

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0635-01
Bill No.: SB 429
Subject: Victims of Crime; Attorney General; Highway Patrol; Crimes and Punishment;
 Department of Health and Senior Services; Department of Corrections; Law
 Enforcement Officers and Agencies
Type: Original
Date: February 19, 2007

Bill Summary: The proposal modifies various provisions relating to crime victims.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(\$58,611 to \$2,210,631)	(\$60,351 to \$2,720,248)	(\$61,693 to \$2,801,387)
Total Estimated Net Effect on General Revenue Fund	(\$58,611 to \$2,210,631)	(\$60,351 to \$2,720,248)	(\$61,693 to \$2,801,387)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Crime Victims' Compensation	\$0 to (\$2,152,020)	\$0 to (\$2,659,897)	\$0 to (\$2,739,694)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to (\$2,152,020)	\$0 to (\$2,659,897)	\$0 to (\$2,739,694)

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General, Department of Public Safety – Director’s Office**, and the **Department of Labor and Industrial Relations** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume operational impact should be slight for any changes due to concerns for victims of sex crimes. Offenders can be victims and changes would be in regard to DOC’s medical services contractor but any fiscal impact is absorbable within current resources.

Amendments are made to the crime of domestic assault in the first degree; however, violators could already be charged under current §565.063, RSMo. Passage of this proposal would have a negligible fiscal impact on the DOC.

Changes made to the victims right statute would have no fiscal impact on the DOC.

In summary, any fiscal impact for the DOC due to passage of this proposal is negligible and/or absorbable within existing resources.

Officials from the **Department of Health and Senior Services (DHSS)** assume DHSS shall pay the appropriate charges for forensic examinations. DHSS will no longer pay for medical examinations for victims of sexual assault, but will pay for the costs associated with a forensic exam regardless of private insurance, Medicaid or Medicare.

ASSUMPTION (continued)

DHSS will pay for forensic examinations of all persons who may be victims of a sexual offense at the average cost of the exam rather than the Medicaid reimbursement rate for the exam. Forensic examinations will be needed for all emergency room patients with ICD-9-CM codes for rape, observation for possible rape, child sexual abuse or suspected abuse. To determine the estimated number of examinations that would be reimbursed, DHSS used emergency room data to estimate the annual number of sexual assault forensic examinations. In 2005, there were 2,314 emergency room reports of rape, possible rape, child sexual abuse or suspected abuse (last available MICA data). According to the Department of Justice, the average cost of a SAFE exam is \$1,116. $2,314 \text{ emergency room examinations} \times \$1,116 \text{ per exam} = \$2,582,424$. Current funding (\$72,675) will pay for approximately 65 exams. DHSS will need \$2,509,739 in additional funding to pay for an additional 2,249 exams ($\$2,582,424 - \$72,675 = \$2,509,739$).

In addition to costs for forensic examinations, DHSS will also pay for printing the rape checklist. The Missouri State Highway Patrol orders approximately 4,500 rape kits a year. Therefore, DHSS would need to supply 4,500 copies of the rape checklist per year. The cost to print rape checklist on a 8 x 11.5 document (4,500 copies, 1 for each rape kit) is \$113.

DHSS will also need one additional FTE (Health Program Representative I-HPR I) to carry out the daily administration of the examination payments.

This legislation also specifies, “if the victim is an eligible claimant under the crime victims’ compensation fund, the appropriate medical provider shall seek compensation under sections 595.010 to 595.075, RSMo.” According to Chapter 595, RSMo, in order for a victim to be eligible for compensation from the crime victims’ compensation fund, the victim must:

- Report the crime to the proper law enforcement agency within 48 hours after the occurrence or with minors, within 48 hours of the discovery of the crime; there is a delayed for good cause clause;
- cooperate with law enforcement;
- have no contributory conduct; and
- have no more than one felony conviction involving drugs and violence within the last ten years.

ASSUMPTION (continued)

The Crime Victims' Compensation fund administered by the Department of Labor and Industrial Relations will pay for medical services and any other related services (such as time off from work for court time, counseling fees, etc.) if the victim has applied for the fund and is found to be eligible.

