

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5990-05
Bill No.: Perfected SS for SCS for SB 966
Subject: Administrative Law; Department of Corrections; Crimes and Punishment;
Criminal Procedure; Health Care; Health Care Professionals; Mental Health;
Department of Mental Health; Probation and Parole; Victims of Crime
Type: Original
Date: March 28, 2018

Bill Summary: This proposal modifies provisions relating to the administration of the criminal justice system.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
General Revenue	Could exceed (\$4,581,839)	Less than \$16,871,276	Less than \$36,382,278	Less than \$54,747,859
Total Estimated Net Effect on General Revenue	Could exceed (\$4,581,839)	Less than \$16,871,276	Less than \$36,382,278	Less than \$54,747,859

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Crime Victims Compensation	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 25 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
General Revenue*	10 FTE	More than 10 FTE	More than 10 FTE	More than 10 FTE
Total Estimated Net Effect on FTE*	10 FTE	More than 10 FTE	More than 10 FTE	More than 10 FTE

*Does not take into account avoided additional FTE for the Department of Corrections

☒ 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 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this legislation supports implementation of Justice Reinvestment Initiative (JRI) policy options developed by the Missouri State Justice Reinvestment Task Force. JRI is a data-driven approach to improve public safety and reinvest savings in strategies that can decrease crime and reduce recidivism.

Investment in community-based recovery support services provides an alternative to costly incarceration and is more effective in delivering improved outcomes for offenders. Currently, 86% of prison admissions are tied to either a) failures of people on community supervision or b) sentences to prison-based substance abuse or mental health treatment. Timely access to effective community treatment has the potential to reduce both types of prison admissions and is more cost effective.

The Council of State Governments (CSG) has been studying the criminal justice system in Missouri as well as the Missouri Department of Corrections to develop a comprehensive justice reinvestment plan for the state. Under current population trends, the DOC will be more than 2,300 prison beds short of needed capacity by the end of FY21, necessitating the construction of two new prisons. Justice Reinvestment will help to curtail some prison population growth by diverting offenders to community treatment and potentially avoid expenditures of over \$400 million.

The funding for the implementation plan consists mainly of new decision items for community-based behavioral health treatment for a period of five years. The DOC assumes that funding is maintained moving forward and that other elements of the Justice Reinvestment option package are implemented.

The bill also includes other JRI strategies such as:

- adopting a validated assessment instrument to identify and target high risk/high need offenders to ensure resources are used most efficiently;
- providing additional case management services for offenders; and
- implementing improved Probation and Parole Officer strategies to more effectively supervise offenders in the community and prevent recidivism

The JRI strategies in this bill and the ongoing investment in additional community-based behavioral treatment services over five years results in a projected diversion of over 3,000 offenders from prison to more effective community supervision.

ASSUMPTION (continued)

On page 7 of the fiscal note, DOC provides a timeline of funding, implementation, and cost avoidance that will occur if this legislation is approved.

Year One of the implementation plan will include the cost of a \$5 million new decision item for community-based behavioral health treatment which includes substance use disorder treatment (SUDS) and mental health treatment. There are reductions in the number of treatment beds at Chillicothe Correctional Center (56 120-day beds) and contracted SUDS at Western Reception and Diagnostic Correctional Center (325 beds) for a core reduction of \$1,042,617. There is also cost avoidance of \$502,686 from having 81 fewer offenders in prison due to additional community-based behavioral treatment services available in the community and other JRI initiatives.

Year Two of the implementation plan includes a cost avoidance of \$2,401,722 from 387 fewer offenders in prison due to ongoing community-based behavioral treatment services available in the community from the original \$5 million new decision item and other JRI initiatives. There is also a cost avoidance of \$7,527,828 from 1,213 fewer offenders in prison due to a new decision item for an additional \$10 million in community-based behavioral treatment services and other JRI initiatives. There is an ongoing cost avoidance of \$1,042,617 from the closing of prison treatment beds at CCC and WRDCC.

At Year Two the DOC would have had to begin construction of one additional male and one additional female prison (approximately \$350 million). By implementing this legislation, there is a cost avoidance as JRI diverts offenders to community treatment options, improves recidivism rates, and decreases prison population growth. Costs include the ongoing \$5 million community-based behavioral health treatment plus an additional \$10 million for expansion of community-based behavioral health treatment services in year two.

