

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0661-08
Bill No.: SS for SCS for HCS for HB 583
Subject: Courts; Law Enforcement Officers and Agencies
Type: Original
Date: May 16, 2007

Bill Summary: The proposal modifies the law relating to orders of protection and 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	(\$236,782 to \$2,388,802)	(\$232,295 to \$2,892,192)	(\$240,419 to \$2,980,113)
Total Estimated Net Effect on General Revenue Fund	(\$236,782 to \$2,388,802)	(\$232,295 to \$2,892,192)	(\$240,419 to \$2,980,113)

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 12 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

Sections 191.225 and 431.056 – 455.003 and 565.072 – 595.209:

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 the Attorney General (AGO)** assume the costs of the new duties can be absorbed within existing resources. The AGO may also update its publications relating to crime victims rights should this proposal be adopted.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would require information that could be used to locate or identify a victim be redacted from court records. CTS assumes there will be some, unknown impact on the workload of the courts. CTS is unable to quantify the impact at this time. CTS assumes any significant increase would be reflected in future budget requests.

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.

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.

ASSUMPTION (continued)

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.

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.

In response to a previous version of the proposal (SCS for SB 429, LR # 0635-04), officials from the **Office of the State Public Defender (SPD)** assumed 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.

ASSUMPTION (continued)

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.

Section 455.038:

Officials from the **Department of Social Services, Department of Public Safety – Missouri State Highway Patrol**, and the – **Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation requires circuit clerks to provide notification information to individuals petitioning for ex parte orders of protection.

CTS states the meaning of the legislation is unclear in regard to the “information” to be provided to the petitioner. CTS assumes the “information” will be provided to the courts for distribution. If this is the case, there will be no cost to the courts. However, if the assumption is incorrect, there will be printing costs for the counties.

Officials from the **Boone County Sheriff’s Department (BCSD)** assume their notification to the clerk’s office on those respondents they cannot find would be in the form of “non-est” at the time the paper expires. BCSD assumes no fiscal impact.

Officials from the Clark County Sheriff’s Department, Greene County Sheriff’s Department, Jackson County Sheriff’s Department, St. Louis County Sheriff’s Department, Jackson County Circuit Clerk, Phelps County Circuit Clerk, and St. Louis City Circuit Clerk did not respond to Oversight’s request for fiscal impact.

Section 217.692:

Officials from the **Office of the State Public Defender** 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.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state at the end of 2006, DOC had 301 offenders serving life, no parole/50 years for murder who had served at least 15 years. An estimate of the murders with a spouse as the victim is based on FBI stats (5.2% of murders are spouses) indicates 13 offenders. Approximately 2 to 3 offenders would become eligible per each additional year of the ten-year scope of this fiscal note. Pursuant to passage of this bill, these offenders would now be reviewed by the Parole Board. Outcomes due to this review are Unknown and cannot be predicted. DOC assumes an unknown savings, although the department would incur new costs of supervising these offenders. There could also be no cost or savings if no offenders are granted early parole.

Oversight assumes the Department of Corrections (DOC) could experience a savings due to reduced incarceration time. Oversight also assumes the DOC could experience increased supervision costs by the Board of Probation and Parole. For fiscal note purposes, Oversight assumes any savings due to reduced incarceration time would exceed any increased supervision costs. Oversight notes there would be no fiscal impact if no offenders are granted early parole. Therefore, Oversight has ranged the savings and cost from \$0 to Unknown.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation creates no new obligations for prosecuting attorneys. This proposal would have no direct fiscal impact on county prosecutors or the OPS. If, however, offenders incarcerated in a correctional institution serving sentences of life with no parole for fifty years or life without parole are paroled early pursuant to this proposed legislation and re-offend, any future prosecution of such individuals could have a significant adverse impact on prosecuting attorneys.

Section 595.036:

Oversight is unable to attain a fiscal impact on this section.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<u>Savings – Department of Corrections</u>			
Reduced incarceration cost (\$217.692)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs – Department of Corrections</u>			
Increased supervision costs	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<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	\$0 to (\$2,152,020)	\$0 to (\$2,659,897)	\$0 to (\$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)
<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	(\$115,324)	(\$94,415)	(\$98,403)
<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>(\$236,782 to \$2,388,802)</u>	<u>(\$232,295 to \$2,892,192)</u>	<u>(\$240,419 to \$2,980,113)</u>

*Does not include DOC unknown savings.

Estimated Net FTE Change for General Revenue Fund	2 FTE	2 FTE	2 FTE
--	-------	-------	-------

BLG:LR:OD (12/06)

**CRIME VICTIMS’
 COMPENSATION FUND**

Costs – Department of Labor and
 Industrial Relations

Forensic Examinations

<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
<u>(\$2,152,020)</u>	<u>(\$2,659,897)</u>	<u>(\$2,739,694)</u>

**ESTIMATED NET EFFECT ON
 CRIME VICTIMS’
 COMPENSATION FUND**

<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
<u>(\$2,152,020)</u>	<u>(\$2,659,897)</u>	<u>(\$2,739,694)</u>

FISCAL IMPACT - Local Government

FY 2008
(10 Mo.)

FY 2009

FY 2010

\$0

\$0

\$0

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.

§§ 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.

§217.692:

The proposed legislation would allow certain offenders who have pleaded guilty to or been found guilty of homicide of a spouse or domestic partner and are serving a life sentence without the possibility of parole for at least fifty years to be eligible for parole after having served fifteen years if the board of probation and parole determines that there is a strong probability that the person will not violate the law again. The offender must have no prior felony convictions, must have exhausted all appeals, and have a history of being a victim of domestic violence or have evidence of innocence that was not fully presented at trial or sentencing.

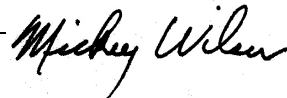
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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 Social Services 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
Boone County Sheriff's Department

NOT RESPONDING

Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Sheriff's Department
Jackson County Circuit Clerk
Phelps County Circuit Clerk
St. Louis City Circuit Clerk



Mickey Wilson, CPA
Director
May 16, 2007