Oversight has, for fiscal note purposes only, changed the starting salary for the Health Program Representative I to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Oversight assumes the FTE Health Program Representative will be housed in existing Department of Health and Senior Services facilities. Therefore, Oversight has eliminated the rent and other facilities costs from the DHSS estimates.

Oversight assumes medical providers could receive compensation under the crime victims' compensation fund if the victim is an eligible claimant. Oversight has ranged the cost of forensic examinations for the general revenue and crime victims' compensation funds as \$0 to \$2,582,424 per fiscal year, as Oversight has no data to indicate the number of victims that would be eligible claimants under the crime victims' compensation fund.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume, based on the number of sexual assault incidents that are reported annually, they would provide 10,000 kits per year. MHP estimates the cost of a sexual assault kit to be \$3.75, for a total cost of approximately \$37,500 per year.

In response to a similar proposal from the 2005 Session (Perfected HCS for HB 1317, LR # 3678-04), MHP officials stated they presently purchase 4,154 sexual assault evidentiary collection kits annually.

Oversight assumes the Missouri State Highway Patrol would continue to purchase approximately 4,154 sexual assault evidentiary collection kits annually.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume this new crime will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Costs – Department of Health and Senior Services</u>			
Personal Service	(\$22,598)	(\$27,931)	(\$28,769)
Fringe Benefits	(\$10,228)	(\$12,642)	(\$13,021)
Equipment and Expense	(\$10,185)	(\$4,178)	(\$4,303)
Forensic Examinations	<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
	(\$2,152,020)	(\$2,659,897)	(\$2,739,694)
<u>Total Costs – DHSS</u>	(\$43,011 to \$2,195,031)	(\$44,751 to \$2,704,648)	(\$46,093 to \$2,785,787)
<u>Costs – Missouri State Highway Patrol</u>			
Evidentiary collection kits	<u>(\$15,600)</u>	<u>(\$15,600)</u>	<u>(\$15,600)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$58,611 to \$2,210,631)</u>	<u>(\$60,351 to \$2,720,248)</u>	<u>(\$61,693 to \$2,801,387)</u>

FISCAL IMPACT - State Government FY 2008 FY 2009 FY 2010
 (continued) (10 Mo.)

**CRIME VICTIMS'
 COMPENSATION FUND**

Costs – Department of Labor and
 Industrial Relations

Forensic Examinations	<u>\$0 to</u> <u>(\$2,152,020)</u>	<u>\$0 to</u> <u>(\$2,659,897)</u>	<u>\$0 to</u> <u>(\$2,739,694)</u>
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**ESTIMATED NET EFFECT ON
 CRIME VICTIMS'
 COMPENSATION FUND**

	<u>\$0 to</u> <u>(\$2,152,020)</u>	<u>\$0 to</u> <u>(\$2,659,897)</u>	<u>\$0 to</u> <u>(\$2,739,694)</u>
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FISCAL IMPACT - Local Government FY 2008 FY 2009 FY 2010
 (10 Mo.)

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Small businesses could experience a fiscal impact as a result of the proposed legislation. The proposal would not allow an employer to require the use of vacation time for an employee to respond to a subpoena, attend a criminal proceeding, or participate in the preparation of a criminal proceeding. Although an employee would not have to be compensated to cover the absence, it could result in additional time off by an employee that an employer would have to cover by providing overtime to other employees.

Medical providers authorized to receive payments from Department of Health and Senior Services for forensic examinations of persons who may be a victim of a sexual offense or a crime could experience a positive fiscal impact as a result of the proposal.

FISCAL DESCRIPTION

§191.225:

The proposal states the Department of Health and Senior Services shall make payments to medical providers to cover the charges of forensic examinations for victims of sexual offenses under certain circumstances.

The Department of Health and Senior Services shall develop a checklist for medical providers to refer to while providing treatment to victims.

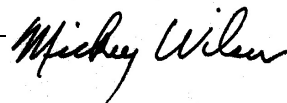
The Highway Patrol, or its designees, is required to develop evidentiary collection kits and, subject to appropriation, make them available to medical providers.

If a victim is eligible for relief from the crime victims' compensation fund, the provider may seek compensation from the fund money.

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

Office of the Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Department of Public Safety
 – Director's Office
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Department of Labor and Industrial Relations



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Director
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