Year Three of the implementation plan includes the cost avoidance of \$3,127,824 from 504 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item and other JRI initiatives.

There is a cost avoidance of \$9,507,592 from 1,532 fewer offenders in prison due to the \$10 million expansion of community-based behavioral health treatment services in year two plus the new decision item for an additional \$10 million in community-based behavioral treatment services and other JRI initiatives.

ASSUMPTION (continued)

At Year Three the DOC would have had to start hiring staff for the two new prisons for a half year. By not building the new prisons, this results in a cost avoidance of approximately \$27 million in operating costs.

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$10 million expansion cost from a new decision item in year two, plus an additional \$10 million for additional community-based behavioral health treatment services in year three.

Year Four of the implementation plan includes a cost avoidance of \$3,907,368 from 628 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item and other JRI initiatives.

There is a cost avoidance \$11,642,456 from 1,876 fewer offenders in prison due to the \$20 million expansion of community-based behavioral health treatment services in years two and three, plus a new decision item for an additional \$10 million for community-based behavioral health treatment services and other JRI initiatives.

At Year Four the DOC would have brought the new prisons online for a full year. By not building the new prisons, this results in a cost avoidance of approximately \$54 million in operating costs.

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$20 million expansion cost from new decision items in years two and three, plus an additional \$10 million for additional community-based behavioral health treatment services in year four.

Year Five of the implementation plan is the end of the initial phase of the program. Year Five includes a cost avoidance of \$4,679,324 from 754 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item in year one and other JRI initiatives.

There is a cost avoidance of \$14,503,422 from 2,337 fewer offenders in prison due to the \$30 million expansion of community-based behavioral treatment services in years two, three, and four, plus a new decision item for an additional \$5 million for community-based behavioral health treatment services and other JRI initiatives.

At Year Five the DOC continues to benefit from not building the new prisons, which results in a cost avoidance of approximately \$54 million annually in operating costs.

ASSUMPTION (continued)

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$30 million expansion cost from new decision items in Years two, three, and four, plus an additional \$5 million to complete the initial phase of statewide expansion of community-based behavioral health treatment services in year five.

As the implementation of the plan develops over five years, there may be additional changes to treatment services provided in prison. However, it is difficult to determine any impact at this time. There may be additional offenders under community supervision; however, the DOC believes that any impact would be absorbable with current Probation & Parole staffing.

It is difficult to determine the exact fiscal impact of this legislation because Justice Reinvestment is a multi-phase, multi-year program. With the policy framework established in SB 966, additional funding in subsequent years has the potential to decrease prison population by numbers large enough to divert the need for new prisons. Eventually, the DOC may also be able to close an existing prison in the long term, which would save the state hundreds of millions of dollars. However, many factors determine the prison population including new legislation and sentencing requirements that could increase population despite the DOC's efforts to minimize growth.

COSTS:	FY '19	FY '20	FY '21	FY '22	FY '23
Year 1 - Investment in Community Treatment	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)
Year 2 - Additional Investment		(\$10,000,000)	(\$10,000,000)	(\$10,000,000)	(\$10,000,000)
Year 3 - Additional Investment			(\$10,000,000)	(\$10,000,000)	(\$10,000,000)
Year 4 - Additional Investment				(\$10,000,000)	(\$10,000,000)
Year 5 - Additional Investment					(\$5,000,000)
Subtotal	(\$5,000,000)	(\$15,000,000)	(\$25,000,000)	(\$35,000,000)	(\$40,000,000)
COST AVOIDANCE:					
Year 1 core reduction in Substance Use & Recovery Services	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617
Cost Avoidance for offenders diverted to Community Treatment from 1st year \$5 M	\$502,686 (for 81 offenders)	\$2,401,722 (for 387 offenders)	\$3,127,824 (for 504 offenders)	\$3,897,368 (for 628 offenders)	\$4,679,324 (for 754 offenders)
Cost Avoidance for offenders diverted to Community Treatment from year 2-5	\$0	\$7,527,878 (for 1,213 offenders)	\$9,507,592 (for 1,532 offenders)	\$11,642,456 (for 1,876 offenders)	\$14,503,422 (for 2,337 offenders)
Cost Avoidance for 2 new prisons	\$0	\$347,197,272	\$0	\$0	\$0
Cost Avoidance for operation of 2 new prisons	\$0	\$0	\$26,837,107 (½ year)	\$53,674,214	\$53,674,214
Subtotal of cost avoidance	\$1,545,303	\$358,169,489	\$40,515,140	\$70,256,655	\$73,899,577
Estimated net effect:	(\$3,454,697)	\$343,169,489	\$15,515,140	\$35,256,655	\$33,899,577

