

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5371-02
Bill No.: SCS for SB 689
Subject: Crimes and Punishment; Disabilities; Elderly
Type: Original
Date: March 5, 2012

Bill Summary: This proposal modifies provisions relating to crimes committed against the elderly and disabled.

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 5 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 or Unknown	\$0 or Unknown	\$0 or Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from **Office of the State Courts Administrator, Office of the State Public Defender, Department of Public Safety - Missouri Highway Patrol and Department of Corrections** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Social Services - Division of Legal Services (DLS)** state they would be required to provide information to prosecutors so that they can enforce this law. DLS believes that this can be done with existing resources. This bill will have no fiscal impact on the department.

Officials from the **Office of Prosecution Services** assume no measurable fiscal impact from the proposal. The bill would provide for a positive fiscal impact to county prosecuting attorney's offices, although the amount is unknown.

New subsection 7 of Section 570.145 allows county prosecutors to retain 10 percent of an amount collected under an order of restitution. Therefore, **Oversight** will reflect a \$0 or unknown positive fiscal impact to county prosecutors from this proposal.

<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
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COUNTY PROSECUTORS

<u>Income</u> - county prosecutors are allowed to retail ten percent of an order or restitution under new 570.145.7	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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ESTIMATED NET EFFECT TO COUNTY PROSECUTORS	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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RS:LR:OD

FISCAL IMPACT - Small Business

Small business skilled or intermediate nursing facilities may receive restitution as a result of this proposal.

FISCAL DESCRIPTION

Under current law, a person who recklessly and purposely causes serious injury to an elderly person commits the crime of second degree elder abuse. This proposal makes it so a person who recklessly or purposely causes such injury has committed the crime.

This proposal adds undue influence to the types of acts that, when committed against an elderly or disabled person, constitute the crime of financial exploitation. Undue influence is defined under the act to mean influence by a person who has authority over the elderly or disabled person in order to take unfair advantage of the person's vulnerable state of mind, neediness, pain, or agony. It includes improper use of various types of fiduciary authority.

This act allows the Department of Social Services to release records regarding the income or assets of a resident of a skilled or intermediate nursing facility to prosecuting attorneys who are investigating or prosecuting an offense of financial exploitation.

If a person is found guilty of financial exploitation by being in possession of funds disclosed as income or assets in department records and the funds are owed to a nursing facility, the court can order the offender to make restitution to the facility. The prosecuting attorney may receive ten percent of the funds collected under the order as reimbursements for the cost of enforcement.

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

Department of Public Safety
Office of the State Courts Administrator
Office of the State Public Defender
Department of Corrections
Office of Prosecution Services

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

Mickey Wilson, CPA
Director
March 5, 2012