

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2377-01  
Bill No.: HCB 9  
Subject: Criminal Procedure; Crimes and Punishment; Courts; Victims of Crime; Law Enforcement Officers and Agencies  
Type: Original  
Date: April 18, 2017

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Bill Summary: This proposal modifies provisions relating to criminal proceedings.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |  |  |  |  |
|--|--|--|--|--|
| <b>FUND AFFECTED</b>                                 | <b>FY 2018</b>                             | <b>FY 2019</b>                             | <b>FY 2020</b>                             | <b>Fully Implemented (FY 2027)</b>         |
| General Revenue Fund                                 | (Unknown, greater than \$3,466,695)        | (Unknown, greater than \$3,675,330)        | (Unknown, greater than \$3,859,722)        | (Unknown, greater than \$4,563,893)        |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>(Unknown, greater than \$3,466,695)</b> | <b>(Unknown, greater than \$3,675,330)</b> | <b>(Unknown, greater than \$3,859,722)</b> | <b>(Unknown, greater than \$4,563,893)</b> |

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 33 pages.

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |   |   |   |   |
|---|---|---|---|---|
| <b>FUND AFFECTED</b>  | <b>FY 2018</b>                          | <b>FY 2019</b>                          | <b>FY 2020</b>                          | <b>Fully Implemented (FY 2027)</b>      |
| Highway Fund  | Less than \$100,000                     | Less than \$100,000                     | Less than \$100,000                     | Less than \$100,000                     |
| State Highway and Transportation Department Fund              | (Unknown)                               | (Unknown)                               | (Unknown)                               | (Unknown)                               |
| Criminal Records System Fund*                                 | \$0                                     | \$0                                     | \$0                                     | \$0                                     |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>Less than \$100,000 to (Unknown)</b> |

\*Distribution increases (decreases) net to zero.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                  |                  |                  |                                    |
|---|------------------|------------------|------------------|------------------------------------|
| <b>FUND AFFECTED</b>  | <b>FY 2018</b>   | <b>FY 2019</b>   | <b>FY 2020</b>   | <b>Fully Implemented (FY 2027)</b> |
| Federal Funds   | (Unknown)        | (Unknown)        | (Unknown)        | (Unknown)                          |
|   |                  |                  |                  |                                    |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b>                   |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |                                    |
|---|----------------|----------------|----------------|------------------------------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2018</b> | <b>FY 2019</b> | <b>FY 2020</b> | <b>Fully Implemented (FY 2027)</b> |
| General Revenue Fund                                      | 4 FTE          | 4 FTE          | 4 FTE          | 4 FTE                              |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>4 FTE</b>   | <b>4 FTE</b>   | <b>4 FTE</b>   | <b>4 FTE</b>                       |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any Of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                  |                  |                  |                                    |
|--|------------------|------------------|------------------|------------------------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2018</b>   | <b>FY 2019</b>   | <b>FY 2020</b>   | <b>Fully Implemented (FY 2027)</b> |
| <b>Local Government</b>                    | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b>                   |

## FISCAL ANALYSIS

### ASSUMPTION

#### §§43.505, 43.530, 513.653

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the following sections would impact their agency:

- Section 43.505 - Removes the ability for DPS to withhold funds for failure to submit UCRs. There is no fiscal impact, just a change in practice going forward;
- Section 43.530 - DPS could be tasked with administering the proposed grant program. It is not known how the grant program would be allocated at this point in time. DPS thinks it could possibly require hiring two 1,000-hour individuals to administer the program; and
- Section 513.653 - Removes DPS from receiving forfeiture reports, allows the law enforcement agencies more flexibility/ease with their reporting, and takes away the requirement for DPS to withhold funds for failure to submit the annual report. No fiscal impact, just a change in practice going forward.

DPS has ascertained the possible costs for this legislation to be as follows:

|   |                |
|---|----------------|
| Two 1,000-Hour Employees (\$25.00/Hour) | \$41,667       |
| Fringe Benefits (FICA/Medicare Only)    | \$3,188        |
| Expense and Equipment                   | <u>\$6,488</u> |
| <br>Total Estimated Costs (FY2018)      | <br>\$51,343   |

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** states Section 43.530 will have an unknown fiscal impact to the Criminal Records System Fund (CRS) ranging from \$0 up to approximately \$15,000,000. The estimate based on a zero impact represents the legislation not being implemented, while the higher range represents the total amount of the fund that could fall under the spending authority of the Department of Public Safety (DPS). If the latter occurs, and all the money is disbursed through grants, then the Highway Patrol would have to request additional appropriations to cover expenses originally budgeted through this fund.

ASSUMPTION (continued)

The average yearly income into the CRS Fund, solely by the background check fees established in 43.530, RSMo is \$12 million. This year, the spending authority for the CRS Fund is roughly \$14.58 million with \$312,000 allocated to the Office of Administration for benefits, \$450,000 for unemployment benefits, \$4,100,000 for Personal Services (PS), \$3,600,000 for Fringe Benefits, and \$6,500,000 for Expenses and Equipment (E&E). Some previous E&E purchases have included AFIS equipment, palm print database, Livescan updates, Sex Offender Website, Sex Offender Registry, sex offender notification system upgrades, and MULES training. The removal of the grant penalty clause from Section 43.505, RSMo for failing to submit UCR data to the state would make MoUCR reporting voluntary.

The proposed legislation states that a portion of these funds shall be made available to local and county law enforcement agencies by way of a grant. Without increasing revenue to this fund, this will have a direct impact to both the cash flow and existing programs and associated spending authority. Some examples would be the future replacement or upgrade to the State Automated Fingerprint Identification System (\$3 to \$4 million), Statewide Criminal History System (\$2 to \$3 million) as well as numerous other systems that make up the Central Repository.

Seeking approval for any spending through DPS is similar to how the existing MOSWIN funds are operated. This frequently causes delays in approvals and fund payments. Any additional dollars allocated out by DPS would cause additional direct impact to the fund and associated programs.

In response to similar legislation from this year, SB 414, officials from the **Springfield Police Department** assumed no fiscal impact from this proposal.

**Oversight** notes that according to reports from the Office of the State Treasurer, receipts into the Criminal Record System Fund (0671) over the past three fiscal years and the ending balances have been:

|         | <u>Receipts</u> | <u>Ending balance</u> |
|---------|-----------------|-----------------------|
| FY 2016 | \$12,167,424    | \$3,586,465           |
| FY 2015 | \$11,037,645    | \$2,350,377           |
| FY 2014 | \$10,022,160    | \$1,831,297           |

The balance of the Fund as of March 31, 2017 was \$4,919,230

Utilizing \$12 million as the amount of funds available to the Department of Public Safety to distribute as grants to local law enforcement agencies, **Oversight** will reflect below examples of how much “a portion of these funds” could represent.

ASSUMPTION (continued)

| Proceeds in Criminal Records Fund | portion to be distributed as grants | Highway Patrol portion | Local Law Enforcement portion |
|-----------------------------------|-------------------------------------|------------------------|-------------------------------|
| \$12,000,000                      | 0%                                  | \$12,000,000           | \$0                           |
| \$12,000,000                      | 10%                                 | \$10,800,000           | \$1,200,000                   |
| \$12,000,000                      | 25%                                 | \$9,000,000            | \$3,000,000                   |
| \$12,000,000                      | 50%                                 | \$6,000,000            | \$6,000,000                   |
| \$12,000,000                      | 100%                                | \$0                    | \$12,000,000                  |

For purposes of the fiscal note, Oversight will assume Department of Public Safety will distribute 25 percent of the proceeds as grants to local and county law enforcement agencies by way of a grant. Oversight will also reflect a transfer from the General Revenue Fund to the MHP to “cover expenses originally budgeted through this fund” as assumed by the MHP.

§167.117 - Additional Reporting Requirements for School Districts

In response to similar legislation from this year, HB 727, officials at the **Department of Public Safety’s Missouri Highway Patrol** assumed no fiscal impact from this proposal.

