

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2065-03
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 435
Subject: Crimes and Punishment; Criminal Procedure; Department of Mental Health
Type: Original
Date: June 1, 2009

Bill Summary: The proposal allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ 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 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Boone County Sheriff's Department** 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 Mental Health (DMH)** assume the proposal would have no fiscal impact on their agency. DMH currently contracts with certain counties to provide confinement for persons detained as sexually violent predators. This proposal would clarify and codify these arrangements.

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.

Officials from the **St. Louis County Department of Justice Services** assume the proposed legislation requires that sexually violent predators be housed and managed in a county jail separate from other offenders except for occasional instances of incidental contact. This would require a separate, high security housing unit staffed by a minimum of eight corrections officers for a total annual cost of approximately \$345,000. Due to a growing inmate population at the St. Louis County Jail, a separate housing unit required by the proposed legislation may not even be available. If jails are mandated by the court or by the Department of Mental Health (DMH) to enter into contracts with the DMH, constructing additional housing space may be the only alternative and that would be extremely costly. Officials are unable to determine any revenues that may be generated. The proposed legislation is not specific regarding reimbursement to county jails from the DMH for costs associated with the housing of sexual predators.

ASSUMPTION (continued)

Oversight assumes no local fiscal impact, as Department of Mental Health currently contracts with certain counties to provide confinement for persons detained as sexually violent predators, and the proposal clarifies and codifies these arrangements.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Jackson County Sheriff's Department, and the Platte County Sheriff's Department, did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<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

The proposed legislation appears to have no fiscal impact.

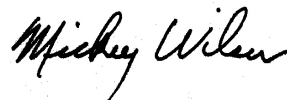
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Mental Health
Office of the Secretary of State
Boone County Sheriff's Department
St. Louis County Department of Justice Services

NOT RESPONDING

Buchanan County Sheriff's Department
Clark County Sheriff's Department
Jackson County Sheriff's Department
Platte County Sheriff's Department



Mickey Wilson, CPA
Director
June 1, 2009