

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4429-03  
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 655  
Subject: Children and Minors; Courts; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: June 12, 2018

---

Bill Summary: This proposal modifies provisions relating to the protection of children.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$0 or Could exceed (\$253,843)	\$0 or Could exceed (\$252,185)	\$0 or Could exceed (\$254,266)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or Could exceed (\$253,843)</b>	<b>\$0 or Could exceed (\$252,185)</b>	<b>\$0 or Could exceed (\$254,266)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<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 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
General Revenue	0 or 4 FTE	0 or 4 FTE	0 or 4 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 or 4 FTE</b>	<b>0 or 4 FTE</b>	<b>0 or 4 FTE</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Mental Health (DMH)** state currently under Section 589.403, individuals required to register as a sex offender who are paroled, discharged, or otherwise released from a Department of Corrections (DOC) correctional facility or a mental health facility are required to be informed by the facility head of their duty to register. In addition, the head of the facility is required to complete the initial registration prior to release and forward the registration within 3 business days to the chief law enforcement official in the county where the person plans to live in Missouri or to the Highway Patrol if the person plans to live outside Missouri.

Under the proposed language, there are a number of changes made to the existing process that creates additional responsibilities for DMH and add ambiguity to the process--

(1) Private jails and "other private facilities recognized by or contracted with the department of corrections or department of mental health" are added to the list of entities included for parole, discharge, or release. It is unclear from this language what additional entities this would include and whether it is intended to capture our provider agencies.

(2) The "private facility" language is not included in subsection (1), which sets forth the obligations of the facility head. As a result, it is unclear who has the duty to inform and notify for such persons discharged or released from a DMH recognized or contracted private facility. Given that rules of statutory interpretation do not intend an absurd result, the presumption may be that the duty reverts back to DMH.

(3) The proposed language adds a new requirement for the initial registration "notification at least seven days" to be given by the facility head prior to release. This language as written seems to create a new requirement for notification to occur seven days prior to release in addition to the existing requirement that the offender's registration be forwarded within three days and it specifies that the forward must be within three business days "of release".

While the DOC has a definitive release date for offenders, the clients within the DMH do not. Release dates for DMH clients are dictated by court order under Section 552.040 and 632.505. A seven-day notification would delay the discharge and thus further increase the bed shortages DMH currently faces. In addition, for individuals ordered to DMH pending a determination whether the person should be committed as a sexually violent predator (SVP), those persons are typically detained in county jails contracted by DMH pending the court's decision. If the court determines that the person does not meet commitment criteria, the person is usually immediately

ASSUMPTION (continued)

released and DMH would not have advanced notice of such release; therefore it would be impossible in those cases for DMH to provide notification seven days prior to release.

(4) The notification and forwarding of the registration goes to both the county of intended residence and the Highway Patrol when the person plans to live in Missouri. This will double the amount of paperwork to be submitted, tracked and maintained. Likewise, work is doubled for persons planning to live outside Missouri because the proposed language requires law enforcement in the county where the facility is located to be notified, even though the person does not plan to live there, in addition to the Highway Patrol.

DMH assumes the cost for the additional notification and forwarding requirements, implementing oversight/tracking procedures, and trainings regarding new process, will require 4 FTE, Clinical Social Workers (each at \$39,708 annually). The 4 FTE will be placed regionally across the state to help with managing discharges, tracking, and training for all 7 inpatient facilities. The total cost for the additional staff for FY19 would be \$253,843. In addition, if the "private facilities" applies to our community providers, then the same process, tracking, and training would need to be implemented for our regional supported community living staff and community providers. It would also require DMH to implement a new review process with our community providers. The exact cost for all of these additional resources is unknown

**Oversight** notes that DMH provided a No Fiscal Impact statement in response to HCS to HB 2042 (4083-03) which has similar changes to Chapter 589. Therefore, Oversight will reflect a fiscal impact of \$0 or (Unknown - Could exceed \$253,843) for the Department of Mental Health.

Officials from the **Department of Social Services**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, the **Department of Health and Senior Services**, and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the **Office of State Public Defender (SPD)** state while the number of new cases received due to removing the statute of limitations on abuse or neglect of a child 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 where the right to counsel attaches.

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

**Oversight** inquired the Department of Health and Senior Services (DHSS) on information regarding minimum ages receiving marriage licenses. The information below is the data DHSS provided broken out by age of the bride and groom for the last 4 years. The 2017 calendar year data is provisional and may not contain all of the marriage license data for that year.