In response to similar legislation from this year, HB 727, officials at the **Cole County Sheriff, Springfield Police Department** and the **St. Louis County Department of Justice** assumed there is no fiscal impact from this proposal to their respective organizations.

In response to similar legislation from this year, HB 727, officials at the **Forsyth R-III, Kansas City, Kearney, Kirksville, Parkway, Pettis County R-XII** and **West Plains** school districts each assumed there is no fiscal impact from this proposal to their respective districts.

§§252.069, 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 595.045

Officials at the **Office of Administration’s Division of Budget & Planning (B&P)** assume section 488.029 of the proposal permits collection of a \$150 surcharge for crime laboratory analysis of controlled substances in all criminal cases for any violation of chapter 579 (controlled substances). B&P defers to OSCA and DPS for an estimate of the potential fiscal impact. Surcharges collected in newly qualifying cases would impact TSR and 18(e).

B&P also assumes section 595.045 of the proposal adds E level penalties for crimes that require a fine. B&P defers to OSCA for an estimate of the potential fiscal impact. This change would result in an increase to fine collections which would increase TSR and 18(e).

ASSUMPTION (continued)

In response to similar legislation from this year, HB 1133, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed no fiscal impact from this proposal.

In response to similar legislation from this year, HB 1133, and for the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons faced with the enhanced penalties for second and subsequent harassment offenses, a new class E felony. The legislation also provides for increased penalties for acceding to corruption.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Revenue (DOR)** state the following changes are made in the bill:

- §577.001 - The proposed language adds federal and military offenses to the definition of "intoxication-related traffic offense". It's also removing certain felony DWI-Fatality offenses from this section and adds them to §577.010; and
- §577.010 - The proposed language was removed from §577.001 and placed in this section with all other driving while intoxicated offenses. This will require three new charge codes to be created by State Judicial Records Committee (SJRC). This would require the Department to map the newly created charge codes to our existing MODL codes.

DOR assumes the proposal would require the following changes:

- Updates to Forms and Internal procedures;
- Updates to Website;
- Training of Staff; and
- Review of new charges codes to map to existing MODL codes.
- Testing of MODL programming changes to the Fail to Yield right of way suspension changes
- User acceptance testing

ASSUMPTION (continued)

These updates would require the following staff time:

|  |         |
|--|---------|
| Management Analyst I - 80 hours @ \$20.94 per hour = | \$1,675 |
| Revenue Band Manager I - 40 hours @\$25.93 per hour= | \$1,037 |
| Total  | \$2,712 |

Update web pages-

|   |       |
|---|-------|
| Administrative Analyst III - 40 hrs. @ \$22.59 per hour = | \$904 |
|---|-------|

§§302.341, 476.385

Officials at the **Office of Administration's Division of Budget & Planning (B&P)** assume this proposal creates court discretion as whether to inform DOR of driving violations. Current law requires courts to report this information to DOR. A reduction in reporting could result in fewer suspensions of drivers' licenses, less costs and less fees. B&P defers to DOR for an estimate of potential fiscal impact. If the state collects less fees as a result, then Total State Revenues (TSR) will be reduced and 18(e) will not be impacted.

Officials at the **Department of Revenue (DOR)** assume state and federal law requires that DOR be notified when the holder of a commercial driver license fails to appear or pay (see definition of "conviction" below). This bill may require the DOR to violate §302.347, which contains Missouri provisions adopting federal record keeping requirements, 49 CFR Part 384, specifically, §384.225(d), to report to the CDLIS (Commercial Driver's License Information System) all "convictions" as defined under §302.700.2(12), RSMo for offenses committed in any type of vehicle for a commercial driver's license (CDL) holder or those required to hold a CDL. Because this bill makes failure to appear actions discretionary and vests power in the prosecutor to request a sanction, in application this bill may jeopardize federal compliance (49 CFR Part 384) for Missouri's CDL program, and risk the loss of substantial federal highway funding to the state via withholding (49 CFR § 383.401), possible decertification (49 CFR § 384.405), and the ability to issue commercial driver license credentials.

§302.700.2(12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay.

ASSUMPTION (continued)

§302.341

The proposed legislation will only allow a court to notify a defendant of its intent to suspend his or her driving privileges for failure to comply with a moving traffic violation if the prosecutor in that jurisdiction requests the court to do so. Thereafter, if the defendant doesn't comply with the notification within 30 days, the court may notify the Department of Revenue to suspend the defendant's driving privileges. It is unclear how county prosecutors will respond to this change.

§476.385

This section allows the centralized bureau (Fine Collections Center) to notify the Department of Revenue of any defendant who failed to comply with a moving traffic violation and is subject to suspension under §302.341, RSMo. However, the Department would not be allowed to suspend the defendant's driving privileges until the prosecutor in that jurisdiction requests suspension from the local circuit court and the same is granted. Therefore, the notices to the DOR by the Fine Collections Center will serve no purpose and will be discarded.

Administrative Impact

Based on this legislation, the volume of Failure to Appear or Pay Traffic Violation suspension notices may decrease. There are no statistics available to determine the decreased amount of suspensions the DOR can expect.

The proposed changes will require form revisions and procedure changes.

Update forms and procedures - Management Analysis Spec I - 40 hrs. @ \$20.94 = \$838

If the amount of Failure to Appear or Pay Traffic Violation suspension notices that are processed decrease, the amount of reinstatement fees collected will also decrease. Fees will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

**Oversight** assumes the cost to update forms and procedures for the Department of Revenue can be absorbed internally or requested through future appropriations.

In response to similar legislation from this year, HB 623, officials at **St. Louis County**, the **Callaway County Commission** and the **City of Kansas City** each assumed no fiscal impact to their respective entities from this proposal.

In response to similar legislation from 2016, HB 2377, officials at the **City of Columbia** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

**Oversight** assumes this proposal prohibits the fine collection center from taking an individual's drivers' license for failure to appear for a traffic violation without a court order at the request of the prosecutor. Oversight assumes there could be a reduction to the number of drivers' licenses that would be taken and then later reinstated, which could lead to a loss in revenue to the Department of Revenue. Therefore, Oversight will reflect a unknown loss in reinstatement fee revenue for this fiscal note.

§302.441

Officials at the **Office of Administration's Division of Budget & Planning (B&P)** assume this proposal allows courts to require continuous alcohol monitoring as an alternative or additional requirement for using ignition interlock devices. B&P defers to DOR and MoDOT for an estimate of potential fiscal impact, but notes any increased collections to pay for these requirements may increase TSR but not 18(e).

Officials at the **Department of Revenue (DOR)** assume this language is required to comply with federal requirements for "repeat" intoxication-related offenders under 23 U.S.C. § 164. This applies to a circumstance where state law allows a court-ordered waiver of ignition interlock device (IID) installation and use for motor vehicles which are solely owned and controlled by the offender's employer.

This language appears to add an option for a court to require a continuous alcohol monitoring devise (SCRAM) where an employment exemption from ignition interlock device installation is permitted by the court (for those otherwise required to have ignition interlock installed for legal motor vehicle operation).

Officials at the **Missouri Department of Transportation (MoDOT)** assume this proposal is necessary to ensure compliance with federal statutes and prevent a trasfer of federal-aid highways funds estimated in an amount of \$20 million dollars. MoDOT assumes no fiscal impact from this proposal.

In response to similar legislation from this year, HCS for HB 875, officials at the **Department of Public Safety's Missouri Highway Patrol** assumed no fiscal impact from this proposal.

§304.351

Officials at the **Office of Administration's Division of Budget & Planning (B&P)** assume this proposal increases the fine amounts for driving violations in this section. This proposal would also require the suspension of driving privileges in subsections 10 and 11. Subsection 11 also requires completion of a driver-improvement program approved by the director of DOR. B&P

ASSUMPTION (continued)

defers to DOR for an estimate of the potential fiscal impact. These fine increases would impact TSR and 18(e).

