

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0635-04
Bill No.: SCS for 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: March 12, 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	(\$243,282 to \$2,395,302)	(\$238,990 to \$2,898,887)	(\$247,315 to \$2,987,009)
Total Estimated Net Effect on General Revenue Fund	(\$243,282 to \$2,395,302)	(\$238,990 to \$2,898,887)	(\$247,315 to \$2,987,009)

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 11 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
General Revenue	2	2	2
Total Estimated Net Effect on FTE	2	2	2

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 **Department of Labor and Industrial Relations** assume the proposal would have no fiscal impact on their agency.

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 5,000 kits per year. MHP estimates the cost of a sexual assault kit to be \$3.72, for a total cost of approximately \$18,600 per year.

The MHP assumes \$ 191,220 would have a fiscal impact. The MHP's Crime Laboratory estimates the cost to perform a toxicology examination on one specimen, which includes screening for multiple drugs and confirmation of one positive screen result is approximately \$130. In 2006, the Crime Laboratory analyzed approximately 500 sexual assault kits and it is estimated that 10% of that number included a request for drug testing. MHP estimates the cost for the toxicology examinations to be \$6,500 per year (500 x 10% = 50 requests; 50 requests x \$130 = \$6,500).

ASSUMPTION (continued)

MHP states there is no way to predict how many victims would elect to have a toxicology examination if this proposed legislation passes. Therefore, there is no way to assess the actual impact for the MHP.

The MHP assumes the total cost of the proposal would be approximately \$26,000 per fiscal year.

Officials from the **Department of Public Safety – Director’s Office (DPS)** assume passage of the proposal would allow DPS to continue receiving federal funds in the amount of \$2.4 million. If the proposal does not pass, DPS will lose these funds beginning 2009.

Oversight assumes any federal sanctions would be dependent upon other factors. Therefore, Oversight has shown no fiscal impact to the Department of Public Safety – Director’s Office.

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.

Officials from the **Office of Secretary of State (SOS)** assume this proposal creates an address confidentiality program to protect victims of domestic violence by authorizing the use of designated addresses for such victims and their minor children. The program would be administered by the SOS. For approved applicants, the SOS would forward first-class mail, legal documents, and certified mail to the appropriate program participants. Participants must apply for renewal every four years.

The SOS assume they would need one FTE Program Manager (at \$48,000 per year), and computer equipment and office furniture for the manager. Travel and training resources would be required to travel to and train personnel in the various counties throughout the state on the proper procedures for certifying someone for the program. Postage and envelopes would be required to forward the mail to the participants. A database to track and maintain renewal information would be required.

The SOS contacted other states (Washington, Nebraska, Montana, & Maine) who indicated a range of start up costs consistent with the costs required to implement this program in Missouri. The number of participants is unknown.

SOS estimates the total costs to be \$175,171 in FY 08, \$168,386 in FY 09, and \$174,593 in FY 10.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State – Administrative Rules Division (SOS Rules)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS Rules 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 proposal for Administrative Rules is less than \$2,500. The SOS Rules recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS Rules also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

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.

Officials from the **Office of the Attorney General** did not respond to Oversight's request for fiscal impact. However, in response to a previous version of the proposal (SB 429, LR # 0635-04), officials assumed the proposal would have no fiscal impact on their agency.

<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)
FTE Change – DHSS	1 FTE	1 FTE	1 FTE
<u>Costs – Missouri State Highway Patrol</u>			
Evidentiary collection kits	(\$18,600)	(\$19,158)	(\$19,733)
Toxicology examinations	<u>(\$6,500)</u>	<u>(\$6,695)</u>	<u>(\$6,896)</u>
<u>Total Costs – MSHP</u>	(\$25,100)	(\$25,853)	(\$26,629)
<u>Costs – Secretary of State</u>			
Personal Service	(\$41,200)	(\$50,923)	(\$52,451)
Fringe Benefits	(\$18,647)	(\$23,048)	(\$23,739)
Equipment and Expense	<u>(\$115,324)</u>	<u>(\$94,415)</u>	<u>(\$98,403)</u>
<u>Total Costs – SOS</u>	(\$175,171)	(\$168,386)	(\$174,593)
FTE Change – SOS	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(\$243,282 to</u> <u>\$2,395,302)</u>	<u>(\$238,990 to</u> <u>\$2,898,887)</u>	<u>(\$247,315 to</u> <u>\$2,987,009)</u>
Estimated Net FTE Change for General Revenue Fund	2 FTE	2 FTE	2 FTE

FISCAL DESCRIPTION

§ 191.220:

The Department of Health and Senior Services shall require all health care personnel involved in the examination and treatment of rape victims to inform such victims of their right to request a drug test for the presence of a date rape drug. After providing the information, the provider shall provide the victim with a release form to sign stating that the victim has been informed of his or her right to request such a drug test. If the test is requested, the provider shall administer the test and include the results with other evidence.

§ 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.

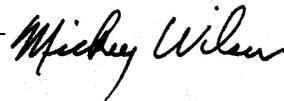
§§ 589.660, 589.663, 589.666, 589.669, 589.672, 589.675, 589.678, 589.681, 589.683

The proposal creates in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program. This program contains a sunset clause.

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 Labor and Industrial Relations
Department of Public Safety
 – Director’s Office
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the Secretary of State
Office of the State Public Defender



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