

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0939-04
Bill No.: Truly Agreed To and Finally Passed HCS for SB 188
Subject: Courts; Mental Health; Sexual Offenses
Type: Original
Date: May 29, 2013

Bill Summary: This proposal modifies provisions regarding sexually violent predators.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

Officials from the **Attorney General's Office** assumed that any potential costs arising from this proposal could be absorbed with existing resources.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** assumed the proposal would not fiscally impact their agency.

Officials from the **Department of Corrections (DOC)** assume this bill proposes to modify provisions related to civil commitment of sexually violent predators.

Currently, the DOC cannot predict the number of new commitments or extended incarcerations which may result from the expansion of a sexually violent predator as outlined in this proposal. An increase in commitments depends on the 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 direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Incarceration / Supervision of offenders	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

This proposal modifies provisions relating to civil commitment of sexual violent predators.

The proposal revises the definition of "sexually violent offense" for purposes of civil commitment to include sexual abuse in the first degree, sexual assault in the first degree, deviate sexual assault in the first degree, and an act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to these offenses. SECTION 632.480

This act also adds to the list of persons who shall be served with petitions for the conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released. SECTION 632.498

Under this act, when a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that

FISCAL DESCRIPTION (continued)

released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology. The access must continue while the person is living in the county, city, town, or village where the facility that released the offender is located.

The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency except upon an order of the court supervising the conditional release.
SECTION 632.505

There is an emergency clause for the provision relating to the definition of "sexually violent offense."

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 Prosecution Services
Department of Mental Health
Attorney General's Office
Office of the State Courts Administrator
Department of Corrections
Department of Public Safety



Ross Strope
Acting Director
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