

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1262-03  
Bill No.: SB 511  
Subject: Cities, Towns, and Villages; Crimes and Punishment; Domestic Relations; Law Enforcement Officers and Agencies  
Type: Original  
Date: March 30, 2017

Bill Summary: This proposal creates domestic violence fatality review panels to investigate homicides involving domestic violence.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$183,625)	(\$195,670)	(\$197,661)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$183,625)</b>	<b>(\$195,670)</b>	<b>(\$197,661)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<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 2018</b>	<b>FY 2019</b>	<b>FY 2020</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 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
General Revenue	3	3	3
<b>Total Estimated Net Effect on FTE</b>	<b>3</b>	<b>3</b>	<b>3</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 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services (DSS)** state SB 511 adds one new section to Chapter 455, RSMo, relating to adult abuse.

Section 455.560.1 authorizes a prosecuting or circuit attorney to impanel a domestic violence fatality review panel to investigate the deaths of homicide victims whose deaths are related to domestic violence. The DSS is to form the panel.

Section 455.560.2 provides that the panel shall include: 1) the prosecuting or circuit attorney; 2) the coroner or medical examiner; 3) law enforcement personnel; 4) a representative of the Department of Social Services; 5) a provider of public health care services; 6) a representative of the local office of the Department of Public Safety; 7) a provider of emergency medical services or other medical or health care providers; 8) a representative of any victim assistant unit; 9) representatives of domestic violence shelters and domestic violence services organizations; and 10) representatives of sexual assault centers and sexual assault services organizations.

Section 455.560.3 requires the prosecuting or circuit attorney to organize the panel and call the first meeting of the panel. The panel shall issue a final report, which shall be a public record, of each investigation, its findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides. The Department of Health and Senior Services shall analyze the domestic violence fatality review panel reports and periodically prepare reports which describe the incidence, causes, location, and other factors pertaining to domestic violence fatalities.

Section 455.560.4 provides the domestic violence fatality review panel with official immunity.

Section 455.560.5 provides that the work products of the domestic violence fatality review panel, other than the public reports of the panel, are not admissible in any civil, criminal, or administrative proceedings.

Section 455.560.6 authorizes the executive officer of any municipality or county to request that a domestic violence fatality review panel be convened in response to a fatality in the municipality or county.

ASSUMPTION (continued)

Officials from the **DSS, Family Support Division (FSD)** state the provisions of this bill do not affect eligibility for any programs FSD administers. This bill requires the DSS to form a domestic violence fatality review panel to investigate the deaths of victims of homicides determined to be related to domestic violence if a prosecuting attorney or circuit attorney of a county or city not within a county impanels a domestic violence fatality review panel and may require one or more representatives from the DSS to serve on the panel. FSD assumes this will be accomplished at the department level. Therefore there is no fiscal impact to FSD.

Officials from the **DSS, Division of Legal Services (DLS)** state this legislation does not create any fiscal impact on the DLS. DLS defers to the Division of Finance and Administrative Services (DFAS) for its analysis of the fiscal impact on DSS due to its participation in these panels.

Officials from the **DSS, Division of Finance and Administrative Services (DFAS)** state the bill requires the DSS to form a domestic violence fatality review panel to investigate the deaths of victims of homicides determined to be related to domestic violence if a circuit attorney of a county or city not within a county impanels a domestic violence fatality review panel and may require one or more representatives to serve on the panel. This can be accomplished with existing resources and will not have a fiscal impact for DFAS.

Officials from the **DSS, State Technical Assistance Team (STAT)** state it is presumed STAT would be involved in the Domestic Violence (DV) panels, much like the Child Fatality Review Program (CFRP), providing oversight and staffing, if the bill is passed as written. The Missouri Coalition Against Sexual and Domestic Violence, taking numbers from the Missouri Highway Patrol, makes a conservative assumption of 30+ cases of domestic violence per year. The number of CFRP required reviews potentially involving DV fatality reviews may be higher since almost all child fatalities from child abuse and neglect, undetermined or unknown cause (approximately 95 child fatalities in 2015) would potentially need to be reviewed for both categories of CFRP and DV.

The Child Fatality Review Program requires continuous monitoring to ensure program compliance. Local CFRP panels are required to meet on child fatalities and prepare and submit the CFRP Final Report and enter data collected into the National database on all child deaths whether or not a full panel review is required. CFRP staff also processes National database accesses for data collection, coordinates mandated biannual CFRP state panel meeting and annual child death pathologist training; in coordination with the Children's Division (CD) and the MO HealthNet Division (MHD), contracts with child death pathologists, and based upon local panel compliance, processes autopsy payments; coordinates provision of prevention resources to

ASSUMPTION (continued)

local county panels; and compiles and produces the CFRP Annual Report. Staff also provide mandated annual training and, due to frequent local CFRP panel membership changes and turnover due to elections and/or employment turnovers, attend and upon request, provide guidance at local panel meetings and present CFRP training upon request at organizations/associations.

Although there are by statute similarities between the two programs, of which CFRP could address most DV-related incidents involving child fatalities, the addition of non-child related DV fatality panels would require developing separate program criteria, policies, goals and objectives, procedures, a separate means of reporting, data collection, tracking, in-house database, training and prevention efforts, and annual reporting due to the differences in programs.