In response to similar legislation from this year, HB 539, officials at the **Department of Revenue (DOR)** stated the following regarding this proposal:

This legislation would increase the penalties for any person who pleads guilty or is found guilty of a failure to yield the right-of-way violation where the offender is found to have caused serious injury or has caused a fatality. The court shall issue an order of suspension of the individual's driving privileges. In the event of a fatality, the proposed legislation would require the offender to complete a driver improvement program.

Administrative Impact

Driver License Bureau (DLB)

There are no statistics available for the Department to determine how many court ordered suspensions would be received for processing. If the volume is so significant that it cannot be absorbed by existing staff, additional FTE(s) will be requested through the appropriations process.

The proposed changes will require programming and user acceptance testing of the MODL system to add the failure to yield the right-of-way suspensions when involving a fatality:

- The Driver License Bureau estimates 160 hours of user acceptance testing by two Management Analyst Specialist I.

FY 2018

Two Management Analyst Specialist I - (80 hrs x 2)=160 @ \$20.59 per hr = \$3,350

The proposed changes will also require form revisions and website and procedure changes.

|  |                          |
|--|--------------------------|
| Update web page - Administrative Analyst III -             | 10 hrs @ \$22.59 = \$226 |
| Update forms and procedures - Management Analysis Spec I - | 40 hrs @ \$20.94 = \$838 |
|  | Total = \$1,064          |

OA-ITSD services will be required at a cost of \$29,970 (399.6 hours x \$75 per hour) in FY 2018.

ASSUMPTION (continued)

In summary, DOR assumes a cost of \$34,384 (\$3,350 + \$1,064 + \$29,970) in FY 2018.

**Oversight** assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the costs related to this proposal and will reflect a fiscal impact of \$29,970 for IT services.

Revenue Impact

There are no statistics available for the Department to determine how many court ordered suspensions will be received to process.

Fees collected will be distributed 75% Highway Funds, 15% Cities, and 10% Counties.

Since it is unknown how much additional revenue the reinstatement fees collected would produce, for fiscal note purposes only, **Oversight** will estimate revenue as: Less than \$100,000.

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposal increases the penalties for the offense of failing to yield the right-of-way and the time period the court may order the suspension of a person's driving privilege for the offense. The changes in the statute may result in no impact to an unknown impact.

**Oversight** notes in a previous inquiry, OSCA stated that during the past five years, 2012 thru 2016, there was an average of 2,575 charges disposed statewide for charges under statute 304.351. **Oversight** notes since it is unknown how many of the 2,575 violations with guilty disposition resulted in injuries, serious injuries, or deaths, the amount of fine revenue will be reflected as: 'Could exceed \$100,000.' Oversight will assume the additional fine revenue will be distributed to local school districts.

In response to similar legislation from this year, HB 539, officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Public Defender**, **Callaway County** and **St. Louis County** each assumed the proposal will have no fiscal impact on their respective organizations.

§488.5320

Officials at the **Office of Administration's Division of Budget & Planning (B&P)** assume this proposal removes prohibition against local law enforcement in any county with a charter form of government and with more than 950,000 inhabitants or the City of St. Louis from charging for their services in cases disposed of by violations bureau. This increased authority could result in

ASSUMPTION (continued)

increased collections, which subsequently increase both TSR and 18(e).

Officials at the **Office of the State Courts Administrator** assume this proposal will now include St. Louis County and St. Louis City in charging for services rendered. In FY 2016 there were 3,406 guilty pleas in St. Louis County and 55 guilty pleas in St. Louis City, resulting in a total of \$20,766 (3,406 x \$6 = \$20,436 and 55 x \$6 = \$330). In FY 2015 there were 4,078 guilty pleas in St. Louis County and 8 guilty pleas in St. Louis City, resulting in a total of \$24,516 (4,078 x \$6 = \$24,468 and 8 x \$6 = \$48). The average for the two years is \$22,641.

§§491.060, 491.075, 491.600, 491.630, 492.304, 544.250, 556.061, 589.660, 589.663

Officials at the **Office of the Secretary of State (SOS)** assume this bill would expand a program, housed under the Secretary of State's office that would require additional staffing and support. This program would model the existing address confidentiality program currently housed under the Secretary of State Business Services Division. This program's current expenses were used to estimate this expansion program. It serves approximately 750 households with 1,475 individuals. Current program costs average about \$100.00 per year per individual (\$67.50 for PS and \$32.50 for E&E). 2 FTE are used to operate the program currently.

Fiscal impact was based on the following assumptions

Each classification has the potential of being under the category of Victim.

| <b>Participant Classification</b>   | <b>Estimated number Active Members</b> | <b>Plus Families at a factor of 1.5</b> | <b>%</b>    | <b>Estimated participants</b> |
|-------------------------------------|--|---|-------------|-------------------------------|
| <b>Peace officer</b>                | <b>14,775</b>                          | <b>22,163</b>                           | <b>1.0%</b> | <b>369</b>                    |
| <b>State Judges</b>                 | <b>415</b>                             | <b>623</b>                              | <b>5.0%</b> | <b>52</b>                     |
| <b>Federal Judges</b>               | <b>145</b>                             | <b>218</b>                              | <b>1.0%</b> | <b>4</b>                      |
| <b>Victims – Felony/Misdemeanor</b> | <b>185,374</b>                         | <b>278,061</b>                          | <b>0.5%</b> | <b>2,317</b>                  |
| <b>Total</b>                        | <b>200,709</b>                         | <b>142,745</b>                          |             | <b>2,742</b>                  |

ASSUMPTION (continued)

| <b>2016 OSCA data</b>                       | <b>Estimated Witnesses</b> |  |
|---|----------------------------|--|
| <b>Associate Felony Cases</b>               | <b>9,036</b>               |  |
| <b>Circuit Felony Cases-By Jury</b>         | <b>1,098</b>               |  |
| <b>Circuit Felony Cases- By Bench Trial</b> | <b>362</b>                 |  |
| <b>Circuit Felony Cases-Without Trial</b>   | <b>69,332</b>              |  |
| <b>Misdemeanor Cases</b>                    | <b>105,546</b>             |  |
| <b>Total</b>                                | <b>185,374</b>             |  |

Additional staff needs for the expanded program would be 1 program specialist FTE, 2 technicians FTEs and 1 administrative aide/technician FTE, based on the current ratio of 1 staff member to approximately 750 individuals.

Additionally, to handle the volume of mail, there would be a purchase of 1 mailing machine in FY18, as well as ongoing E&E expenses. Currently, administration of the Safe at Home program costs approximately \$32.50 per participant for E&E.

In summary, SOS assumes the following costs:

FY18

PS - \$155,488

E&E - \$91,119

FY19

PS - \$188,039

E&E - \$91,343

FY20

PS - \$189,507

E&E - \$93,626

In response to similar legislation from this year, HB 1155, officials at the **Department of Revenue** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

§§556.036, 556.037

In response to similar legislation from this year, HB 1120, officials at the **Department of Corrections** assumed this legislation would remove the statute of limitations for criminal

ASSUMPTION (continued)

prosecution for offenses in two cases. The first, found in RSMo 556.037, would remove the statute of limitations on unlawful sexual offenses involving a person eighteen years of age or under. This portion is similar to that found in FN 0358-02 with the exception that an explicit definition of sexual offenses is added.

The second change found in this legislation, from RSMo 556.036, would allow the period of limitation to not run during any time after a DNA profile is included in a published laboratory report and until the accused is identified by name.

Under current law, the statute of limitations for sexual offenses involving persons eighteen years of age or under is 30 years from the time that the victim reaches the age of eighteen. If evidence sufficient for trial cannot be established in that time frame, it is unlikely that extending the time period will change this. Thus, this change has no estimated impact.

The suspending of the period of limitation upon identification of a DNA profile is also unlikely to have a substantial impact. Most cases where DNA is used are for very serious offenses; class A felonies currently have no statute of limitations.

Thus, while the exact impact on the Department of Corrections cannot be determined, it is reasonable to assume that any impact would be small.

