

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1113H.02C  
 Bill No.: HCS for SB 128  
 Subject: Corrections, Department of; Treasurer, State; Prisons and Jails  
 Type: Original  
 Date: May 7, 2021

Bill Summary: This proposal changes laws regarding public safety.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue Fund*	Could exceed (\$16,825,764)	Could exceed (\$19,511,579)	Could exceed (\$19,662,542)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$16,825,764)</b>	<b>Could exceed (\$19,511,579)</b>	<b>Could exceed (\$19,662,542)</b>

\*Implementation of “Raise the Age” is the largest cost driver of this fiscal note.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Inmate Canteen Fund**	\$25,471	\$30,565	\$30,565
Juvenile Justice Preservation Fund***	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$2,845,589)</b>	<b>(\$1,169,435)</b>	<b>(\$1,169,435)</b>

\*\*This proposal specifies that interest proceeds will be credited to the Inmate Canteen Fund instead of the General Revenue Fund.

\*\*\* The state’s Juvenile Justice Preservation Fund is disbursed to the county circuit courts to implement Raise the Age.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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>

\*\*Federal reimbursement and expenses exceed \$2.2M annually and net to zero.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	Could exceed 54 FTE	Could exceed 54 FTE	Could exceed 54 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Could exceed 54 FTE</b>	<b>Could exceed 54 FTE</b>	<b>Could exceed 54 FTE</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

#### §§210.143 and 210.1283 – Residential care facilities; court petitions; investigations

In response to similar legislation from 2021 (Perfecting HCS HB Nos. 557 & 560), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of new crimes creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes MOPS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the MOPS for fiscal note purposes. Oversight also assumes MOPS may seek additional appropriations if the proposal results in a significant increase in costs.

#### §210.1263 – Background checks on employees, volunteers, etc. at the home

Officials from the **Department of Public Safety (DPS), Missouri Highway Patrol (MHP)** state there is the very realistic potential for an increase in criminal background checks; however, the impact is unknown. Even though these facilities may not currently be required or notify the state, they still may be enrolled in the MOVECHS program due to the population they serve; however, their status would not be known.

The fingerprint fee structure is outlined below.

The state fee for a fingerprint based criminal record check is \$20.00 per request.

The federal fee for a fingerprint based criminal record check is \$13.25 per request, of which, the CJIS Division retains \$2.00 of the federal fee. This equates to \$22.00 of the total state and federal fingerprint background check fee that is retained in the Criminal Record System Fund per request.

The authorized entity may choose to utilize the Missouri Automated Criminal History System (MACHS) and have fingerprinting completed by the state fingerprinting vendor. If this avenue is chosen, an additional fee of \$8.50 will be required by the vendor.

### **State and Federal Fingerprint Fee Schedule**

State Fee = \$20.00

Federal Fee = \$13.25

Total State and Federal fee = \$33.25

Vendor Fee (if applicable) = \$8.50

Total State and Federal with Vendor fee = \$41.75

Total Retained in the Criminal Record System Fund = \$22.00

**Oversight** notes that currently, the number of residential children's homes operating in Missouri and the number of individuals employed by them are unknown. While the number of persons falling under the fingerprinting requirement is unknown, it is expected to be minimal during the first year of implementation and then decline in subsequent years due to the National Rap Back Program, which provides ongoing monitoring of those persons already fingerprinted. The fees expected to be collected are negligible and not expected to have a measurable fiscal impact to DPS, MHP. Therefore, Oversight will reflect no fiscal impact for this agency.

#### §210.1265 – Child residential homes to comply with specified inspections

Officials from the **Columbia/Boone County Public Health & Human Services (PHHS)** state the proposed §210.1265 requires child residential homes to comply with all fire, safety, health, and sanitation inspections required under §210.252. PHHS currently performs inspections under §210.252 for childcare facilities. These inspections are performed under contract from the Missouri Department of Health and Human Services (DHSS). If PHHS will be expected to perform the inspections of the child residential homes, that will represent an unknown cost because they have no way of knowing how many such homes there are, nor whether DHSS will reimburse PHHS for the inspections, nor whether the reimbursement will cover the entire cost of the inspection.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the negative unknown estimates as provided by the PHHS.

