections to pay the expenses of the Interstate Compact for Adult Offender Supervision.

PUBLIC DEFENDER FUNDING (Section 600.042)

Under current law, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited in the general revenue fund of the state.

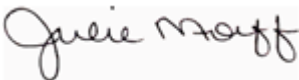
This act creates the "Public Defender - Federal and Other Fund" in the state treasury and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

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

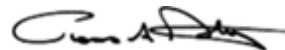
SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
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
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Office of Prosecution Services
Office of Administration
Office of Administration - Budget and Planning
Office of the Governor
Office of the Secretary of State

Office of the State Courts Administrator
Office of the State Public Defender
Office of the State Treasurer
University of Missouri System
Crestwood Police Department
Eldon Police Department
Ellisville Police Department
Greenwood Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
St. Louis County Justice Services
Boone County Sheriff's Department
Lewis County Sheriff's Department
Phelps County Sheriff's Department
Hermann Area Hospital District
City of Claycomo
City of Freistatt
City of Hughesville
City of Kansas City
City of Laclede
City of O'Fallon
City of Osceola
City of Springfield
City of St. Louis
Greene County Prosecutor's Office



Julie Morff
Director
April 28, 2022



Ross Strobe
Assistant Director
April 28, 2022