Officials at the **Office of State Public Defender (SPD)** assume the proposed legislation would provide additional options for sentencing the underlying sexual criminal cases. Since the SPD continues to use the RubinBrown case weights as the methodology for determining the workload and since these case types will remain the same, there would be no fiscal impact.

While the number of additional new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

In response to similar legislation from this year, HB 1120, officials at the **Department of Public Safety's Missouri Highway Patrol** assumed no fiscal impact from this proposal.

§556.046 - Modifies provisions relating to convictions of included offenses

Officials at the **Office of the State Public Defender** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

§§557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 589.414

In response to similar legislation from this year HCS for HB 415, officials at the **Office of the Attorney General**, the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

§574.010

Officials at the **Office of Administration's Division of Budget & Planning (B&P)** assume this proposal establishes farming exceptions for disturbing the peace. This exemption could result in a reduction in fine dollars and a decrease to TSR.

In response to similar legislation from this year, HB 73, officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Office of the State Public Defender** each assumed the proposal would not fiscally impact their respective agencies.

§577.060

In response to similar legislation from this year, HB 178, and for the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of leaving the scene of an accident when a death has occurred - a new class D felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Department of Revenue** assume this section is adding a class D felony if a death occurs as a result of the accident when a person commits the offense of leaving the scene of an accident. This will require a new charge code to be created by the State Judicial Records Committee (SJRC). This would require the Department to map the newly created charge codees to our existing MODL codes.

ASSUMPTION (continued)

In response to similar legislation from this year, HB 178, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed no fiscal impact from this proposal.

§650.330

Officials from the **Department of Public Safety - Office of the Director** assume the proposal appoints the Director of the Department as the State of Missouri's State 911 Coordinator and allows the Director to designate an employee of the Department to act as his or her designee in accomplishing the responsibilities of the Missouri State 911 Coordinator and would not fiscally impact their agency.

Bill as a whole

Officials at the **Department of Corrections (DOC)** assume FN 2377-01N would remove a number of RSMo and replace them with 47 new sections. These statutes involve various criminal penalties, sex offenses, and court procedures. The only statutes which are expected to have an impact on the DOC have been previously reviewed in other fiscal notes this year.

Summary of Total Impact

The total impact of FN 2377-01N combines the impacts found in two prior fiscal notes - FN 2034-01N and FN 830-02N - and is outlined below:

|                    |                            | FY18      | FY19      | FY20      | FY21       | FY22       | FY23       | FY24       | FY25       | FY26       | FY27       |
|--------------------|----------------------------|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|------------|
| <b>FN 2034-01N</b> |                            |           |           |           |            |            |            |            |            |            |            |
|                    | Prison                     | 2         | 4         | 6         | 6          | 6          | 6          | 6          | 6          | 6          | 6          |
|                    | Field                      | 1         | 2         | 3         | 6          | 6          | 6          | 6          | 6          | 6          | 6          |
|                    | Subtotal                   | 3         | 6         | 9         | 12         | 12         | 12         | 12         | 12         | 12         | 12         |
| <b>FN 830-02N</b>  |                            |           |           |           |            |            |            |            |            |            |            |
|                    | Prison                     | 25        | 50        | 75        | 102        | 132        | 149        | 155        | 164        | 173        | 182        |
|                    | Field                      |           |           |           | -15        | -29        | -40        | -51        | -59        | -67        | -73        |
|                    | Subtotal                   | 25        | 50        | 75        | 87         | 103        | 109        | 104        | 105        | 106        | 109        |
|                    | <b>Total Impact Prison</b> | <b>27</b> | <b>54</b> | <b>81</b> | <b>108</b> | <b>138</b> | <b>155</b> | <b>161</b> | <b>170</b> | <b>179</b> | <b>188</b> |
|                    | <b>Total Impact Field</b>  | <b>1</b>  | <b>2</b>  | <b>3</b>  | <b>-9</b>  | <b>-23</b> | <b>-34</b> | <b>-45</b> | <b>-53</b> | <b>-61</b> | <b>-67</b> |
|                    | <b>Total Impact</b>        | <b>28</b> | <b>56</b> | <b>84</b> | <b>99</b>  | <b>115</b> | <b>121</b> | <b>116</b> | <b>117</b> | <b>118</b> | <b>121</b> |

The total impact of FN 2377-01N is expected to increase the prison population by 188 by FY27 and decrease the field population by 67 by FY27.

ASSUMPTION (continued)

Proposed Statutes with Impact on DOC

The only statutes which are found to have an impact in FN 2377-01N have been previously reviewed and are outlined below:

Section 565.076 previously detailed in FN 2034-01N - Changes the language regarding domestic assault to include, "any violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, two or more times, would be a violation of this section in which case it is a Class E Felony..."

This would allow for violations from other states to be included as a determinant for someone being charged as a "prior or persistent" offender under an E Felony. This statute is nearly identical to the one proposed in FN 2034-01N which is expected to create a new violent offense with the following anticipated impact:

|                                | <b>FY18</b> | <b>FY19</b> | <b>FY20</b> | <b>FY21</b> | <b>FY22</b> | <b>FY23</b> | <b>FY24</b> | <b>FY25</b> | <b>FY26</b> | <b>FY27</b> |
|--------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>New</b>                     |             |             |             |             |             |             |             |             |             |             |
| Admissions                     | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         |
| Parole                         |             |             |             | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         |
| Probation                      | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         | 1.0         |
| <b>Culmulative Populations</b> |             |             |             |             |             |             |             |             |             |             |
| Prison                         | 2.0         | 4.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         |
| Parole                         |             |             |             | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         | 2.0         |
| Probation                      | 1.0         | 2.0         | 3.0         | 4.0         | 4.0         | 4.0         | 4.0         | 4.0         | 4.0         | 4.0         |
| <b>Impact</b>                  |             |             |             |             |             |             |             |             |             |             |
| Prison                         | 2.0         | 4.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         |
| Field                          | 1.0         | 2.0         | 3.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         | 6.0         |
| <b>Population Change</b>       |             |             |             |             |             |             |             |             |             |             |
|                                | 3.0         | 6.0         | 9.0         | 12.0        | 12.0        | 12.0        | 12.0        | 12.0        | 12.0        | 12.0        |

The maximum impact for prison admissions for both prison and field would be 6 each by FY2021.

**Statutes previously detailed in FN 830-02N** - The bill included the following sections of RSMo: **557.036, 558.021, 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 589.414**

ASSUMPTION (continued)

These RSMo proposed in FN 2377-01N are almost identical to those found in FN 830-02N with the exception of some minor changes to organization that are not substantive. The Department's response is as follows:

**FN0830-02N**

The legislation creates three new offenses: predatory, persistent or prior sex offenders.

1. defines a predatory sexual offense to be the offense of statutory rape 1<sup>st</sup> degree, statutory sodomy 1<sup>st</sup> degree, rape 1<sup>st</sup> degree, sodomy 1<sup>st</sup> degree, child molestation 1<sup>st</sup> degree (when sentenced as a class A or B felony), child molestation 2<sup>nd</sup> degree (when sentenced as a class A or B felony) or sexual abuse 1<sup>st</sup> degree (when sentenced as a class B felony). The penalty is life without parole.
2. defines a prior sex offender to be a sex offender with one prior conviction in chapter 566 and a persistent sex offender to be a sex offender with two or more prior sex convictions. The prior sex offenses include felonies and misdemeanors. The penalty for a prior sex offender is an increase in the felony class by one step. The penalty for a persistent sex offender is an increase in the felony class by two steps. Prior or persistent sex offenders convicted of a class A felony or an unclassified felony with a maximum sentence of thirty years or more shall serve life without parole. It should be noted that most serious sex offenses are unclassified felonies but all prior and persistent sex offenders shall be sentenced without probation or parole for three years. Probation will no longer be a sentencing option.

The DOC estimates that in FY16 there were 62 new admissions who would have been sentenced as a predatory, persistent or prior sex offender, of which 20 were sentenced to probation. The definition of a prior conviction requires that the current offense is committed after the last sentencing of the prior sex offenses.