#### §210.1271 – Injunctive relief to cease the operation of a residential care facility when...

In response to similar legislation from 2021 (Perfecting HCS HB Nos. 557 & 560), officials from the **Attorney General's Office (AGO)** stated this section requires the AGO to represent DSS in proceedings related to injunctions of restraining orders against child residential homes. It is unknown the number of cases that could be brought to the AGO by DSS where representation would be required. Currently the AGO does not participate in these types of cases and therefore would need to hire at least one attorney with experience in these matters. However, if the number of cases is substantial, the need for additional Assistant Attorneys General is likely. The AGO anticipates the fiscal impact would be \$93,221 to unknown per full fiscal year beginning in FY22.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the AGO as follows:

FY22: Could exceed (\$93,221)  
FY23: Could exceed (\$94,033)  
FY24: Could exceed (\$94,853)

§§210.493-210.1286 – Residential Care Facilities for children

Officials from the **Department of Social Services (DSS), Children’s Division (CD)** state §210.493 requires background screenings for all staff of licensed residential care facilities and licensed child placing agencies. It further adds DSS shall be responsible for the background checks for residential care facilities or child placing agencies that apply for licensure, renewal of licensure or for license monitoring. DSS shall provide the results of the background checks to the applicant on eligibility and may not reveal to the residential facility or agency any disqualifying offense or other related information regarding the applicant.

There will be a fiscal impact on the Children’s Division as the responsibility of background checks will be placed with the Department of Social Services, Children’s Division. The Children’s Division anticipates the needs of an additional unit of five (5) FTEs and one (1) supervisor and (1) clerical FTE.

§210.1256 states DSS shall be the notification agency for all license exempt residential care facilities, and DSS shall fulfill the duties and responsibilities of the provisions of §§210.1250 to 210.1286. A residential care facility shall allow parents or guardians of children in the residential care facility unencumbered access to the children in the residential care facility without requiring prior notification to the residential care facility. A residential care facility shall provide adequate food, clothing, shelter, medical care, and other care necessary to provide for the child’s physical, mental, or emotional health or development.

§210.1259 states the director of any residential care facility shall provide the required notification in accordance with §§210.1250 to 210 1286 before such operator shall accept children. All residential care facilities operating on the effective dates of sections §§210.1250 to 210.1286 shall register accordingly within three months after the effective date of §§210.1250 to 210.1286. These provisions shall not apply to any residential facility already licensed and meeting requirements.

§210.1262 states notification shall be filed by the Director or his/her designee of the residential facility to DSS on forms provided by DSS. It then lists what information shall be included.

§210.1263 regards background checks and fingerprinting requirements for employees and other persons working or volunteering at residential care facilities.

CD states there will be a fiscal impact on the Children's Division as the responsibility of background checks will be placed with the Department of Social Services, Children's Division. The Children's Division anticipates the needs of an additional unit of five (5) FTEs.

§210.1264 states that upon request by DSS or law enforcement acting within the scope of their employment may request any license-exempt residential care facility to provide a full census and demographic information of children at the residential care facility, including parental or other guardian contact information and a full list of officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility; any person eighteen years of age or older who resides at or on the property of the residential care facility; and any person who has unsupervised contact with a resident of the residential care facility.

**CD** does anticipate a potential fiscal impact if these parts of the bill are passed. Due to the number of child residential homes being unknown in the State of Missouri, it is difficult to project how the passing of this bill would fiscally impact programming. CD sees the potential need for four (4) additional full-time employees (FTEs) in the Residential Program Unit (RPU) as there would be additional work requirements within this unit with this bill's addition of the child residential homes.

Allegations of abuse and neglect would be investigated by the Children's Division's Out of Home Investigation Unit (OHI). Due to the potential of increased reporting, the Children's Division OHI Unit proposes the need for two (2) additional staff. There would also be a potential need for clerical and supervisory staff.

