

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0666-03
Bill No.: HCS for SB 141
Subject: Crimes and Punishment; Health Care; Public Safety Department
Type: Original
Date: May 11, 2015

Bill Summary: This proposal modifies provisions related to crime.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	\$3,170	\$7,958	\$12,277
Total Estimated Net Effect on General Revenue	\$3,170	\$7,958	\$12,277

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Crime Victims' Compensation	(More or Less than \$170,085)	(More or Less than \$204,102)	(More or Less than \$204,102)
Total Estimated Net Effect on Other State Funds	(More or Less than \$170,085)	(More or Less than \$204,102)	(More or Less than \$204,102)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 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

§195.205 - Medical assistance for drug overdose;

In response to a similar proposal, HB 539, officials at the **Department of Corrections (DOC)** assumed this legislation will result in a long term cost avoidance. For purposes of this fiscal note, DOC assumes a cost avoidance of approximately \$3,170 in FY 16, \$7,958 in FY 17 and \$12,277 in FY 18. The potential cost avoidance will vary according to the population due to this legislation. The DOC cost of incarceration is \$16.725 per day or an annual amount of \$6,105 per offender. The average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453. This bill provides certain immunities for persons who seek medical assistance for a drug or alcohol overdose. The bill specifically identifies several sections of legislation that contain descriptions of offenses for which people reporting a drug or alcohol overdose would not be penalized if the evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of the person seeking medical assistance. The maximum penalty associated with any of these offenses is a class C felony. DOC data does not allow for the identification of which, if any, of the crimes for which offenders have been convicted are the result of reporting an alcohol or drug overdose. However, the majority of offenders incarcerated and supervised by DOC that are convicted under any of the related sections of legislation are convicted of a class C felony under section 195.202.

In summary, in FY 16, there would be a decrease in the number of people admitted into prison for a Class C Felony resulting in a cost avoidance of \$2,259. There would also be a decrease in the number of people on probation and/or parole that would require supervision for a Class C Felony resulting in a cost avoidance of \$1,545. Therefore, the grand total cost avoidance for FY 16 would be \$3,170. In FY 18, there would be a decrease in the number of people admitted into prison for a Class C Felony resulting in a cost avoidance of \$2,503. There would also be a decrease in the number of people on probation and/or parole that would require supervision for a Class C Felony resulting in a cost avoidance of \$9,297. Therefore, the grand total cost avoidance for FY 18 would be \$12,277.

These figures are estimates based on a summary of current records that show 37% of new class C felonies are sentenced to prison and 63% are sentenced to probation and assigned to field supervision. The average sentence for a class C felony is 5.5 years. Offenders serving prison sentences for class C felonies spend on average 1.1 years in prison and serve the remainder of their sentences, 4.4 years, under field supervision. Offenders serving these sentences under field supervision are eligible for Earned Compliance Credit. Therefore, the length of field supervision for offenders released from prison is reduced by. Offenders serving probation sentences for class

ASSUMPTION (continued)

C felonies serve on average three years under supervision.

In response to a similar proposal (HB 539), officials from the **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Public Defender**, the **Department of Mental Health**, the **Department of Health and Senior Services**, the **Office of Prosecution Services** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

§595.030 - Crime Victims' Compensation Fund;

In response to a previous version of this bill, officials from the **Office of Administration - Budget and Planning (B&P)** stated the legislation will raise the maximum amount per week from \$200 to \$400 that a crime victim is able to claim in lost wages from the Crime Victims' Compensation Fund.

Based on estimates provided to Budget and Planning by the Department of Public Safety (DPS) Crime Victims Program, the DPS anticipates a \$100,000 increase in wage loss payouts per fiscal year. According to the Crime Victims' Compensation Program statistics available on the Missouri Department of Public Safety's website, the average wage loss compensation for the last three fiscal years is \$204,000. Since this legislation could potentially double that payout, B&P estimates that \$204,000 is the high-end estimate of the annual increase in wage loss compensation.

Based on the information above, B&P estimates that the Crime Victims' Compensation Fund will have an increase in payouts ranging between \$100,000 and \$204,000 annually.

Officials from the **Department of Public Safety - Office of the Director** assume the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

Oversight assumes this proposal would double the amount of reimbursement from the Crime Victims' Compensation Fund for lost wages from up to \$200 per week to up to \$400 per week. According to DPS' web site, over the past three years the following amounts were paid through the Crime Victims' Compensation Program for wages:

FY 2012	\$212,555
FY 2013	\$189,738
FY 2014	\$210,015

Therefore, Oversight will take an average of these three years (\$204,102) and assume DPS could double the amount paid from the Crime Victims' Compensation Fund (0681). Oversight will reflect 10 months of impact in FY '16.

Oversight also assumes that new Subsection 8 may result in savings to the fund from reduced medical expenses. Therefore, Oversight will reflect a net impact to the Crime Victims Compensation Fund of Less than \$204,102 per year.

Oversight also assumes that adding Board certified psychiatric-mental health clinical nurse specialists or board certified psychiatric-mental health nurse practitioners to the list who can be compensated from the fund for psychiatric treatment or other counseling services may increase distributions from the fund.

The balance of the Crime Victims' Compensation Fund at April 30, 2015 was \$9.85 million.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Savings</u> - DOC - cost avoidance of offenders for Class C Felonies	<u>\$3,170</u>	<u>\$7,958</u>	<u>\$12,277</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$3,170</u>	<u>\$7,958</u>	<u>\$12,277</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
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CRIME VICTIMS COMPENSATION

<u>Savings</u> - Department of Public Safety - new subsection 8 allows DPS to negotiate the costs of medical care or services on behalf of any victim receiving compensation from the fund.	Unknown	Unknown	Unknown
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<u>Costs</u> - Department of Public Safety - allowing expenses from psychiatric treatment from Board certified psychiatric-mental health clinical nurse specialist or board certified psychiatric- mental health nurse practitioner	(Unknown)	(Unknown)	(Unknown)
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<u>Costs</u> - Department of Public Safety - increasing the maximum amount that could be paid for wages from \$200 per week to \$400 per week	<u>(\$170,085)</u>	<u>(\$204,102)</u>	<u>(\$204,102)</u>
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ESTIMATED NET EFFECT TO THE CRIME VICTIMS COMPENSATION FUND	<u>(More or Less than \$170,085)</u>	<u>(More or Less than \$204,102)</u>	<u>(More or Less than \$204,102)</u>
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<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

Under current law, the Crime Victims' Compensation fund can pay eligible victims up to \$200 per week for the loss of employment and for injury or death. This proposal raises that amount to \$400 per week.

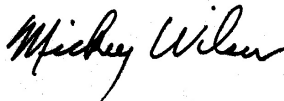
In addition, this proposal provides that the Department of Public Safety may negotiate directly with providers of medical care and other services on behalf of the victim with respect to the costs of the medical services.

This proposal authorizes board certified psychiatric-mental health clinical nurse specialists and board certified psychiatric-mental health clinical nurse practitioners to be eligible for reimbursement by crime victim compensation when providing crisis counseling.

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 Administration - Budget and Planning
Department of Corrections
Office of the State Public Defender
Department of Mental Health
Department of Health and Senior Services
Office of Prosecution Services
Office of the State Courts Administrator



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