

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5371-04  
Bill No.: Truly Agreed To and Finally Passed SS for SCS for SB 689  
Subject: Crimes and Punishment; Disabilities; Elderly  
Type: Original  
Date: June 4, 2012

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

**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<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 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Local Government</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from **Office of the State Courts Administrator, Department of Health and Senior Services, Office of the State Public Defender, Department of Corrections, Department of Insurance, Financial Institutions and Professional Registration, Department of Social Services** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of this proposal, officials from the **Department of Social Services - Division of Legal Services (DLS)** stated 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** assumed 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.

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

<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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<b>ESTIMATED NET EFFECT TO COUNTY PROSECUTORS</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>
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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 authorizes 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.

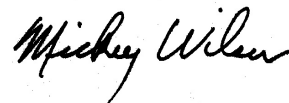
If a person is found guilty of financial exploitation by being in possession of funds disclosed as income or assets in department records and the funds are owed to a nursing facility, the court can order the offender to make restitution to the facility. The prosecuting attorney may receive ten percent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

RS:LR:OD

SOURCES OF INFORMATION

Department of Public Safety  
Office of the State Courts Administrator  
Office of the State Public Defender  
Department of Corrections  
Department of Insurance, Financial Institutions and Professional Registration  
Office of Prosecution Services  
Department of Health and Senior Services  
Department of Social Services



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