This is a total of six (6) additional Children's Service Workers, one (1) FTE supervisory position and one (1) FTE clerical position, for a total of (8) Children's Division FTEs.

There will also be a fiscal impact on the Children's Division as the responsibility of background checks will be placed with CD. The Children's Division anticipates the needs of an additional unit of five (5) FTEs with a supervisory position and a clerical position.

**Oversight** notes the costs of the additional FTEs requested by CD is as follows:

- (1) Children's Service Workers with a starting salary of \$40,794 each, and will cost approximately \$751,883 per year in personal service and fringe benefit costs.
- (2) Administrative Support Assistant with a starting salary of \$31,238 each, and will cost approximately \$111,264 per year in personal service and fringe benefit costs.
- (2) Social Service Unit Supervisor with a starting salary of \$55,584 each, and will cost approximately \$176,083 per year in personal service and fringe benefit costs.

The **DSS, Division of Legal Services (DLS)** anticipates this bill will increase the need for DLS services in litigation and require significant special counsel hours to interpret the bill, draft regulations, and draft policy in concert with CD. DLS anticipates this proposal will require one (1) FTE special counsel.

DLS also anticipates this proposal will also require at least two (2) FTE litigation attorneys to advise and represent CD in child-welfare production proceedings; injunctive proceedings to halt operations at residential care facilities and for the removal and placement of children; to defend additional Children's Division findings of child abuse or neglect in the circuit courts; and to defend CD determinations of eligibility to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities subject to the Act's notification requirements under §210.493

Each of these positions have a starting salary of \$60,000 and, together, will cost approximately \$281,760 per year in personal service and fringe benefit costs to CD.

CD will also need one (1) FTE in hearings for CD determinations of eligibility to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities subject. This position has a starting salary of \$55,584 and will cost approximately \$88,042 per year in personal service and fringe benefit costs to CD.

**Oversight** does not have information to the contrary. Oversight notes that DSS presented their fiscal impact as best estimates, and may adjust their impact based on further review. Oversight assumes DSS may seek additional appropriations if the proposal results in a significant increase in costs. Therefore, Oversight will reflect the estimates as provided by DSS.

In response to a previous version (HCS HB 557), officials from the **Office of State Public Defender (SPD)** stated, for the purpose of the proposed legislation, and as a result of excessive caseloads, the SPD cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of class A misdemeanor concerning the protection of children under Section 210.143. However, if this offense was classified as a class D misdemeanor, it would not qualify for public defender representation because it would be punishable by a fine only, and therefore there would be no impact on MSPD. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

In response to similar legislation from 2021 (Perfecting HCS HB Nos. 557 & 560), officials from the **Office of State Courts Administrator (OSCA)** 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.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the OSCA will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the OSCA for fiscal note purposes. Oversight also assumes OSCA may seek additional appropriations if the proposal results in a significant increase in costs.

In response to similar legislation from 2021 (Perfecting HCS HB Nos. 557 & 560), officials from the **Florissant Valley Fire Protection District** stated, while there may be some impact, they do not believe that this proposal has a significant financial impact.

**Oversight** assumes the costs incurred by the Florissant Valley Fire Protection District related to this proposal can be absorbed within current resource levels.

Officials from the **Fruitland Area Fire Protection District** state they expect a positive impact for the protection of children and special populations. The verbiage in this proposal appears appropriate and the penalties are clear in the case of non-compliance.

**Oversight** does not have any information to the contrary. Oversight notes that no specific fiscal impacts were indicated in this agency's response. Therefore, Oversight will reflect a zero impact

In response to a previous version (HCS HB 557), officials from the **Department of Public Safety, Division of Fire Safety** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 their office can sustain with their core budget. Therefore, they reserve 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.

