

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0661-08  
Bill No.: Truly Agreed To and Finally Passed SS for SCS for HCS for HB 583  
Subject: Domestic Relations; Family Law; Courts; Crime Victims  
Type: Original  
Date: June 1, 2007

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Bill Summary: The proposal modifies the law relating to orders of protection and modifies various provisions relating to crime victims.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
General Revenue	(\$236,782 to \$2,388,802)	(\$232,295 to \$2,892,192)	(\$240,419 to \$2,980,113)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$236,782 to \$2,388,802)</b>	<b>(\$232,295 to \$2,892,192)</b>	<b>(\$240,419 to \$2,980,113)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
Crime Victims' Compensation	(\$29,145 to \$2,181,165)	(\$36,023 to \$2,695,920)	(\$37,102 to \$2,776,796)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$29,145 to \$2,181,165)</b>	<b>(\$36,023 to \$2,695,920)</b>	<b>(\$37,102 to \$2,776,796)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 14 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
General Revenue	2	2	2
Crime Victims' Compensation	0.25	0.25	0.25
<b>Total Estimated Net Effect on FTE</b>	<b>2.25</b>	<b>2.25</b>	<b>2.25</b>

☐ 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).

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

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Corrections** and the **Department of Public Safety – Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General (AGO)** assume there may be certain costs associated with updating its crime victims’ handbook. AGO assumes the costs can be absorbed within existing resources.

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 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.

### **Forensic Examinations of Victims of Sexual Offenses (§191.225):**

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. Oversight has reflected the crime victims' compensation fund to the Department of Public Safety, as the fund will be transferred effective August 28, 2007, pursuant to Executive Order 07-07.

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.

Probation and Parole (§217.692):

Officials from the **Office of the Attorney General (AGO)** assume it may be called upon to review certain petitions for release before the Board of Probation and Parole. AGO assumes there would be a small number of cases to review and that the costs could be absorbed within existing resources.

ASSUMPTION (continued)

**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.

Orders of Protection (§455.038):

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.

Domestic Assault (§565.072):

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.

Sexual Assault Victims (§566.226):

Officials from the **Office of State Courts Administrator (CTS)** assume the 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 that impact at this time. Any significant increase would be reflected in future budget requests.

ASSUMPTION (continued)

Address Confidentiality Program (§§589.660 – 590.683):

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 assumes 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.

Crime Victims' Compensation (§595.036):

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume the bill makes several changes in the statutory sections dealing with the Crime Victims' Compensation Program. The program has been under the jurisdiction of the Division of Workers' Compensation (DWC) since its inception. However, Executive Order 07-07 transferred the program to the Department of Public Safety effective August 28, 2007. Under current procedures, any claimant may request a hearing before an administrative law judge (ALJ) if aggrieved by the decision of the DWC. This bill contains language that will continue that hearing process before a DWC ALJ after the program is transferred to the Department of Public Safety. Currently, the DWC budgets .25 of an ALJ FTE for the purpose of Crime Victims' Compensation hearings paid from the Crime Victims' Compensation Fund. Since this bill continues the DWC responsibility of hearings after the transfer of the program to Department of Public Safety, the DWC will continue to require the budgeting of .25 ALJ FTE for that purpose.

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ASSUMPTION (continued)

The budget requirements for .25 ALJ FTE will be \$29,145 for FY08, 36,023 for FY 09 and \$37,102 for FY 10.

**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.**

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND</b>			
<u>Savings</u> – Department of Corrections			
Reduced incarceration cost (\$217.692)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – Department of Corrections			
Increased supervision costs (\$217.692)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs</u> – Department of Health and Senior Services (\$195.225)			
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	\$0 to	\$0 to
	<u>(\$2,152,020)</u>	<u>(\$2,659,897)</u>	<u>(\$2,739,694)</u>
<u>Total Costs</u> – DHSS	(\$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</u> – Missouri State Highway Patrol (\$195.225)			
Evidentiary collection kits	(\$18,600)	(\$19,158)	(\$19,733)
<u>Costs</u> – Secretary of State (§§589.660 – 589.683)			
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</u> – SOS	<u>(\$175,171)</u>	<u>(\$168,386)</u>	<u>(\$174,593)</u>
FTE Change – SOS	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
	<u><b>(\$236,782 to \$2,388,802)</b></u>	<u><b>(\$232,295 to \$2,892,192)</b></u>	<u><b>(\$240,419 to \$2,980,113)</b></u>
Estimated Net FTE Change for General Revenue Fund	2 FTE	2 FTE	2 FTE

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

FY 2009

FY 2010

**CRIME VICTIMS'  
COMPENSATION FUND**Costs – Department of Labor and  
Industrial Relations (§595.036)

Personal Service	(\$20,064)	(\$24,799)	(\$25,542)
Fringe Benefits	(\$9,081)	(\$11,224)	(\$11,560)
Total Costs – DOLIR	(\$29,145)	(\$36,023)	(\$37,102)
FTE Change – DOLIR	.25 FTE	.25 FTE	.25 FTE

Costs – Department of Public Safety  
(§191.225)

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

<u>(\$29,145 to \$2,181,165)</u>	<u>(\$36,023 to \$2,695,920)</u>	<u>(\$37,102 to \$2,776,796)</u>
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Estimated Net FTE Change for Crime  
Victims' Compensation Fund

.25 FTE	.25 FTE	.25 FTE
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FISCAL IMPACT - Local GovernmentFY 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

#### Forensic Examinations of Victims of Sexual Offenses (§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.

#### Probation and Parole (§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.

FISCAL DESCRIPTION (continued)

Orders of Protection (§455.038):

The proposal requires the circuit clerk to notify by phone an individual who is petitioning for an ex parte order of protection by phone when the order has been served or if no more attempts to serve are planned if the petitioner has opted to register a phone number with the victim notification system established in Section 650.310, RSMo.

Domestic Assault (§565.072):

A person who commits domestic assault in the first degree will be guilty of a class A felony if he or she has previously pled guilty to or has been found guilty of committing the crime. Currently, this crime is a class B felony unless the person inflicts serious physical injury on the victim, in which case it is a class A felony.

Sexual Assault Victims (§566.226):

Information in court records that could be used to identify any victim of sexual assault will be closed. Identifying information includes the name, address, telephone number, social security number, physical characteristics, or any other information that the court believes could be used to locate a victim.

Address Confidentiality Program (§§589.660 – 590.683):

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 and will expire six years from the effective date.

FISCAL DESCRIPTION (continued)

Crime Victims' Compensation (§595.036):

A party aggrieved by a decision of the Department of Public Safety on a claim under the Crime Victims' Compensation Fund is allowed to file a petition with the Division of Workers' Compensation within the Department of Labor and Industrial Relations to have the decision heard by an administrative law judge. The petition must be filed within 30 days of notification of the decision. A decision of the administrative law judge is appealable to the Labor and Industrial Relations Commission with the decision appealable to a court of appeals. In order to properly file a criminal report with the authorities, the report of the forensic exam may be filed with the prosecuting attorney. "Out-of-pocket loss" is defined as unreimbursed or unreimbursable expenses incurred as a result of personal property being seized in a criminal investigation by a law enforcement agency. Under certain circumstance, a victim could receive payment for out-of-pocket losses from the Crime Victims' Compensation Fund for the value of the loss sustained but cannot exceed \$250.

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  
Boone County Sheriff's Department

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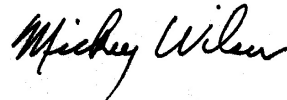
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**NOT RESPONDING**

**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**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
June 1, 2007