

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1656-01
Bill No.: SB 366
Subject: Secretary of State: Victims of Crimes, Abuse
Type: Original
Date: February 22, 2007

Bill Summary: Creates an Address Confidentiality Program in the Secretary of States’s office for victims of certain crimes and abuse. This act contains a sunset clause.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(\$212,881)	(\$212,618)	(\$220,152)
Total Estimated Net Effect on General Revenue Fund	(\$212,881)	(\$212,618)	(\$220,152)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 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 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

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 of the **Office of Secretary of State (SOS)** stated that 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 estimate they would need a program manager, and a technician 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. Since there is a requirement for an annual renewal, additional data entry and processing will be required each year.

Officials stated they estimated that in the first year of the program there would be 100 participants plus some children. Officials expect the program to grow each year thereafter due to the Courts and other related agencies learning of the program. Officials expect a 75% renewal rate.

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.

Officials estimate that they would need 1 FTE, a Program Manager, and would need other equipment and expense. Officials estimate costs for 10 months of FY 2008 at \$212,881; in FY 2009 \$212,618; and \$220,152 in FY 2010.

Officials of the **Rules Division** stated that many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.

ASSUMPTION (continued)

However, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials of the **Office of State Courts Administrator** assume no fiscal impact to the Courts.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Cost</u> - Secretary of State (SOS)			
Personal Service	(\$65,549)	(\$81,019)	(\$83,449)
Fringe Benefits	(\$29,667)	(\$36,669)	(\$37,769)
Equipment	(\$10,999)	(\$8,530)	(\$10,061)
Expense	<u>(\$106,666)</u>	<u>(\$86,400)</u>	<u>(\$88,873)</u>
Total Costs - SOS	(\$212,881)	(\$212,618)	(\$220,152)
FTE Change - SOS	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	<u>(\$212,881)</u>	<u>(\$212,618)</u>	<u>(\$220,152)</u>
Estimated Net FTE Change for General Revenue Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act 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.

An adult, parent of a minor, or guardian of an incapacitated person may apply to the Secretary of State to have a designated address assigned. The Secretary may only approve applications filed properly with the office as established by rule. The application shall contain certain information, including the person's mailing address, the applicant's signature, and a designation of the Secretary as agent for the purpose of service of process and receipt of first-class mail, legal documents, and certified mail. The applicant must supply a sworn statement that he or she is a victim of violence and fears further violent acts from his or her assailant. The applicant must also supply addresses that he or she does not want disclosed because it will jeopardize the applicant's safety.

Upon receiving a properly completed application, the Secretary may certify the applicant as a program participant for one year and forward his or her first-class mail, legal documents, and certified mail. Notification of lapsing certification and a re-application form shall be sent to the program participant at least four weeks prior to expiration.

The Secretary of State may cancel, with limited exceptions, the certification of a program participant if:

- 1) The participant obtains a name change;
- 2) There is a change in the mailing address from the person listed on the application and another address is not provided; or
- 3) The applicant or participant provides false information or makes false claims in the application or assists another person in doing so.

DESCRIPTION (continued)

State and local agencies and the courts shall accept the designated address as a program participant's address when creating new public records unless statute requires otherwise. The Secretary may make a program participant's address or mailing address available if requested by law enforcement or the director of a state agency if he or she shows a statutory or administrative requirement for the use of such addresses. If deemed appropriate, the Secretary shall make a program participant's addresses available:

- 1) To a person identified in a court order when the order specifically requires the disclosure of a participant's address and the reasons for the disclosure; or
- 2) If the certification has been cancelled because the applicant or participant used false information in an application or made a false claim.

A program participant's application and supporting materials are not a public record and shall be kept confidential.

This act 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

Secretary of State
Office of State Courts Administrator



Mickey Wilson, CPA
Director
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