Age of Bride

	14 and <u>Under</u>	<u>15</u>	<u>16</u>
2014	0	23	37
2015	0	16	36
2016	0	21	22
2017	0	9	25

Age of Groom

	14 and <u>Under</u>	<u>15</u>	<u>16</u>
2014	0	3	10
2015	0	0	6
2016	0	1	4
2017	0	1	3

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE</b>			
<u>Costs - DMH</u>	\$0 or.....	\$0 or....	\$0 or .....
Personal Service (4 FTE)	(\$132,360)	(\$160,420)	(\$162,025)
Fringe Benefits	(\$75,271)	(\$90,797)	(\$91,273)
Expense & Equipment	(\$46,212)	(\$968)	(\$968)
New review process with other providers	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
	\$0 or Could	\$0 or Could	\$0 or Could
	exceed	exceed	exceed
<u>Total Cost - DMH</u>	<u>(\$253,843)</u>	<u>(\$252,185)</u>	<u>(\$254,266)</u>
FTE Change - DMH	0 or 4 FTE	0 or 4 FTE	0 or 4 FTE
	<b>\$0 or Could</b>	<b>\$0 or Could</b>	<b>\$0 or Could</b>
	<b>exceed</b>	<b>exceed</b>	<b>exceed</b>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$253,843)</u></b>	<b><u>(\$252,185)</u></b>	<b><u>(\$254,266)</u></b>
Estimated Net FTE Change for the General Revenue Fund	0 or 4 FTE	0 or 4 FTE	0 or 4 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2019 (10 Mo.)	 FY 2020	 FY 2021
	<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 increases the minimum age for marriage from 15 to 16 years, modifies the sex offender registry system, and eliminates the statute of limitations for sexual offenses committed against minors.

SEX OFFENDER DATABASE AND REGISTRATION (Sections 43.650, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.414)

This act provides that the State Highway Patrol's online sex offender database which is available to the public shall include the offender tier level established in this act.

This act establishes that a juvenile offender who is 14 or older at the time of an offense equal to or more severe than aggravated sexual abuse under federal law shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

Currently, individuals who are required to register with the Missouri Sexual Offender Registry must register within three days of adjudication, release from incarceration, placement on probation, or, for juveniles, within three days of adjudication or release from commitment to the Division of Youth Services, the Department of Mental Health, or other placement. This act provides that the offender must register within three business days. This act sets out and defines different tiers for offenses, which carry different reporting and registration requirements. The different tier registration requirements include registration duration and provisions for registration for duration reduction. The act also specifies which individuals are exempt from the registration requirements.

Certain individuals on the sex offender registry may file a petition for removal, according to the procedures established in the act, in the circuit in which the qualifying offense was committed. Individuals seeking removal who were required to register in Missouri because of an offense committed in another state must file for removal based on the laws of the jurisdiction in which the offense was adjudicated. Once the petition for removal is granted in the other jurisdiction, the judgment may be registered in Missouri in the county in which the individual is required to register.

The court shall not deny the petition unless the petition violated the requirements specified in the act or the prosecuting attorney provided evidence demonstrating the petition should be denied. Individuals who are required to register but who have committed certain specified offenses are exempt from the public notification requirements if they satisfy specified elements. Juveniles required to register shall be exempt from public notification.

FISCAL DESCRIPTION (continued)

Individuals who are released from a correctional facility, mental health institution, private jail, released on probation, discharged upon payment of a fine, confinement in a county jail, or any other private facility recognized or contracted with the Department of Corrections shall be informed of his or her duty to register, and the official in charge shall complete the initial registration notification at least seven days before an offender's release. The official shall also forward the offender's registration within three business days of the offender's release to the State Highway Patrol and the chief law enforcement official where the offender is expected to reside. The act specifies requirements for registration, including a photograph of the offender, updated at regular intervals as specified in the act. If the offender refuses to complete and sign the registration information as outlined or fails to register with the chief law enforcement official within three business days as directed, the offender commits the offense of failure to register.

MINIMUM AGE FOR MARRIAGE (Section 451.090)

Under current law, no recorder shall issue a marriage license authorizing the marriage of a person under 15 without a court order for good cause shown. This act raises the minimum age of marriage to 16 and removes the discretion for the court to issue a license to anyone under the minimum age.

Additionally, no license shall be issued for the marriage of a person 21 years or older if the other party is less than 17 years of age. Applicants for a marriage license shall provide proof of age to the recorder in the form of a certified copy of a birth certificate, passport, or other government-issued identification.

This provision is similar to HB 1630 (2018), HB 2665 (2018), HB 2742 (2018), HB 270 (2017), and to a provision in HCS/SS/SB 124 (2017).

STATUTE OF LIMITATIONS (Section 556.037)

This act provides that there is no statute of limitations for sexual offenses for which registration is required which involve a person eighteen years of age or younger.

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 Mental Health  
Department of Health and Senior Services  
Department of Public Safety - Missouri Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Office of the State Courts Administrator

Ross Strobe



Acting Director  
June 12, 2018