

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4183-06
Bill No.: HCS for SS for SCS for SB 448
Subject: Health Dept.; Children and Minors
Type: Original
Date: May 4, 2012

Bill Summary: Establishes “Sam Pratt’s Law” and “Nathan’s Law” and modifies provisions relating to child care providers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and **Office of State Public Defender** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. Pursuant to §210.245.5, the Department of Health and Senior Services may request the assistance of the AGO with the prosecution of child care providers.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Corrections (DOC)** state penalty provisions for violations, the component of the proposal to have potential fiscal impact for the DOC, is for a class A misdemeanor. The DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs through supervision provided by the Board of Probation and Prol (FY 11 average of \$5.12 per offender, per day, or an annual cost of \$1,869 per offender). Therefore, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Social Services (DSS)** state there are three main parts to the proposal. Subsection 3 is added to Section 210.211 and forbids any childcare facility exempt from licensure from asserting to any parent or guardian of a child that the facility is licensed, when in fact, the

facility is not licensed.

Currently violation of the state's child care licensing statute is an infraction, subject to a fine of \$200 for the first offense. A subsequent offense is a class A misdemeanor, for which the fine has been increase to \$200 per day, not to exceed \$10,000.

ASSUMPTION (continued)

Section 544.456 allows any court that is considering releasing an individual on bail to impose, as a condition of release, a prohibition that prevents the individual from providing child care services for compensation when the defendant's crime involves abuse, neglect, or death of a child.

The provisions of this proposal will have no fiscal impact to DSS.

Officials from the **Department of Health and Senior Services (DHSS)** provide the following assumptions:

Section 210.245.1

The proposed legislation imposes a fine of two hundred dollars per day, not to exceed a total of ten thousand dollars for any person that violates the child care licensure provisions set forth in sections 210.201 to 210.245 for a second or subsequent time. The department assumes an unknown increase in General Revenue as a result of the imposition of increased fines.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Section 210.245

Small business child care providers that violate the provisions of these sections could be fined \$200, not to exceed \$10,000 for second and subsequent, violations of the provisions.

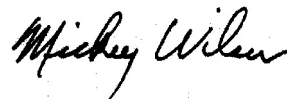
FISCAL DESCRIPTION

The proposal 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.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Department of Social Services
Office of Prosecution Services
Office of State Public Defender



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Director

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