§§211.012, 211.181, and 211.435 – Juvenile court proceedings

Officials from the **Department of Social Services (DSS)** state the provisions of this proposal clarify the “Raise the Age” legislation that was passed during the 2018 session. Assuming that is the sole intent of this proposal, there is no fiscal impact to DSS. If the intent of this legislation is to implement the “Raise the Age” legislation, DSS does not have the resources available to provide services for juveniles to 18 years of age (up from 17 years of age) and full year of costs would be \$5,294,153 (\$3,043,596 GR; \$2,250,557 Federal).

In response to similar legislation from 2021 (Perfected HCS HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation modifies provisions relating to juvenile court proceedings.

While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,687 additional juvenile law violations and 2,176 status violations annually in the 34 multi-county circuits, 38<sup>th</sup> and 46<sup>th</sup> circuits.

Based upon projected additional violations in the 34 multi-county circuits, 38<sup>th</sup> and 46<sup>th</sup> circuits, the FY18 estimated juvenile personnel cost in these circuits would be \$2,306,227 (34 juvenile officer FTE). In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multicounty circuits of \$1,352,050. The total cost would be \$3,850,461.

Below is a breakdown of the costs:

**Multi Circuits\***

	FTE	Salary	Total	Fringes	Total
Juvenile Officer	34	\$44,352	\$1,507,968	\$798,259	<u>\$2,306,227</u>
				Total	\$2,306,227
Training for all new juvenile officer staff					\$ 192,184
Program Cost for multicounty circuit ((\$350 per juvenile (3,863*\$350))					<u>\$1,352,050</u>
<b>Total Cost</b>					<b>\$3,850,461</b>

\* Note: The 34 multi-county, 38<sup>th</sup> and 46<sup>th</sup> circuits are state paid

**Single County Circuits**

State general revenue would need to be appropriated for the ten single county circuits’ juvenile personnel, training and program cost. Based on their submissions, the total cost for the ten single county circuit would be at least \$10,187,476.

The total cost to state general revenue if this proposed legislation would be implemented would be at least (\$3,850,461 + \$10,187,476) **\$14,037,937**.

The projected number of status offenders may vary depending on the number of children reported as truant from school and whether 17 year olds are included in the truancy numbers.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DSS and OSCA.

In response to similar legislation from 2021 (Perfected HCS HB 1242), officials from the **Attorney General's Office**, the **Office of the State Treasurer**, the **Office of the State Public Defender**, and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** notes the Juvenile Justice Preservation Fund (0739) had a balance of \$2,871,606 as of February 28, 2021. Oversight notes 211.435.2 states these funds shall revert to the counties of origin. Therefore, Oversight will reflect a loss in FY 2022 of these funds. Oversight notes collections into the fund totaled \$1,201,466 in FY 2020. Oversight will reflect this funding as an offset to OSCA employees that will be paid from the state's General Revenue Fund for implementation at the circuit courts.

These sections of the bill contain an emergency clause.

#### §217.195 – Prison canteen funds

In response to a previous version (Perfected SB 128), officials from the **Office of the State Treasurer (STO)** stated §217.195.3(3) requires interest and moneys earned on such investments currently credited to the General Revenue Fund to be credited to the Inmate Canteen Fund.

Listed below are the average daily balances for the months of July through December 2020:

July	\$6,588,940
August	\$6,669,476
September	\$6,158,167
October	\$5,914,689
November	\$5,771,371
December	<u>\$5,575,394</u>
Total	\$36,678,037

The estimated average daily balance is \$6,113,006 (\$36,678,037 / 6). The STO's effective rate of return for FY 2021 is 0.5%. The estimated yield on state funds is 0.50 percent. If interest rates increase, the STO could increase its rate of return and the fiscal note would increase. Therefore,

the estimated loss of interest to General Revenue is approximately \$25,471 for FY 2022 (10 months) and \$30,565 for FY 2023 and FY 2024 ( $\$6,113,006 * 0.005$ )

Officials from the **Department of Corrections (DOC)** do not expect a fiscal impact from this legislation as the Inmate Canteen Fund is currently operating within the proposed statutory guidelines. However, the addition of reentry services as an allowable expenditure will be subject to appropriation. Therefore, the impact for this legislation will be \$0 to (Unknown).