For fiscal note purposes, **Oversight** will utilize DOC's estimates. However, Oversight will assume the cost avoidance for two new prisons, would be the cost avoidance of servicing debt of an amount estimated by DOC (\$347.2 million) over 25 years at an annual rate of 4.0%, or approximately \$22.2 million per year that the state will not be required to pay if this proposal prevents the state from requiring 2 additional prisons.

ASSUMPTION (continued)

In response to a previous version of this bill, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated:

595.220.3(1) - The total number of sexual assault kits we received in 2017 was 617. According to UCR, 1,587 were reported (non-KC or STL). The Highway Patrol Crime Laboratory only received approximately 39% of what was reported. The Crime Lab estimates that this law would create a 61% increase in sexual assault kit submissions. Consequently, the Crime Lab would need to increase its capacity by 61%.

PS (Salary without fringe benefits):	
6 FTE Criminalist III @ \$58,896 =	\$353,376
3 FTE Forensic Lab Technician III @ \$34,416 =	\$103,248

E&E: (Laboratory supplies @ \$20,000 each criminalist and \$10,000 for each technician) =	\$150,000
(GR - ongoing)	
TOTAL COST (GR funds - ongoing)	\$606,624

Criminalist III's analyze DNA evidence and Forensic Evidence Technicians support Criminalists by making reagents, ordering consumables, maintaining instruments and running robotics.

Not factoring in labor, the materials cost of analysis of a Sexual assault kit is roughly \$200 per kit. We estimate a potential increase of 970 sexual assault kits to be submitted to the Crime Laboratory. Which would require a budget increase of \$194,000 (\$200 x 970) annually.

Officials from the **Department of Mental Health (DMH)** state regarding Section 217.021, DMH would be responsible for collaborating with DOC to establish a referral and evaluation process, eligibility criteria and discharge process for community behavioral health programs. DMH would be responsible for oversight of program case management services, provide performance and outcome metrics, and supervise and monitor referral caseloads. DMH would need to hire a Program Specialist II to take on these duties; this would be a cost to DMH of \$70,176 for FY2019, \$71,001 for FY2020 and \$71,593 for FY 2021. DMH will partner with DOC to contract with behavioral health providers. DMH assumes that these services will be funded entirely with the \$5 million dollars for justice reinvestment, currently in the FY 2019 DOC Governor's recommended budget. If this funding is increased in future years, DMH may require additional FTE. 3(3)(a) says DMH will accept "all eligible referrals" and "continue services on an ongoing basis until established discharge criteria are met". DMH assumes that eligibility and continuation of services is dependent on the availability of DOC funding. 3(3)(b) says DMH behavioral health providers will "accept reimbursement on a per-month, per-referral

ASSUMPTION (continued)

basis." The DMH current billing system is a fee for service (FFS) reimbursement process, so an alternative payment process would need to be established that may require IT work.

Based upon DOC's assumption that the investment in community treatment would grow from \$5 million in FY 2019 to \$40 million in FY 2023, **Oversight** will reflect "More than" DMH's estimate for the need for 1 FTE past FY 2019.

Officials from the **Office of the State Auditor (SAO)** state Section 650.035 requires the State Auditor to periodically audit law enforcement agencies receiving state funds under the new program. Because an unknown number of agencies may participate, and it is unclear how extensive the funding received would be, the fiscal impact to the SAO is unknown.

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 **Department of Public Safety - Office of the Director**, and the **Department of Health and Senior Services**, each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version, officials from the **Office of Administration (Facilities Management, Design and Construction, and Information Technology Services Division)**, the **Joplin Police Department**, and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

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.

Oversight assumes the various changes to Chapter 595 would allow additional claims to be made on the Crime Victims' Compensation Fund. Oversight has no basis to estimate the amount, so we will assume an unknown loss to the fund for additional claims.