**New sex offenders from HB 415  
Admissions in FY16**

|                         | Disposition |           |       |
|-------------------------|-------------|-----------|-------|
|                         | Prison      | Probation | Total |
| Prior sex offenders     | 36          | 20        | 56    |
| Persistent sex offender | 4           | -         | 4     |
| Predatory sex offenders | 2           |           | 2     |
| Total                   | 42          | 20        | 62    |

ASSUMPTION (continued)

Predatory Sex Offenders

The definition of a predatory sex offender in the bill includes the offenses that define a persistent and predatory sex in the current statute (566.125.1) and while there is some enhancement in the sentencing the changes in HB 415 are not expected to increase the number or the length of time the predatory sex offenders serve. It is already long and the impact of the proposed changes will be beyond the 10 year budget horizon. The DOC estimates that two offenders per year will be sentenced as predatory sex offenders and they will serve 30 or more years. At the end of the 10 year budget forecast the predatory sex offender population will 20.

|                         | FY2018 | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 | FY2024 | FY2025 | FY2026 | FY2027 | Maximum Population |
|-------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------------|
| Predatory Sex Offenders | 2      | 4      | 6      | 8      | 10     | 12     | 14     | 16     | 18     | 20     | 30                 |

Prior and Persistent Sex Offenders

The total impact for the prior and persistent sex offenders are broken out below. For those sentenced as a class A felony the full impact will be beyond the 10 year budget horizon. The impact includes incarceration to first release and an estimate of parolees being revoked from parole. Because of an increase in the sentence there is also an increase in field supervision but this will be offset by no offenders being sentenced to probation.

Sex offenders sentenced as prior sex offenders  
 Admitted in FY16 and will serve longer sentences

| Sentenced as<br>Felony class | Admissions<br>FY16 | Average Sentence (yrs) |       | Length of stay (yrs) to first release |       |          | Parole (yrs) |       |          | Parole returns<br>(9)*(10) | Additional prison time served<br>(6)+(10) | Additional parole time<br>(9)*(8) | Total impact<br>(1)*(11)<br>(1)*(12) | Impact after 10 years |
|------------------------------|--------------------|------------------------|-------|---------------------------------------|-------|----------|--------------|-------|----------|----------------------------|---|-----------------------------------|--------------------------------------|-----------------------|
|                              |                    | Before                 | After | Before                                | After | Increase | Before       | After | Increase |                            |   |                                   |                                      |                       |
|                              | (1)                | (2)                    | (3)   | (4)                                   | (5)   | (6)      | (7)          | (8)   | (9)      | (10)                       | (11)                                      | (12)                              | (13)                                 | (14)                  |
| A/ Unclassified as LWOP      | 17                 | 17.6                   | 30.0  | 12.3                                  | 30.0  | 17.7     | 5.3          | -     | -5.3     | -                          | 17.7                                      |                                   | 301                                  | -                     |
| B as A                       | 5                  | 8.0                    | 17.6  | 5.6                                   | 12.3  | 6.7      | 2.4          | 5.3   | 2.9      | 1.2                        | 7.9                                       | 1.67                              | 40                                   | 16                    |
| D as C                       | 12                 | 5.4                    | 7.2   | 3.8                                   | 5.0   | 1.3      | 1.6          | 2.2   | 0.5      | 0.2                        | 1.5                                       | 0.31                              | 18                                   | 18                    |
| E as D                       | 2                  | 4.0                    | 5.4   | 2.8                                   | 3.8   | 1.0      | 1.2          | 1.6   | 0.4      | 0.2                        | 1.2                                       | 0.24                              | 2                                    | 2                     |
| Total Prison                 | 36                 | 5.9                    | 9.7   | 4.2                                   | 6.8   | 2.7      | 1.8          | 2.9   | 1.1      | 0.5                        | 3.1                                       |                                   | 360                                  | 36                    |
| Field Supervision            |                    |                        |       |                                       |       |          |              |       |          |                            |   | 0.66                              | 24                                   | 24                    |

**ASSUMPTION (continued)**

**Sex offenders sentenced as prior sex offenders  
 Previously sentenced to probation in FY16**

| Sentenced as<br>Felony class | Admissions<br>FY16<br>(1) | Average Sentence (yrs) |              |                 | Length of stay (yrs) to<br>first release |              |                 | Parole (yrs)  |              |     | Parole<br>returns<br>(9)*42%<br>(10) | Additional<br>prison time<br>served<br>(6)+(10)<br>(11) | Additional<br>parole<br>time<br>(9)*58%<br>(12) | Total<br>Impact<br>(1)*(11),<br>(1)*(12)<br>(13) | Impact<br>after 10<br>years<br>(14) |
|------------------------------|---------------------------|------------------------|--------------|-----------------|--|--------------|-----------------|---------------|--------------|-----|--------------------------------------|---|---|--|-------------------------------------|
|                              |                           | Before<br>(2)          | After<br>(3) | Increase<br>(4) | Before<br>(5)                            | After<br>(6) | Increase<br>(7) | Before<br>(8) | After<br>(9) |     |                                      |   |   |  |                                     |
| E as A                       | 1                         | 7.2                    | 17.6         | -               | 12.3                                     | 12.3         | -               | 5.3           | 5.3          | 2.2 | 14.5                                 | 3.1   | 15  | 10   |                                     |
| E as C                       | 5                         | 5.4                    | 7.2          | -               | 5.0                                      | 5.0          | -               | 2.2           | 2.2          | 0.9 | 5.9                                  | 1.3   | 30  | 30   |                                     |
| E as D                       | 14                        | 4.0                    | 5.4          | -               | 3.8                                      | 3.8          | -               | 1.6           | 1.6          | 0.7 | 4.5                                  | 0.9   | 62  | 62   |                                     |
| Total Prison                 | 20                        | 4.5                    | 6.5          | -               | 4.5                                      | 4.5          | -               | 1.9           | 1.9          | 0.8 | 5.3                                  | 1.1   | 107   | 102  |                                     |
| Probation                    | -20                       | 5.0                    |              |                 |  |              |                 |               |              |     |                                      | 5.0   | -100  | -100   |                                     |
| Field Supervision            |                           |                        |              |                 |  |              |                 |               |              |     |                                      |   | -78   | -78  |                                     |

**Sex offenders sentenced as persistent sex offenders  
 Admitted in FY16 and will serve longer sentences**

| Sentenced as<br>Felony class | Admissions<br>FY16<br>(1) | Average Sentence (yrs) |              |                 | Length of stay (yrs) to<br>first release |              |                 | Parole (yrs)  |              |     | Parole<br>returns<br>(9)*42%<br>(10) | Additional<br>prison time<br>served<br>(6)+(10)<br>(11) | Additional<br>parole<br>time<br>(9)*58%<br>(12) | Total<br>Impact<br>(1)*(11),<br>(1)*(12)<br>(13) | Impact<br>after 10<br>years<br>(14) |
|------------------------------|---------------------------|------------------------|--------------|-----------------|--|--------------|-----------------|---------------|--------------|-----|--------------------------------------|---|---|--|-------------------------------------|
|                              |                           | Before<br>(2)          | After<br>(3) | Increase<br>(4) | Before<br>(5)                            | After<br>(6) | Increase<br>(7) | Before<br>(8) | After<br>(9) |     |                                      |   |   |  |                                     |
| A as LWOP                    | 1                         | 10.0                   | 30.0         | 7.0             | 30.0                                     | 23.0         | 3.0             | -             | -3.0         | -   | 23.0                                 | -   | 23  | 3  |                                     |
| E as C                       | 1                         | 4.0                    | 7.2          | 2.8             | 5.0                                      | 2.2          | 1.2             | 2.2           | 1.0          | 0.4 | 2.6                                  | 0.6   | 3   | 3  |                                     |
| Unclassified                 | 2                         | 20.0                   | 20.0         | 14.0            | 14.0                                     | -            | 6.0             | 6.0           | -            | -   | -                                    | -   | -   | -  |                                     |
| Total Prison                 | 4                         | 13.5                   | 19.3         | 9.5             | 15.8                                     | 6.3          | 4.1             | 3.5           | -0.5         | 0.1 | 6.4                                  | 0.6   | 26  | 6  |                                     |
| Field Supervision            |                           |                        |              |                 |  |              |                 |               |              |     |                                      | 0.6   | 1   | 1  |                                     |

