

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3977-07  
Bill No.: Perfected SS for SB 1159  
Subject: Crime Victims; Department of Public Safety; Department of Health and Senior Services  
Type: Original  
Date: April 9, 2008

Bill Summary: The proposal modifies provisions relating to forensic examinations of sexual offense victims.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Crime Victims' Compensation	\$0	\$0	\$0
Sexual Offense Forensic Examination Compensation	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Federal	\$0	\$0	\$0
<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>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **State Treasurer's Office** assume the proposal would have no fiscal impact on their agency.

In response to a previous version of the proposal (SB 1159, LR # 3977-04), officials from the **Department of Labor and Industrial Relations, Department of Revenue, and the Department of Public Safety – Missouri State Highway Patrol** assumed the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

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 Health and Senior Services (DHSS)** assume they currently pay medical providers to cover the forensic exam charges for people who may be victims of sexual offenses. This legislation would transfer that responsibility to the Department of Public Safety (DPS). DHSS would transfer the core funding for this program to DPS.

Executive Order 08-04 signed by Governor Matt Blunt on February 6th, 2008, transferred the Sexual Assault Evidentiary Kit and Exam Payment Program from the DHSS to the DPS. This legislation would also transfer the statutory responsibility to the DPS, corresponding to Executive Order 08-04.

DHSS would transfer the core funding of \$322,675 General Revenue and \$50,000 federal funds to DPS. In addition, DHSS requested a new decision item for \$2,337,338 in the FY 2009 budget to pay for the expected increased costs of the forensic exam charges. This decision item would no longer be needed by DHSS.

This version of the legislation also adds language to section 191.225, subsection 4 requiring the Department of Health and Senior Services to develop an evidentiary collection kit when appropriate, for appropriate medical providers to refer to while providing medical treatment to victims of a sexual assault. This is currently a responsibility of the highway patrol as outlined in section 191.225, subsection 5. However, if the DHSS was also required to perform this task, the department assumes it would result in an unknown cost.

ASSUMPTION (continued)

**Oversight** assumes annual costs for forensic examinations in the amount of \$372,675 which are currently paid from the General Revenue and Federal Funds would be made from the newly created Sexual Offense Forensic Examination Compensation Fund and Federal Funds. Oversight assumes the General Revenue Funds (\$322,675) currently appropriated for forensic examinations of sexual offense victims would be transferred to the Sexual Offense Forensic Examination Compensation Fund and the Federal Funds (\$50,000) currently appropriated for such examinations would continue to be appropriated. In addition, Oversight assumes funds from the Crime Victims' Compensation Fund of an unknown amount would be transferred to the Sexual Offense Forensic Examination Compensation Fund.

Officials from the **Department of Public Safety – Director's Office** assume Executive Order 08-04 transfers payment of sexual forensic examinations provided to victims of sexual assault from the Department of Health and Senior Services to the Department of Public Safety. This bill makes the statute changes required due to this Executive Order, and establishes the Sexual Offense Forensic Examination Compensation Fund.

Pursuant to Executive Order 08-04, the Sexual Assault Evidentiary Kit and Exam Payment Program is being transferred from the Department of Health and Senior Services to the Department of Public Safety. The transfer includes one staff and \$50,000 from federal funds along with \$322,675 general revenue core program funding. In addition, \$1,337,338 of the \$2,337,338 new decision item requested to fund additional forensic examination previously recommended for the Department of Health and Senior Services will now be recommended in the Department of Public Safety. The remaining \$1,000,000 of the new decision item requested will be recommended in the Department of Social Services for a program to assist victims of sexual assault.

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 (SOS)** 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 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 recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS 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.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
<b>GENERAL REVENUE FUND</b>			
<u>Transfer in</u> – Department of Public Safety			
From Department of Health and Senior Services	\$322,675	\$0	\$0
<u>Savings</u> – Department of Health and Senior Services			
Forensic examination costs	\$322,675	\$322,675	\$322,675
<u>Transfer out</u> – Department of Health and Senior Services			
To Department of Public Safety	(\$322,675)	\$0	\$0
<u>Transfer out</u> – Department of Public Safety			
To Sexual Offense Forensic Examination Compensation Fund	(\$322,675)	(\$322,675)	(\$322,675)
<u>Costs</u> – Department of Health and Senior Services			
Evidentiary Collection Kits	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
<b>CRIME VICTIMS' COMPENSATION FUND</b>			
<u>Savings</u> – Department of Public Safety Forensic examination costs	Unknown	Unknown	Unknown
<u>Transfers out</u> – Department of Public Safety To Sexual Offense Forensic Examination Compensation Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON CRIME VICTIMS' COMPENSATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>SEXUAL OFFENSE FORENSIC EXAMINATION COMPENSATION FUND</b>			
<u>Transfer in</u> – From General Revenue Fund	\$322,675	\$322,675	\$322,675
<u>Transfer in</u> – From Crime Victims' Compensation Fund	Unknown	Unknown	Unknown
<u>Costs</u> – Department of Public Safety Forensic examination costs	<u>(\$322,675 to Unknown)</u>	<u>(\$322,675 to Unknown)</u>	<u>(\$322,675 to Unknown)</u>
<b>ESTIMATED NET EFFECT ON SEXUAL OFFENSE FORENSIC EXAMINATION COMPENSATION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
<b>FEDERAL FUNDS</b>			
<u>Transfer in</u> – Department of Public Safety			
From Department of Health and Senior Services	\$50,000	\$0	\$0
<u>Savings</u> – Department of Health and Senior Services			
Forensic examination costs	\$50,000	\$50,000	\$50,000
<u>Transfer out</u> – Department of Health and Senior Services			
To Department of Public Safety	(\$50,000)	\$0	\$0
<u>Costs</u> – Department of Public Safety			
Forensic examination costs	<u>(\$50,000)</u>	<u>(\$50,000)</u>	<u>(\$50,000)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

## FISCAL DESCRIPTION

The proposal modifies provisions relating to forensic examinations of sexual offense victims.

If an appropriate medical provider reasonably believes the sexual offender could be a parent or guardian of the victim and the victim is a minor under the age of eighteen, the medical provider shall only be required to provide written notice to the nonoffending parent or guardian of the forensic examination.

The Department of Health and Senior Services would be required to develop an evidentiary collection kit, when appropriate, for medical providers.

Currently, the Department of Health and Senior Services pays medical providers to cover the forensic exam charges for people who may be victims of sexual offenses. Under the proposal, the Department of Public Safety shall pay all costs for eligible forensic exams performed by appropriate medical providers.

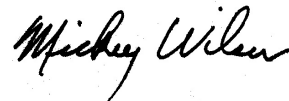
The proposal creates the Sexual Offense Forensic Examination Compensation Fund, which will be funded by transfers from the Crime Victims' Compensation Fund and General Revenue Fund. The Sexual Offense Forensic Examination Compensation Fund will be used to make payments to appropriate medical providers to cover the costs of the forensic examination of person who may be a victim of a sexual offense. Federal funds may also be used to make payments to such medical providers.

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



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Director  
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