Oversight assumes Section 650.035 allows the Department of Public Safety to provide financial and technical assistance to local law enforcement agencies. Oversight will assume an unknown amount of financial assistance from the state to locals.

ASSUMPTION (continued)

Section 455.095 - Electronic Monitoring

In response to a similar proposal, SB 641, officials at the **Department of Corrections (DOC)** assumed this 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 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 the division to place offenders on Electronic Monitoring, place in Residential Facilities, 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 FY17 the DOC admitted 70 offenders for violations of protective custody. Forty-seven persons were supervised for misdemeanor class offenses with an average term of 2.0 years. Thirteen persons had a class E felony with an average probationary term of 4.8 years. Five offenders were institutionalized with an average sentence of 3.4 years and five offenders with 120-day shock treatment and an average 4.0 year term. This bill provides the option of electronic monitoring with victim notification. DOC would be required to incur the cost for monitoring if the offender is unable to pay. This bill would make it possible to sentence these offenders to electronic monitoring with victim notification. However, the DOC assumes the 70 offenders currently sentenced to probation would not be sentenced to additional electronic monitoring.

Therefore, the fiscal impact would be to divert the five incarcerated offenders per year to DOC probation or parole supervision. Electronic monitoring with victim notification would be provided by private probation. This has the potential to save the DOC funds on the cost of incarceration, but would be offset by DOC supervision costs and by private probation costs if offenders fail to pay the estimated \$11.77 per day per offender (\$4,296 per year) of electronic monitoring with victim notification.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

ASSUMPTION (continued)

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload. The DOC would assume this legislation will result in long term costs/cost avoidance. In summary, DOC would assume the following costs/cost avoidance for this proposal:

	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
If DOC pays all costs for 5 EM with victim notification	\$ 7,958	(\$12,169)	(\$34,761)
Probationers pay all costs for 5 EM with victim notification	<u>\$25,858</u>	<u>\$ 31,651</u>	<u>\$ 32,284</u>
Total Costs/Cost Avoidance for DOC	\$7,958 to \$25,858	(\$12,169) to \$31,651	(\$34,761) to \$32,284

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. However, if indigent individuals are not responsible, the DOC could be held responsible and have a potential costs/cost avoidance in fiscal years 2019 and 2020 and 2021 and will reflect this for the proposal.

In response to a similar proposal, SB 641, officials at **St. Louis County** assumed the St. Louis County Department of Justice Services only monitors persons on electronic detention from 7:30am-4:30pm, Monday through Friday. There are several other costs that St. Louis County would incur. At this time we are unable to determine the number of individuals to be monitored, therefore an accurate amount of the fiscal impact on St. Louis County cannot be calculated.

However, we are able to clearly define where the financial expenditures will be needed. First off, our current system does not track GPS monitoring in real-time. Our reports are generated in 30 minute increments. Real-time GPS monitoring is significantly more expensive. Second, our current system does not support the technological or hardware requirements stated in the proposed legislation. St. Louis County would be forced to replace our current electronic monitoring system, essentially starting over from scratch, another significant cost. Third, St. Louis County is comprised of over 90 municipalities. All the municipalities would have to be on the same system. In the event a victim or law enforcement agency would need to be contacted, the monitoring agency must first determine the location, then contact the proper authority based on municipality, thus creating a "lag" in the system.

ASSUMPTION (continued)

In response to a similar proposal, SB 641, officials from the **Joplin Police Department** assumed no fiscal impact from this proposal if the costs for monitoring services are not placed at the local level. The Department is unclear on who would be in charge of the monitoring services and who would end up paying for the service if the person with the monitoring device was found to be indignant.

In response to a similar proposal, SB 641, officials at the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the Director**, the **Department of Mental Health**, the **Department of Social Services**, the **Joint Committee on Administrative Rules**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal, SB 641, officials at the **Boone County Sheriff's Department**, the **St. Louis County Police Department** and the **Springfield Police Department** each assumed no fiscal impact to their respective entities from this proposal.

Senate Amendment 1 - POST training for St. Louis City Sheriff deputies:

In response to a similar proposal, SB 652, officials at the **City of St. Louis** assumed the proposed legislation provides that deputies of the Sheriff's office of the City of St. Louis shall be eligible for training and licensure by the peace officer standards and training commission under chapter 590 of the MO Revised Statutes. Chapter 590 defines a peace officer as "a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed a to be a peace officer by state statute."