**Sex offenders sentenced as prior sex offenders  
 Previously sentenced to probation in FY16**

| Sentenced as<br>Felony class | Admissions<br>FY16<br>(1) | Average Sentence (yrs) |              |                 | Length of stay (yrs) to<br>first release |              |                 | Parole (yrs)  |              |     | Parole<br>returns<br>(9)*42%<br>(10) | Additional<br>prison time<br>served<br>(6)+(10)<br>(11) | Additional<br>parole<br>time<br>(9)*58%<br>(12) | Total<br>Impact<br>(1)*(11),<br>(1)*(12)<br>(13) | Impact<br>after 10<br>years<br>(14) |
|------------------------------|---------------------------|------------------------|--------------|-----------------|--|--------------|-----------------|---------------|--------------|-----|--------------------------------------|---|---|--|-------------------------------------|
|                              |                           | Before<br>(2)          | After<br>(3) | Increase<br>(4) | Before<br>(5)                            | After<br>(6) | Increase<br>(7) | Before<br>(8) | After<br>(9) |     |                                      |   |   |  |                                     |
| D as B                       | 1                         | 5.4                    | 8.0          | -               | 5.6                                      | 5.6          | -               | 2.4           | 2.4          | 1.0 | 6.6                                  | 1.4   | 7   | 7  |                                     |
| E as C                       | 2                         | 4.0                    | 7.2          | -               | 5.0                                      | 5.0          | -               | 2.2           | 2.2          | 0.9 | 5.9                                  | 1.3   | 12  | 12   |                                     |
| Total Prison                 | 3                         | 4.5                    | 7.5          | -               | 5.2                                      | 5.2          | -               | 2.2           | 2.2          | 0.9 | 6.2                                  | 1.3   | 19  | 19   |                                     |
| Probation                    | -3                        | 5.0                    |              |                 |  |              |                 |               |              |     |                                      | 5.0   | -15   | -15  |                                     |
| Field Supervision            |                           |                        |              |                 |  |              |                 |               |              |     |                                      |   | -11   | -11  |                                     |

The timing of the impact begins in the first year of enactment when offenders who would have been sentenced to probation are incarcerated. For the offenders who would have received a prison sentence the impact begins when the time that would have been served to release is completed.

**Total Impact FN 830-02N (HB 415)**

Overall the prison population is expected to increase by 512 but the increase is only 182 in the first ten years; the field population will decline by 73 by FY 2027.

ASSUMPTION (continued)

**Impact of Prior, Persistent and Predator Sex Offenses**

|  | FY2018    | FY2019    | FY2020    | FY2021     | FY2022     | FY2023     | FY2024     | FY2025     | FY2026     | FY2027     |
|--|-----------|-----------|-----------|------------|------------|------------|------------|------------|------------|------------|
| <b>Admissions</b>  |           |           |           |            |            |            |            |            |            |            |
| <b>Prior Sex Offenders</b>   |           |           |           |            |            |            |            |            |            |            |
| Prison sentences- will serve longer  | 36        | 36        | 36        | 36         | 36         | 36         | 36         | 36         | 36         | 36         |
| Previously served probation  | 20        | 20        | 20        | 20         | 20         | 20         | 20         | 20         | 20         | 20         |
| <b>Persistent Sex Offenders</b>  |           |           |           |            |            |            |            |            |            |            |
| Prison sentences- will serve longer  | 4         | 4         | 4         | 4          | 4          | 4          | 4          | 4          | 4          | 4          |
| Previously probation   | 3         | 3         | 3         | 3          | 3          | 3          | 3          | 3          | 3          | 3          |
| <b>Predatory Sex Offenders</b>   |           |           |           |            |            |            |            |            |            |            |
|  | 2         | 2         | 2         | 2          | 2          | 2          | 2          | 2          | 2          | 2          |
| <b>Prison and Field Population (admissions * increased length of stay)</b> |           |           |           |            |            |            |            |            |            |            |
| <b>Prior Sex Offenders</b>   |           |           |           |            |            |            |            |            |            |            |
| Prison sentences- will serve longer  | -         | -         | -         | 2          | 14         | 20         | 21         | 25         | 30         | 35         |
| Previously served probation  | 20        | 40        | 60        | 80         | 92         | 98         | 99         | 100        | 101        | 102        |
| <b>Persistent Sex offenders</b>  |           |           |           |            |            |            |            |            |            |            |
| Prison sentences- will serve longer  | -         | -         | -         | -          | 1          | 1          | 2          | 4          | 5          | 6          |
| Previously served probation  | 3         | 6         | 9         | 12         | 15         | 18         | 19         | 19         | 19         | 19         |
| <b>Predator Sex Offenders</b>  |           |           |           |            |            |            |            |            |            |            |
|  | 2         | 4         | 6         | 8          | 10         | 12         | 14         | 16         | 18         | 20         |
| <b>Total prison</b>  | <b>25</b> | <b>50</b> | <b>75</b> | <b>102</b> | <b>132</b> | <b>149</b> | <b>155</b> | <b>164</b> | <b>173</b> | <b>182</b> |
| <b>Field supervision</b>   |           |           |           | <b>-15</b> | <b>-29</b> | <b>-40</b> | <b>-51</b> | <b>-69</b> | <b>-87</b> | <b>-73</b> |

In summary, the DOC will have the following costs:

FY18 - \$138,774

FY19 - \$339,719

FY20 - \$519,770

FY27 - \$1,188,283

ASSUMPTION (continued)

|  | # to<br>Prison | Cost per<br>year | Total Cost Prison | # to<br>Probation<br>and/or<br>Parole | Cost per<br>Year | Total Cost of<br>Probation &<br>Parole | Grand Total<br>Prison and<br>Probation<br>(includes 2%<br>inflation per year<br>starting in year 2) |
|--|----------------|------------------|-------------------|---------------------------------------|------------------|--|---|
| Year 1 (10<br>months)                    | 27             | \$ 6,085         | \$ (164,295)      | 1                                     | \$ 2,234         | \$ (2,234)                             | \$ (138,774)  |
| Year 2<br>(includes<br>2%<br>inflation)  | 54             | \$ 6,085         | \$ (328,590)      | 2                                     | \$ 2,234         | \$ (4,468)                             | \$ (339,719)  |
| Year 3<br>(includes<br>2%<br>inflation)  | 81             | \$ 6,085         | \$ (492,885)      | 3                                     | \$ 2,234         | \$ (6,702)                             | \$ (519,770)  |
| Year 4<br>(includes<br>2%<br>inflation)  | 108            | \$ 6,085         | \$ (657,180)      | -9                                    | \$ 2,234         | \$ 20,106                              | \$ (676,068)  |
| Year 5<br>(includes<br>2%<br>inflation)  | 138            | \$ 6,085         | \$ (839,730)      | -23                                   | \$ 2,234         | \$ 51,382                              | \$ (853,333)  |
| Year 6<br>(includes<br>2%<br>inflation)  | 155            | \$ 6,085         | \$ (943,175)      | -34                                   | \$ 2,234         | \$ 75,956                              | \$ (957,480)  |
| Year 7<br>(includes<br>2%<br>inflation)  | 161            | \$ 6,085         | \$ (979,685)      | -45                                   | \$ 2,234         | \$ 100,530                             | \$ (990,071)  |
| Year 8<br>(includes<br>2%<br>inflation)  | 170            | \$ 6,085         | \$ (1,034,450)    | -53                                   | \$ 2,234         | \$ 118,402                             | \$ (1,052,251)  |
| Year 9<br>(includes<br>2%<br>inflation)  | 179            | \$ 6,085         | \$ (1,089,215)    | -61                                   | \$ 2,234         | \$ 136,274                             | \$ (1,116,522)  |
| Year 10<br>(includes<br>2%<br>inflation) | 188            | \$ 6,085         | \$ (1,143,980)    | -67                                   | \$ 2,234         | \$ 149,678                             | \$ (1,188,283)  |