An Investigator II position, whose focus would predominately be on DV, would also assist with both CFRP and STAT investigation processes in non-metro areas statewide. Currently, there is a Program Development Specialist (PDS) for CFRP in the Kansas City area who assists with and coordinates metro and surrounding counties CFRP functions and prevention efforts and can assist with metro DV fatality panels. If this bill were law, a similar PDS would be needed for St. Louis. Due to the volume of child fatalities and the addition of DV fatality reviews, a program development specialist in the St. Louis area who can support all area panels with aspects of both CFRP and DV fatality reviews operations, coordination of resources and prevention would benefit the communities in the St. Louis area would be required.

The additional assigned duties based on the assumption that a conservative additional 30+ DV non-CFRP related meetings annually would need to be staffed, associated travel requirements, data collected, tracked, reported and digital storage by means of a separate reporting system will require at least 3 more FTE [1 Administrative Office Support Assistant (\$28,668 annually), 1 Investigator II (\$38,304 annually) and one Program Development Specialist (\$41,184 annually)], to assist with additional data collection, reporting and local panel meetings coordination, DV program oversight, and attendance/travel required by STAT representatives regarding the DV fatality review panels which may or may not involve DV-related child fatalities. Additional STAT FTEs as indicated would require salary, benefits and office space, furniture, equipment and supplies.

Funding would be all general revenue.

The DSS, STAT estimates costs to the General Revenue Fund for FY18 of \$183,625; \$195,670 for FY19; and \$197,661 for FY20.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, **Division of General Services**, the **Office of State Courts Administrator**, the **City of Kansas City**, the **Columbia/Boone County Department of Public Health and Human Services**, the **St. Louis County Department of Justice Services** and the **Springfield Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the following **cities**: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Columbia, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

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

Officials from the following **health departments**: Audrain County Health Unit, Cass County Health Department, Clay County Public Health Center, Cooper County Public Health Center, Harrison County Public Health Department and Hospice, Henry County Health Center, Hickory County Health Department, Howell County Health Department, City of Independence Health Department, Jefferson County Health Department, Knox County Health Department, Linn County Health Department, McDonald County Health Department, Madison County Health Department, Marion County Health Department, Miller County Health Center, Morgan County Health Center, Nodaway County Health Center, Platte County Health Department, Polk County Health Center, Pulaski County Health Center and Home Health Agency, Randolph County Health Department, Reynolds County Health Center, Ripley County Health Center, Shelby County Health Department, the St. Francois County Health Center and the St. Joseph Health Department did not respond to **Oversight's** request for a statement of fiscal impact.

Officials from the following **ambulance districts**: Jefferson County 911 Dispatch, St. Charles County Ambulance District, Taney County Ambulance District and Valle Ambulance District, did not respond to **Oversight's** request for a statement of fiscal impact.

ASSUMPTION (continued)

Officials from the following **law enforcement agencies**: the Ashland Police Chief, Boone County Sheriff's Department, Buchanan County Sheriff's Department, Cass County Sheriff's Office, Clark County Sheriff's Department, Cole County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff's 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 a statement of fiscal impact.

Officials from the **Phelps County Circuit Clerk's Office**, the **St. Louis City Circuit Clerk's Office** and the **St. Louis County Medical Examiner** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE FUND</b>			
<u>Costs - DSS (\$455.560)</u>			
Personal service	(\$90,130)	(\$109,238)	(\$110,330)
Fringe benefits	(\$52,611)	(\$63,455)	(\$63,780)
Equipment and expense	(\$40,884)	(\$22,977)	(\$23,551)
Total <u>Costs</u> - DSS	<u>(\$183,625)</u>	<u>(\$195,670)</u>	<u>(\$197,661)</u>
FTE Change - DSS	3 FTE	3 FTE	3 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$183,625)</u></b>	<b><u>(\$195,670)</u></b>	<b><u>(\$197,661)</u></b>
Estimated Net FTE Change on the General Revenue Fund	3 FTE	3 FTE	3 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act creates a process for establishing and operating domestic violence fatality review panels after instances of homicide related to domestic violence. These panels are organized by the prosecuting or circuit attorney of the jurisdiction in which the homicide occurred, and consist of members described in the act.

It is the duty of the panel to investigate homicides related to domestic violence and issue a summary report form and a public report to state and local authorities, and to the state domestic violence coalition.

The panel will enjoy such official immunity as exists at common law. Its work products, other than the public report to be issued, are not public records and are not admissible in judicial or administrative proceedings.

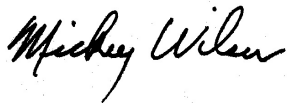
Municipal executive officers may request that a county prosecutor or circuit attorney convene a domestic violence fatality review panel in the case of fatalities that occur within the territory of their municipalities.

This legislation is not federally mandated, would not duplicate any other program but additional capital improvements or rental space may be required.



SOURCES OF INFORMATION

Department of Health and Senior Services  
Department of Social Services -  
    Family Support Division  
    Division of Legal Services  
    Division of Finance and Administrative Services  
    State Technical Assistance Team  
Department of Public Safety -  
    Missouri State Highway Patrol  
Missouri Office of Prosecution Services  
Office of Administration -  
    General Services Division  
Office of State Courts Administrator  
City of Kansas City  
Columbia/Boone County Department of Public Health and  
    Human Services  
St. Louis County Department of Justice Services  
Springfield Police Department



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