However, unlike sheriffs in other counties of the state, the sheriff in the City of St. Louis is not charged with law enforcement. "All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis." (R.S. Mo. 57.450).

The primary duties of the Sheriff of the City of St. Louis involve courtroom security, prisoner transport and process serving. The proposed legislation would therefore add a provision for law enforcement training for positions not typically charged with law enforcement. A current training program for City Airport police officers for 25 weeks of training, including tuition, screenings, exams, etc. totals \$4,400 per participant. The annual salary of an entry level Sheriff deputy position is \$32,604, so the cost of salary and benefits (est. @ 25%) during the training period

ASSUMPTION (continued)

would total just under \$20,000, bringing the total cost of training to approximately \$24,000 per deputy. At a total of 165 uniformed deputies the total cost for the Sheriff's office would be a minimum of \$4M.

Since most current staff make more than the minimum salary, actual salary costs during training would be higher. (Note: Since training would entail deputies being unavailable for regular service duty for an extended period- the salary cost of training is included as the cost of keeping vacated posts filled while training is in progress, either through additional hires, overtime or both. Costs in successive years would include the training of new deputies due to attrition, (avg. of 20 per year) estimated at \$480,000 and the cost of continuing education est. @ \$160 per deputy per year for an additional \$23,000 (\$160 x 145).

In summary, the City of St. Louis assumed the following costs for this proposal:

FY19 - Greater than \$4,000,000

FY20 - \$503,000

FY21 - \$503,000

Oversight inquired the City of St. Louis on their response. The actual training cost for 165 deputies is \$726,000 (\$4,400 per). Oversight is unclear when the City of St. Louis will be training the 165 deputies, but will assume it will be done gradually, and will assume approximately 20 deputies trained per year (\$88,000).

In response to a previous version, officials at the **Department of Public Safety's Office of the Director** assumed there is no fiscal impact from this proposal.

Officials at the St. Louis City Sheriff's Department and the St. Louis City Circuit Clerk's Office did not respond to **Oversight's** request for fiscal impact.

Senate Amendment 2 - Specification of certain counties:

Oversight assumes this amendment would not have a fiscal impact on the state or local political subdivisions.

Senate Amendment 3 - Sexual offenders residing within 1,000 feet of former victim:

In response to a similar proposal, SB 689, officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Mental Health**, the **Department of Corrections**, and the **Office of the State Courts Administrator** each assumed the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

In response to a similar proposal, SB 689, officials from the **Office of Prosecution Services (OPS)** assumed the proposal would not have a measurable fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

In response to a similar proposal, SB 689, officials from the **Office of State Public Defender (SPD)** stated they could not assume that existing staff will provide effective representation for any new cases arising where indigent persons, who have previously been found guilty of delineated offenses against a minor, are charged with the proposed new crime of residing within 1,000 feet of a former victim, a new Class A misdemeanor.

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 where the right to counsel attaches.

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

In response to a similar proposal, SB 689, officials from the **Jasper County Sheriff's Department** assume the proposal would not fiscally impact their agency.

Senate Amendment 4 - Expungement of certain crimes:

In response to a similar proposal, SB 954, officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, the **Springfield Police Department**, and the **City of Kansas City** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal, SB 954, officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal could be absorbed with existing resources. The AGO states they may seek additional appropriations if there is a significant increase in litigation.

In response to a similar proposal, SB 954, officials from the **Office of the State Courts Administrator** stated 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)

Senate Amendment 5 - Residency of sheriffs or deputy sheriffs:

In response to a similar proposal (HB 1892), officials at the **Nodaway County Sheriff's Office** assumed an unknown positive fiscal impact from this proposal.

Oversight assumes this legislation would generate an indirect benefit to county sheriff departments by allowing the appointment of deputies who reside in adjoining states. Therefore, Oversight will show no direct fiscal impact from this proposal.

In response to a similar proposal (HB 1892), officials at the **Department of Public Safety's Office of the Director** assumed no fiscal impact from this proposal.

In response to a similar proposal (HB 1892), officials at the **Boone County Sheriff's Department** and the **Taney County Sheriff's Department** each assumed no fiscal impact to their respective entities from this proposal.