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state 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 \$2,500. 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 the 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.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of the State Courts Administrator**, the **Department of Elementary and Secondary Education**, the **Office of State Auditor**, the **Department of Mental Health**, the **Department of Agriculture**, the **Department of Health and Senior Services**, the **Department of Conservation**, the **Missouri Department of Transportation**, the **Department of Social Services** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

| <u>FISCAL IMPACT -</u><br><u>State Government</u>  | FY 2018<br>(10 Mo.) | FY 2019            | FY 2020            | Fully<br>Implemented<br>(FY 2027) |
|--|---------------------|--------------------|--------------------|-----------------------------------|
| <b>GENERAL REVENUE FUND</b>  |                     |                    |                    |                                   |
| <u>Costs - SOS</u>   |                     |                    |                    |                                   |
| Personal Service   | (\$93,333)          | (\$113,120)        | (\$114,251)        | (\$122,493)                       |
| Fringe Benefits  | (\$62,155)          | (\$74,919)         | (\$75,256)         | (\$80,685)                        |
| Equipment and<br>Expense   | <u>(\$91,119)</u>   | <u>(\$91,343)</u>  | <u>(\$93,626)</u>  | <u>(\$111,292)</u>                |
| <u>Total Costs - SOS</u><br>(\$§491.060,<br>491.075, 491.600,<br>491.630, 492.304,<br>544.250, 556.061,<br>589.660, 589.663)                     | <u>(\$246,607)</u>  | <u>(\$279,382)</u> | <u>(\$283,133)</u> | <u>(\$314,470)</u>                |
| FTE Change -<br>SOS  | 4 FTE               | 4 FTE              | 4 FTE              | 4 FTE                             |
| <u>Costs - DPS</u>   |                     |                    |                    |                                   |
| Personal Service<br>(2 Temporary)  | (\$41,667)          | (\$50,500)         | (\$51,005)         | (\$54,684)                        |
| Fringe Benefits  | (\$3,188)           | (\$3,863)          | (\$3,902)          | (\$4,183)                         |
| Expense and<br>Equipment   | <u>(\$6,489)</u>    | <u>(\$1,866)</u>   | <u>(\$1,912)</u>   | <u>(\$2,273)</u>                  |
| <u>Total Cost - DPS</u><br>(\$§43.505, 43.530,<br>513.653)   | <u>(\$51,344)</u>   | <u>(\$56,229)</u>  | <u>(\$56,819)</u>  | <u>(\$61,140)</u>                 |
| <u>Transfer Out - to<br/>Criminal Records<br/>System Fund - to<br/>cover expenses<br/>incurred by the MHP</u><br>(\$§43.505, 43.530,<br>513.653) | (\$3,000,000)       | (\$3,000,000)      | (\$3,000,000)      | (\$3,000,000)                     |
| <u>Loss -DOR -<br/>resulting from the<br/>continuous alcohol<br/>monitoring authority</u><br>(\$302.441)   | (Unknown)           | (Unknown)          | (Unknown)          | (Unknown)                         |
| <u>Cost - DOR - IT<br/>services</u> (\$304.351)  | (\$29,970)          | \$0                | \$0                | \$0                               |

FISCAL IMPACT -  
State Government

Cost - DOC -  
 increase in prison  
 population relating  
 to predatory and  
 persistent sexual  
 offenders and new  
 class E felony  
 (§§252.069,  
 479.170, 488.029,  
 557.035, 565.076,  
 565.091, 566.010,  
 575.280, 577.001,  
 577.010,  
 595.045, 557.036,  
 558.021, 558.046,  
 559.115, 559.117,  
 566.030, 566.032,  
 566.060, 566.062,  
 566.123, 566.124,  
 589.414)

FY 2018  
 (10 Mo.)

FY 2019

FY 2020

Fully  
 Implemented  
 (FY 2027)

(\$138,774)

(\$339,719)

(\$519,770)

(\$1,188,283)

**ESTIMATED NET  
 EFFECT ON THE  
 GENERAL  
 REVENUE FUND**

**(Unknown,  
 greater than  
\$3,466,695)**

**(Unknown,  
 greater than  
\$3,675,330)**

**(Unknown,  
 greater than  
\$3,859,722)**

**(Unknown,  
 greater than  
\$4,563,893)**

Estimated Net FTE  
 Change for General  
 Revenue Fund

4 FTE

4 FTE

4 FTE

4 FTE

**HIGHWAY FUND**

Income - Additional  
 revenue from  
 reinstatement fees  
 (§304.351)

Less than  
\$100,000

Less than  
\$100,000

Less than  
\$100,000

Less than  
\$100,000

**ESTIMATED NET  
 EFFECT ON  
 HIGHWAY  
 FUNDS**

**Less than  
\$100,000**

**Less than  
\$100,000**

**Less than  
\$100,000**

**Less than  
\$100,000**

FISCAL IMPACT -  
State Government

**STATE  
HIGHWAY AND  
TRANSPORTATI  
ON  
DEPARTMENT  
FUND**

Loss - DOR - in  
revenue for  
reinstatement of  
drivers' licenses  
(75%) (§§302.341,  
476.385)

FY 2018  
(10 Mo.)

FY 2019

FY 2020

Fully  
Implemented  
(FY 2027)

(Unknown)

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET  
EFFECT ON  
STATE  
HIGHWAY AND  
TRANSPORTATI  
ON  
DEPARTMENT  
FUND**

(Unknown)

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT -  
State Government

FY 2018  
 (10 Mo.)

FY 2019

FY 2020

Fully  
 Implemented  
 (FY 2027)

**CRIMINAL  
 RECORDS  
 SYSTEM FUND**

Transfer In - from  
 GR - to cover lost  
 funding to the MHP  
 that is now  
 distributed as grants  
 to local law  
 enforcement  
 agencies (§§43.505,  
 43.530, 513.653)

\$3,000,000

\$3,000,000

\$3,000,000

\$3,000,000

Costs - DPS - grants  
 awarded to local and  
 county law  
 enforcement  
 agencies (§§43.505,  
 43.530, 513.653)

(\$3,000,000)

(\$3,000,000)

(\$3,000,000)

(\$3,000,000)

**ESTIMATED NET  
 EFFECT TO THE  
 CRIMINAL  
 RECORDS  
 SYSTEM FUND**

\$0

\$0

\$0

\$0

**FEDERAL FUNDS**

Loss - DOR -  
 potential to be out of  
 compliance with  
 DWI programs  
 (§302.441)

(Unknown)

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET  
 EFFECT ON  
 FEDERAL FUNDS**

(Unknown)

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT -  
Local Government

**LOCAL  
 POLITICAL  
 SUBDIVISIONS**

Income - Local Law  
 Enforcement - grants  
 through the DPS  
 from the Criminal  
 Records System  
 Fund (§§43.505,  
 43.530, 513.653)

|  | FY 2018<br>(10 Mo.) | FY 2019     | FY 2020     | Fully<br>Implemented<br>(FY 2027) |
|--|---------------------|-------------|-------------|-----------------------------------|
|  | \$3,000,000         | \$3,000,000 | \$3,000,000 | \$3,000,000                       |

Income - Cities and  
 Counties -  
 Additional revenue  
 from reinstatement  
 fees (§304.351)

|  |                        |                        |                        |                        |
|--|------------------------|------------------------|------------------------|------------------------|
|  | Less than<br>\$100,000 | Less than<br>\$100,000 | Less than<br>\$100,000 | Less than<br>\$100,000 |
|--|------------------------|------------------------|------------------------|------------------------|

Revenues - Local  
 School Districts -  
 income from fines  
 (§304.351)

|  |                           |                           |                           |                           |
|--|---------------------------|---------------------------|---------------------------|---------------------------|
|  | Could exceed<br>\$100,000 | Could exceed<br>\$100,000 | Could exceed<br>\$100,000 | Could exceed<br>\$100,000 |
|--|---------------------------|---------------------------|---------------------------|---------------------------|

