

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1561-04  
Bill No.: Truly Agreed To and Finally Passed HCS for SCS for SB 341  
Subject: Children and Minors; Social Services Department; Crimes and Punishment  
Type: Original  
Date: June 2, 2015

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Bill Summary: This proposal changes the laws regarding the protection of vulnerable persons.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$102,025)	(\$72,305)	(\$84,220)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$102,025)</b>	<b>(\$72,305)</b>	<b>(\$84,220)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<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 9 pages.

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

\* Estimated fiscal impact nets to zero.

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

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

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

## FISCAL ANALYSIS

### ASSUMPTION

#### §37.719 - Independent Reviews

Officials at the **Office of Administration (OA)**, **Office of Child Advocate (OCA)** assume section 37.719 would expand their office as it would give them authority to conduct a review of any entity within a county including the Children's Division, juvenile office or guardian ad litem. The OCA would need two additional investigators at \$60,000 each, annually, plus benefits and related expenses of \$5,830. It is assumed these FTE would require extensive experience working with the Children's Division, Juvenile Officers and the Courts.

Total costs to the General Revenue Fund are estimated to be \$157,835 for FY 2016; \$184,230 for FY 2017; and \$186,072 for FY 2018.

**Oversight** assumes the proposal could have an unknown fiscal impact on the Office of Child Advocate if it decides to audit a judicial circuit that has three or more review requests in a fiscal year. However, since the bill is permissive Oversight assumes the proposal will have no fiscal impact.

Officials from the **Department of Social Services (DSS)**, **Children's Division (CD)** state this section provides that the Office of the Child Advocate shall have the authority to conduct an independent review of any entity within a county that has experienced three or more review requests in a calendar year. This review may include the Children's Division, the Juvenile Office and the Guardian ad Litem. Subsection 2 provides that the office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary in order to conduct such reviews. Subsection 3 provides that the office may make recommendations on changes to any entity's policies and procedures based on the results of the audit in order to improve the delivery of services or the function of the circuit. Upon completing a review under the provisions of this section, the office shall submit any findings and recommendations to the Children's Division and the Office of State Courts Administrator.

There is no impact to the DSS.

#### §160.975 - Posting of Child Abuse and Neglect Hotline Number

Officials from the **DSS - CD** state section 160.975 requires all public and charter schools to clearly post the number for the Child Abuse and Neglect Hotline.

In subsection 3, this bill requires the Children's Division to come up with an acronym to help children remember the toll free number. This may require adding the acronym to training and promotional materials, but this could be done as reprinting is required.

ASSUMPTION (continued)

If the CD is responsible for creating, printing and mailing posters to the public and charter schools, the below cost estimates are assumed based upon similar activities done at the School Violence Hotline (SVH):

568 Public School Districts + 37 Charter Schools = 605 Total Schools  
Number of posters per school district based upon experience of SVH = 1,000

Total Posters 605,000 x .09 per poster (state printing cost) = \$54,450

Mailing Costs = 605 school districts x 3 priority mailing boxes = 1,815 boxes x \$44.95 per box = \$81,584. <http://postcalc.usps.com/>

Total cost **\$136,034** Split 75% GR; 25% Federal

It is assumed approximately 40% of the posters will be replaced annually.

In subsection 4, the bill allows the CD to promulgate rules to administer the provisions of this legislation.

Officials from the **DSS - Division of Youth Services (DYS)** and the **DSS - Division of Legal Services (DLS)** do not anticipate a fiscal impact as a result of this legislation.

§210.003 - Notification to Parents by all Public, Private, and Parochial Day Care Centers of Students Attending that are not Immunized

Officials from the **Department of Elementary and Secondary Education (DESE)** state that although there will be no cost the DESE, the provisions of this proposal could have an impact on all public, private and parochial day care centers, preschools, and nursery schools to notify parents.

**Oversight** assumes costs associated with notifying parents that they may request notice if there are children currently enrolled in or attending the facility for whom an immunization exemption has been filed would not be significant and could be absorbed within current funding levels.

§§455.010 - 455.538 - Orders of Protection

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in potential fiscal impact for DOC, is for up to a class A misdemeanor. Based upon historical data, the DOC assumes that up to 4 offenders may be sentenced to probation under this new legislation. It is assumed that all of the offenders would be supervised. The average probation time served for these types of sex offenses is 3 years. The FY 2014 average cost of supervision is \$6.72 per offender per day or an annual cost of \$2,453 per offender.

ASSUMPTION (continued)

Supervision by the DOC would likely result in additional costs for each additional offender sentenced under this legislation as indicated below. Costs include a 2% inflation factor.