Senate Amendment 6 - Per diem costs of incarceration:

Officials from the **Department of Corrections** assume no additional fiscal impact from this amendment.

Senate Amendment 7 - License for inmates determined by a court to have not committed a crime:

Oversight assumes, due to the limited number of offenders that would qualify under this section for a Missouri license, the Department of Revenue and the Department of Corrections could absorb any additional costs resulting from this amendment.

Senate Amendment 1 to Senate Amendment 7 - DNA sampling:

In response to a similar proposal, SB 654, officials from the **Department of Public Safety - Missouri Highway Patrol** stated it is estimated that this proposal could potentially result in the collection of an additional 30,163 DNA samples, which could more than double the number of samples currently being processed annually. Offender DNA Collection Kit/Consumable/Reagents for additional sample processing and analysis is estimated to be \$904,285. In 2009, the General Assembly passed HB 152 which expanded our DNA collection program to include persons arrested only for a felony under chapters 565, 566 and 569 RSMo and we currently are receiving approximately 50% of predicted samples. In addition, we have seen a corresponding decrease in samples received from convicted offenders due to the samples already being collected on the "front end" of the process. Therefore, the actual fiscal cost for this proposal could be far less, and

ASSUMPTION (continued)

can be absorbed in the existing DNA Profiling budget.

For purposes of this fiscal note, the Highway Patrol anticipated no fiscal impact for this proposal.

Senate Amendment 8 - Domestic Violence Fatality Review Panel:

In response to a similar proposal, SB 976, officials from the **Missouri Office of Prosecution Services**, the **Department of Health and Senior Services**, the **Department of Public Safety**, the **Department of Social Services**, the **Office of State Courts Administrator**, the **City of Kansas City**, **Boone County**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Boone County Sheriff's Department**, the **Greene County Sheriff's Office**, the **Springfield Police Department**, the **St. Louis County Department of Justice Services** and the **St. Louis County Police Department** each assumed the proposal would not fiscally impact their respective agencies.

Senate Amendment 9 - Probation and Parole:

Officials from the **Department of Corrections** assume no additional fiscal impact from this amendment.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
GENERAL REVENUE				
<u>Costs - MHP</u>				
Personal Service (9 FTE)	(\$380,520)	(\$461,190)	(\$465,802)	(\$475,164)
Fringe Benefits	(\$340,413)	(\$412,581)	(\$416,706)	(\$425,081)
Lab Supplies (Criminalist)	(\$120,000)	(\$120,000)	(\$120,000)	(\$120,000)
Lab Supplies (Technicians)	(\$30,000)	(\$30,000)	(\$30,000)	(\$30,000)
Sexual Assault Kits	(\$194,000)	(\$194,000)	(\$194,000)	(\$194,000)
<u>Total Costs - MHP</u>	(\$1,064,933)	(\$1,217,771)	(\$1,226,508)	(\$1,244,245)
FTE Change - MHP	9 FTE	9 FTE	9 FTE	9 FTE

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
GENERAL REVENUE (continued)				
Costs - DMH		More than...	More than....	More than...
Personal Service	(\$45,192)	(\$45,644)	(\$46,100)	(\$47,027)
Fringe Benefits	(\$13,422)	(\$24,344)	(\$24,480)	(\$24,972)
E & E	<u>(\$11,553)</u>	<u>(\$1,013)</u>	<u>(\$1,013)</u>	<u>(\$1,013)</u>
Total Costs - DMH	(\$70,167)	More than (\$71,001)	More than (\$71,593)	More than (\$73,012)
FTE Change - DMH	1 FTE	More than 1 FTE	More than 1 FTE	More than 1 FTE
<u>Costs</u> - DOC - investment in Community Treatment	(\$5,000,000)	(\$15,000,000)	(\$25,000,000)	(\$40,000,000)
<u>Cost Avoidance</u> - DOC - in substance use & recovery services	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617
<u>Savings</u> - DOC - cost avoidance on incarceration of offenders wearing EM (455.095)	Up to \$25,858	Up to \$31,651	Up to \$32,284	Up to \$32,284
<u>Costs</u> - DOC - from indigent individuals (455.095)	Up to \$7,958	Up to (\$12,169)	Up to (\$34,761)	Up to (\$34,761)
<u>Cost Avoidance</u> - DOC - Community Treatment (orig \$5M)	\$502,686	\$2,401,722	\$3,127,824	\$4,679,324