Revenues - St. Louis  
 County and St. Louis  
 City - fees for  
 services rendered  
 (§488.5320)

|  |                |                |                |                |
|--|----------------|----------------|----------------|----------------|
|  | Up to \$22,641 | Up to \$22,641 | Up to \$22,641 | Up to \$22,641 |
|--|----------------|----------------|----------------|----------------|

Loss - Cities - in  
 revenue for  
 reinstatement of  
 drivers' licenses  
 (15%) (§§302.341,  
 476.385)

|  |           |           |           |           |
|--|-----------|-----------|-----------|-----------|
|  | (Unknown) | (Unknown) | (Unknown) | (Unknown) |
|--|-----------|-----------|-----------|-----------|

Loss - Counties - in  
 revenue for  
 reinstatement of  
 drivers' licenses  
 (10%) (§§302.341,  
 476.385)

|  |                  |                  |                  |                  |
|--|------------------|------------------|------------------|------------------|
|  | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
|--|------------------|------------------|------------------|------------------|

| <u>FISCAL IMPACT -</u><br><u>State Government</u> | <u>FY 2018</u><br><u>(10 Mo.)</u> | <u>FY 2019</u> | <u>FY 2020</u> | <u>Fully</u><br><u>Implemented</u><br><u>(FY 2027)</u> |
|---|-----------------------------------|----------------|----------------|--|
|---|-----------------------------------|----------------|----------------|--|

|   |                         |                         |                         |                         |
|---|-------------------------|-------------------------|-------------------------|-------------------------|
| <b>ESTIMATED NET<br/>EFFECT ON<br/>LOCAL<br/>POLITICAL<br/>SUBDIVISIONS</b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> |
|---|-------------------------|-------------------------|-------------------------|-------------------------|

FISCAL IMPACT - Small Business

Small business farmers could be positively impacted as a result of this proposal. (\$574.010)

FISCAL DESCRIPTION

§§43.505, 43.530, 513.653

Under current law, law enforcement agencies which violate certain requirements for the submission of crime incident reports and information may be ineligible to receive state or federal funds which would otherwise be paid to them. This act removes such ineligibility as a potential consequence for such violations.

Also under current law, law enforcement agencies involved in federal forfeiture programs are required to report certain information to the Department of Public Safety and the State Auditor by January 31st of each year. This act removes the requirement to report this information to the Department of Public Safety and moves the reporting deadline from January 31st to February 15th.

This act also removes language relating to the information that must be included in the report, and requires the report to consist of a copy of a certain form which must be submitted to the federal government.

This act also requires the approval of the director of the Department of Public Safety for the expenditure of funds raised by the collection of fees for the usage of criminal history record information, and specifies that a portion of those funds to be determined by the director will be made available to local and county law enforcement agencies by way of a grant.

§§252.069, 479.170, 488.029, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 595.045

This proposal modifies various provisions relating to criminal offenses.

§§302.341, 476.385

Currently, if an individual charged with a moving traffic violation fails to appear in court as directed or without good cause fails to pay any fine or court costs assessed against him or her for the violation within the period specified or as otherwise approved by the court, the court is required to order the Director of the Department of Revenue to suspend the individual's driving

FISCAL DESCRIPTION (continued)

privileges if the charges are not disposed of and fully paid within 30 days from the date of the mailing. This bill specifies that the court may order the department director to suspend the driving privileges at the request of the prosecutor having original jurisdiction.

§302.441

This bill specifies that exemptions for ignition interlock device requirements shall not be granted to individuals who are self-employed or who wholly or partially own or control an entity that owns an employer-owned vehicle. The exemption by the court may also require that the person submit to continuous alcohol monitoring as an addition or alternative to an ignition interlock device.

§304.351

This proposal increases the penalty for the offense of failing to yield the right-of-way from \$200 to at least \$500 but not more than \$1,000.

If serious physical injury is caused, the penalty is changed from up to \$500 to at least \$1,000 but not more than \$3,000 and the court is required to order the suspension of the person's driving privilege for 90 days. Currently, the court has discretion to order the suspension, but is not required to.

If the violation caused a fatality, the penalty is increased from up to \$1,000 to at least \$5,000 but not more than \$10,000. Currently, the court may order the suspension of the person's driving privilege for six months. The bill requires the court to order the suspension of the person's driving privilege for at least six months but not more than one year, and the individual must be required to participate in and successfully complete a driver improvement program approved by the Director of the Department of Revenue.

§488.5320

The bill repeals a provision that prohibits sheriffs, marshals, and other officers in St. Louis County and the City of St. Louis from charging for their services rendered in cases disposed of by a violation bureau established under law or supreme court rule.

The MODEX fund is authorized to accept funds from federal, state, local, and private entities that utilize the information from MODEX to fight fraud and other activities in the best interest of law enforcement, state government, or the taxpayers of Missouri. Any information in MODEX that is open under the provisions of Chapter 610, RSMo, is considered open and cannot be considered criminal records information. Any information in MODEX will be shared with any other law enforcement or anti-fraud unit.

§§491.060, 491.075, 491.600, 491.630, 492.304, 544.250, 556.061, 589.660, 589.663

This bill revises provisions relating to victims and witnesses by applying such provisions to victims of or witnesses to a criminal offense rather than to victims of or witnesses to offenses committed under specific chapters. The bill also amends the definition of "vulnerable person" as it relates to Section 491.075, RSMo, adds a definition for "personal information," as it relates to

FISCAL DESCRIPTION (continued)

Section 491.630, and it adds provisions relating to the state's obligations with respect to a victim's or witness's personal information. It also adds a definition for "victim" and "witness" as those terms relate to Sections 589.660 to 589.681.

The bill specifies that an order of protection issued by a court with jurisdiction over any criminal matter shall issue such order at the time of filing in every case involving a child victim, a felony offense under Chapter 565, any offense under Chapter 566, or any offense under Chapter 573.

Finally, the bill amends provisions relating to the "Address Confidentiality Program."

§§557.036, 558.021 558.046, 559.115, 559.117, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 589.414

This bill defines the terms "predatory sexual offender" and "persistent sexual offender." The bill provides that if an offender is determined to be a predatory sexual offender, the offender shall be sentenced to life without eligibility for probation or parole. Predatory sexual offenders shall not receive final discharge from parole or be furloughed by the Department of Corrections or any of its divisions. The bill specifies a two-stage process by which a second trial stage shall be held after the conviction of an offender to determine whether that offender is a predatory sexual offender.

The bill also creates a process for determining whether an offender is a prior or persistent sexual offender and creates provisions regarding the sentencing of prior and persistent sexual offenders, including the provisions that an offender determined to be a prior sexual offender shall be sentenced to the authorized term of imprisonment one class step higher than the offense for which the offender was found guilty, and that an offender determined to be a persistent sexual offender shall be sentenced to the authorized term of imprisonment two class steps higher for which the offender was found guilty.

Part of this legislation is federally mandated. However, it would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
Office of the Secretary of State  
Department of Public Safety  
    Office of the Director  
    Missouri Highway Patrol  
Office of State Auditor  
Office of Administration  
Department of Corrections  
Department of Agriculture  
Department of Social Services  
Department of Revenue  
Department of Mental Health  
Missouri Department of Transportation  
Department of Conservation  
Department of Health and Senior Services  
Cole County Sheriff  
Department of Elementary and Secondary Education  
Forsyth R-III School District  
Kansas City Public Schools  
Kearney School District  
Kirksville R-III School District  
Parkway School District  
Pettis County R-XII School District  
Springfield Police Department  
St. Louis County Department of Justice  
West Plains School District  
St. Louis County  
Callaway County Commission  
City of Kansas City  
City of Columbia



Mickey Wilson, CPA  
Director  
April 18, 2017

Ross Strobe  
Assistant Director  
April 18, 2017