2016 (10 months)	\$8,177
2017	\$20,016
2018	\$30,625
2019	\$31,238
2020	\$31,862
2021	\$32,500
2022	\$33,150
2023	\$33,813
2024	\$34,489
2025	\$35,179

**Oversight** assumes the DOC could absorb the minimal costs that would be incurred in FY 2016.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of unlawful contact with a victim of a sexual offense.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

The **DSS - CD** states these provisions of the bill modifies the provisions that pertain to orders of protection, by adding sexual assault to those provisions and by modifying the definition of sexual assault, by adding “or without that person’s consent” and adding sexual assault victim to the definition of “petitioner”.

The CD, DYS and DLS do not anticipate a fiscal impact as a result of this legislation.

ASSUMPTION (continued)

Bill as a Whole

Officials from the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Joint Committee on Administrative Rules**, the **Missouri Office of Prosecution Services**, the **Office of State Courts Administrator**, **St. Louis County**, **St. Francois County** and the **Special School District of St. Louis** each assume the proposal would not fiscally impact their respective agencies.

In response to the previous version of this proposal, officials from the **Office of Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the following **counties**: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Platte, Pulaski, Scott, Shelby, St. Charles, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **schools**: Blue Springs Public Schools, Branson Public Schools, Caruthersville School District, Charleston R-I School District, Cole R-I School District, Columbia Public Schools, Everton R-III School District, Fair Grove Schools, Francis Howell Public Schools, Fulton Public Schools, Harrisonville School District, Independence Public Schools, Jefferson City Public Schools, Kansas City Public School District, Kirbyville R-VI School District, Kirksville Public Schools, Lee Summit Public Schools, Macon School District, Malta Bend School District, Mexico Public Schools, Monroe City R-I School District, Nixa

ASSUMPTION (continued)

Public Schools, Parkway Public Schools, Pattonville School District, Raymore-Peculiar R-III School District, Raytown School District, Riverview Gardens School District, Sedalia School District, Sikeston Public Schools, Silex Public Schools, Spickard R-II School District, Springfield Public Schools, St. Joseph School District, St. Louis Public Schools, St. Charles Public Schools, Sullivan Public Schools, Warren County R-III School District, Waynesville Public School District, Allen Village School, Carondelet Leadership Academy Education and KIPP Endeavor Academy in Kansas City did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DSS-CD (\$160.975)</u>			
Printing and postage	(\$102,025)	(\$52,289)	(\$53,595)
<u>Costs - DOC (\$455.010 - 455.538)</u>			
Increase in supervision costs	<u>\$0</u>	<u>(\$20,016)</u>	<u>(\$30,625)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$102,025)</u></b>	<b><u>(\$72,305)</u></b>	<b><u>(\$84,220)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income - DSS-CD (\$160.975)</u>			
Reimbursement for printing and postage expenditures	\$34,009	\$17,430	\$17,865
<u>Costs - DSS-CD (\$160.975)</u>			
Printing and postage expenditures	<u>(\$34,009)</u>	<u>(\$17,430)</u>	<u>(\$17,865)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

Small business child care facilities could be impacted by this proposal.

FISCAL DESCRIPTION

Each public school and charter school shall post in a clearly visible location in a public area of the school that is readily accessible to students a sign in English and in Spanish that contains the toll-free child abuse and neglect hotline number established by the Children's Division. In addition, each school shall post signs containing the same information in all student restrooms in the school. The information is to be presented on a poster at least 11 inches by 17 inches in size, contain large print, and be placed at eye level to the student. The hotline number is to be displayed in bold print and the sign is to contain instructions to call 911 for emergencies and directions for accessing the children's division website for more information on reporting abuse, neglect, and exploitation. In addition, the children's division is to create an acronym to help children remember the toll-free hotline number. (§160.975)

Provides that sexual assault shall be a class A misdemeanor. (§§ 455.010 - 455.538)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

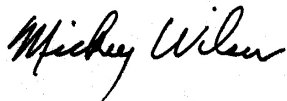
SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Corrections  
Department of Public Safety -  
    Missouri State Highway Patrol  
Department of Social Services -  
    Children's Division  
    Division of Youth Services  
    Division of Legal Services  
Office of Administration -  
    Information Technology Services Division  
    Office of Child Advocate  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of State Courts Administrator



SOURCES OF INFORMATION (continued)

Office of Secretary of State  
Office of State Public Defender  
St. Francois County  
St. Louis County  
Special School District of St. Louis



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June 2, 2015

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