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
GENERAL REVENUE (continued)				
<u>Cost Avoidance -</u> DOC - Community Treatment (add'l investments)	\$0	\$7,527,878	\$9,507,592	\$14,503,422
<u>Cost Avoidance -</u> DOC - debt amortization for 2 new prisons		\$22,200,000	\$22,200,000	\$22,200,000
<u>Cost Avoidance -</u> DOC - of operations of 2 new prisons	\$0	\$0	\$26,837,107	\$53,674,214
<u>Cost - DPS & SAO</u> §650.035 - Missouri Law Enforcement Assistance Program	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Could exceed</u> <u>\$4,581,839)</u>	<u>Less than</u> <u>\$16,871,276</u>	<u>Less than</u> <u>\$36,382,278</u>	<u>Less than</u> <u>\$54,747,859</u>
Estimated Net FTE Change for GR*	10 FTE	More than 10 FTE	More than 10 FTE	More than 10 FTE

*Does not take into account avoided additional FTE for the Department of Corrections

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
--	---------------------	---------	---------	-----------------------------------

**CRIME VICTIMS
COMPENSATION**

<u>Cost</u> - DPS - assumed additional claims from changes to Chapter 595	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
--	------------------	------------------	------------------	------------------

ESTIMATED NET EFFECT TO THE CRIME VICTIMS COMPENSATION	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
---	-------------------------	-------------------------	-------------------------	-------------------------

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
---	---------------------	---------	---------	-----------------------------------

**LOCAL LAW
ENFORCEMENT**

<u>Costs</u> - City of St. Louis (SA 1)	(\$88,000)	(\$88,000)	(\$88,000)	(\$88,000)
--	------------	------------	------------	------------

<u>Costs</u> - Electronic Monitoring costs (455.095)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
--	------------------	------------------	------------------	------------------

<u>Income</u> - from DPS for Missouri Law Enforcement Assistance Program	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
---	----------------	----------------	----------------	----------------

ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>
--	--	--	--	--

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act modifies provisions relating to the administration of the criminal justice system.

PROBATION AND PAROLE BOARD

This act renames the Missouri Board of Probation and Parole as the Parole Board. The Board shall exercise independence in its decision making but operate cooperatively within the department of corrections and with other agencies, officials, courts, and stakeholders to achieve systemic improvement. Under this act, the board shall adopt guidelines pertaining to: finite prison capacity for violent offenders, releasing supervision manageable cases, use of finite resources, supporting seamless reentry, setting appropriate conditions of supervision, and developing strategies for responding to violations. In addition, the act requires the Board to collect and publish data on parolees.

This act creates "the Division of Probation and Parole" as a new division within the Department of Corrections.

Under this act, the Division of Probation and Parole will give administrative support to the Parole Board as well as assume supervision over all offenders subject to probation, parole, and supervision, and provide programs necessary to carry out its responsibilities. Additionally, the director of the Division will assume the role of appointing probation and parole officers in lieu of the chairman of the Parole Board, and issue warrants for the arrest of persons under the supervision of the Division.

This act requires the Department of Corrections to establish a "community behavioral health program". Under the program, the Department will collaborate with the Department of Mental Health to provide comprehensive community-based services for individuals under the supervision of the Department of Corrections who have serious behavioral health conditions.

The Department of Corrections must adopt a streamlined, validated risk/need assessment tool in order to evaluate the risk/need of offenders as it pertains to department programs. In addition, the act modifies the parole review standards and instructs the Parole Board to conduct a risk/need assessment prior to an offender's hearing, and allows the Board to waive the hearing if the assessment indicates the offender may be paroled without an interview. Also, special parole conditions shall be responsive to the assessed risk and needs of the offender.

FISCAL DESCRIPTION (continued)

This act allows for a victim who has requested an opportunity to be heard by the Parole Board to receive notice that the Board is conducting a risk assessment of the inmate.

This act repeals a provision requiring an offender seeking parole to have achieved, or have made an honest good-faith effort to achieve, a high school diploma or its equivalent.

This act authorizes community supervision centers to respond to violations and prevent revocations.

