

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0478-01
Bill No.: SB 86
Subject: Courts; Corrections Department; Crimes and Punishment; Criminal Procedure; Domestic Relations; Highway Patrol; Law Enforcement Agencies and Officers
Type: Original
Date: January 16, 2015

Bill Summary: This proposal allows a court to place a person on electronic monitoring with victim notification if a person has been charged with, or found guilty of, violating an order of protection. This proposal sunsets August 28, 2021.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Corrections (DOC)** assume a cost avoidance from this proposal. This proposal permits Courts to place an offender on electronic monitoring (EM) with victim notification as either part of a sentence if a person is found guilty of violating the terms of an ex parte order or to order it as a condition of release from custody before trial if a person is charged with that offense. Electronic monitoring with victim notification directs that alerts to be sent to “the protected person and the appropriate law enforcement agency” whenever the “monitored person is within a certain distance of the protected person or protected premises” as specified in the Court’s order. As a condition of being considered for such electronic monitoring, the bill requires the offender to pay for the related costs and expenses of the EM. The bill does not expressly state who will be responsible for providing the electronic monitoring services.

The Division of Probation and Parole does not monitor individuals released prior to trial and would not be responsible for providing electronic monitoring for those individuals. It would be difficult for the DOC to assume responsibility for providing electronic monitoring with victim notification for the offenders who were convicted of violating the terms of an ex parte order. The DOC currently does not have a contract in place that would allow the Division of Probation and Parole to provide monitoring that would allow the victim to be alerted, either electronically or telephonically from an individual hired by the division, to advise when a perpetrator was near them in proximity.

Additionally, DOC has no operating system in place to allow offenders to pay for EM services such as outlined in the legislation. Offenders currently pay Intervention Fees which allows for the division to place offenders on EM, place in RF, or provide other services. Therefore, the DOC assumes that, if it is the Court's intent to place these offenders on probation with an EM system that would allow victim notification of close proximity, the Court would have to contract through a vendor to provide this service, which would include an operating system to charge and collect fees related to this. In our opinion, this could only be accomplished through private probation, unsupervised probation, or Court Probation.

There could also be an issue for Probation and Parole as any records generated by EM would be considered confidential and privileged under §549.500 and 559.125 RSMo. The bill requires this information be shared with the “protected person” and directs that any information obtained via electronic monitoring must be shared between the DOC, the Highway Patrol, circuit courts and county and municipal law enforcement agencies. There is nothing protecting the information from further dissemination.

ASSUMPTION (continued)

The fiscal impact of this legislation on the DOC would occur if offenders previously sentenced to probation supervision or incarceration by the DOC would now be under the supervision of the Court or private probation services. In FY14, 84 individuals received probation sentences for violations of protective orders that are supervised by the Department of Corrections, with an average probation sentence of 2.4 years. An additional eight individuals received term sentences averaging 3.3 years. This bill would make it possible to sentence these offenders to electronic monitoring with victim notification. However, the DOC assumes the 84 offenders currently sentenced to probation would not be sentenced to additional electronic monitoring. Therefore, the possible fiscal impact would be to divert the eight incarcerated offenders to supervision by the Court with electronic monitoring with victim notification. This has the potential to save the DOC funds, but would be offset by additional costs to the Courts for supervision and the cost of the additional electronic monitoring.

	# to Prison	Cost per year	Total Cost Prison	Grand Total Prison and Probation
Year 1 (10 months)	8	\$6,105	\$48,840	\$40,700
Year 2 (includes 2% inflation for 10 months)	8	\$6,105	\$48,840	\$41,514
Year 3 (includes 2% inflation for 10 months)	8	\$6,105	\$48,840	\$42,344

Oversight assumes according to subsection 5 of the proposal that the related costs and expenditures of the electronic monitoring will be paid to the vendor by the person wearing the device. Oversight also assumes the budgeted cost avoidance in DOC's response is a minimal amount for this proposal. Oversight will therefore reflect no fiscal impact on this proposal.

Officials at the **Office of the State Public Defender**, the **Office of Prosecution Services**, the **Office of the State Courts Administrator** and the **Department of Public Safety's Missouri Highway Patrol** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at the **Springfield Police Department**, the **Columbia Police Department** and the **Boone County Sheriff's Department** each assume no fiscal impact to their respective organizations from this proposal.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Cole County Sheriff Department, Independence Police Department, Jackson County Sheriff Department, Jefferson City Police Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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.

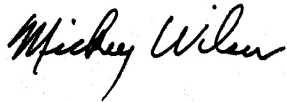
FISCAL DESCRIPTION

The proposed legislation appears to have no direct 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

Department of Public Safety
Missouri Highway Patrol
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Springfield Police Department
Columbia Police Department
Boone County Sheriff's Department



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January 16, 2015

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