EARNED COMPLIANCE CREDIT

This act gives the Division of Probation and Parole oversight over the awarding and supervision of earned compliance credits. The Division may rescind earned credits if the offender is found ineligible for credits because of a violation which indicates a longer term of probation, parole or conditional release is necessary. Additionally, this act requires offenders to complete restitution prior to final discharge by the Division.

VICTIM COMPENSATION AND SAFE KITS

Currently, if a victim of a crime submits a claim for compensation and the claim is rejected for lack of substantial proof, the victim has thirty days to amend their claim before the claim will be dismissed with prejudice. Additionally, no victim of a crime may recover if the victim has been found guilty of two felonies within the last ten years if one or both involved illegal drugs or violence. This act repeals those provisions.

Currently, if a victim of a crime is from outside of Missouri, the victim is not eligible for compensation unless federal funds for compensation exist. This act repeals that provision.

Currently, compensation for medical services may not exceed \$2,500 and compensation for out-of-pocket loss as a result of property seized by a law enforcement investigation may not exceed \$250. This act repeals that provision. Additionally, this act modifies the scope of "personal injury" to include emotional or mental harm.

Currently, no case may be awarded compensation if police records show a report was not issued within forty-eight hours. This act repeals that provision and allows victims of domestic violence, sexual offenses, and stalking to provide sworn statements in lieu of official records.

Currently, the Department of Public Safety is not liable to make payments of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence

FISCAL DESCRIPTION (continued)

of the crime. This act repeals that provision.

This act modifies the requirements of law enforcement agencies as it pertains to the acquisition and storage of forensic examination evidence.

JAIL PAYMENTS

This act authorizes the presiding judge of a judicial circuit to propose expenses reimbursable by the state on behalf of one or more of the counties in that circuit.

LAW ENFORCEMENT

This act eliminates the "Missouri Crime Prevention Information Center" and replaces it with the "Missouri Law Enforcement Assistance Program" which has the purpose of providing state financial and technical assistance to programs including reimbursement for overtime, increasing analytical capacity, and community policing.

RECORDS

This act repeals a provision requiring the deletion of uniquely identifying medical information within a criminal record prior to its being made available to qualified persons and organizations.

This act authorizes automation of Department of Corrections records and makes some records available to law enforcement agencies and qualified persons and organizations as defined by the Health Insurance Portability and Accountability Act.

ELECTRONIC MONITORING

This act provides that a court may place a person on electronic monitoring with victim notification if the person is charged with, or has been found guilty of, violating an order of protection. Electronic monitoring with victim notification is defined as a monitoring system that can monitor the movement of a person and immediately transmit the person's location to the victim and local law enforcement when the person enters a certain area. The court only may place a person on electronic monitoring with victim notification if the protected person has provided his or her informed consent. The phrase "informed consent" is defined under the act.

The person being monitored must pay the costs associated with the monitoring unless he or she is determined by the court to be indigent. If determined to be indigent, the court clerk must notify the Department of Corrections and send a bill for the monitoring costs to the Department. The

FISCAL DESCRIPTION (continued)

Department must establish a procedure to determine the portion of costs the indigent person is able to pay and must seek reimbursement of such costs. An electronic alert is probable cause to arrest the monitored person for a violation of a protective order.

The Department of Corrections, Department of Public Safety, Missouri State Highway Patrol, circuit courts, and local law enforcement agencies are required to share information obtained via the electronic monitoring. Immunity to liability is granted to suppliers of the electronic monitoring system for certain injuries associated with the use of the system.

Senate Amendment 1 - specifies that the sworn deputies of the office of the Sheriff of the City of St. Louis are to be eligible for training and licensure by the peace officer standards and training (POST) commission.

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 Corrections
Department of Public Safety
Department of Public Safety - Missouri Highway Patrol
Department of Mental Health
Office of the State Courts Administrator
Department of Health and Senior Services
Office of the Attorney General
Office of the State Auditor
Office of Administration
Department of Social Services
Office of the State Public Defender
Office of Prosecution Services
Joplin Police Department
Springfield Police Department
Greene County Sheriff's Department
Nodaway County Sheriff's Department
Taney County Sheriff's Department
Boone County Sheriff's Department
Jasper County Sheriff's Department
St. Louis County
City of Kansas City
City of St. Louis

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director
March 28, 2018