**Oversight** notes any unexpended balance in the pre-August 28, 2021, inmate canteen fund shall be transferred to the post-August 28, 2021, inmate canteen fund established under subsection 3 of §217.195. The balance in this fund at December 31, 2020, was \$5,779,967. This will allow for the DOC to include some additional allowable expenditures to this fund. For purposes of this fiscal note, Oversight will show a one-time transfer in and out of this fund of \$5.8 million in FY 2022.

§§217.199 and 221.065 – Hygienic products to offenders

In response to similar legislation from 2021 (HB 318), officials from the **Department of Corrections (DOC)** assumed the proposal will have no fiscal impact on their organization. In FY20, the DOC was appropriated additional funding to support these costs.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

**Oversight** contacted the DOC to determine the amount of funding appropriated to them for feminine hygiene products. From a new decision item beginning in FY 2020, the DOC was appropriated \$113,574 in General Revenue funds. This amount, combined with the \$114,774 in funding already within DOC's budget, brings the total department appropriations for feminine hygiene products to \$228,348 for FY 2020, FY 2021, and FY 2022 as no changes were made to the appropriation in FY 2021 or requested in FY 2022.

In response to similar legislation from 2021 (HB 318), officials from the **Boone County Sheriff's Department** stated these items are currently supplied to detainees at no cost and as needed or requested.

In response to similar legislation from 2021 (HB 318), officials from the **Cape Girardeau County Sheriff's Department** and the **Clay County Sheriff's Department** responded but did not provide a fiscal impact.

In response to similar legislation from 2021 (HB 318), officials from the **Lewis County Sheriff's Department** stated feminine products are provided at no cost to the inmate.

In response to similar legislation from 2021 (HB 318), officials from the **Ellisville Police Department** stated this will have a very minor impact but both reasonable and appropriate.

In response to similar legislation from 2021 (HB 318), officials from the **Crestwood Police Department** stated no discernible fiscal impact. The Crestwood Police Department already supplies these items when necessary.

In response to similar legislation from 2021 (HB 318), officials from **Clinton County**, the **Ellington Police Department**, the **Kimberling City Police Department**, and the **St. John Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes there may be some county or city jails that do not provide both tampons and napkins for free. Therefore, the impact to local governments will be presented as \$0 or (Unknown). §221.065.3 states the General Assembly shall appropriate funds to assist sheriffs and jailers in satisfying these requirements. Therefore, Oversight will also reflect a potential cost to the state's General Revenue Fund

These sections of the bill contain an emergency clause.

§§217.777 and 559.120 – Probation

Officials from the **Department of Corrections (DOC)** state section 217.777 amends Chapter 217 with the intention for the court to consider community-based sentencing for some offenses when the defendant is in support of a dependent person. The DOC is also required to report once per year to the general assembly regarding the cases impacted by this section. This bill stipulates that the offender complete a community corrections program administered by the department of corrections. It is unknown whether this refers only to probation cases, the use of existing programming, or if the DOC would need to develop and administer an entirely new program.

In addition, it is unknown how many offenders the courts will sentence to community-based supervision. The judges are already allowed to consider many factors when considering sentences. The department has no way to determine how many of the offenders meeting this criterion also meet the stipulation of being the primary caregiver of a child. Therefore, the department is unable to determine a fiscal/operational impact and will present an **unknown fiscal/operational impact** on DOC by changes in this section.

The DOC states the unknown fiscal impact is due to not knowing who the courts might not send to the DOC due to this legislation. The unknown operational impact is not knowing the nature or the “community corrections program” the DOC would have to administer.

In response to similar legislation from 2021 (HB 531), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

§485.060 – Compensation of court reporters

In response to similar legislation from 2021 (Perfected HCS HB 1242), officials from the **Office of the State Courts Administrator (OSCA)** assumed the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, with an annual increase of \$20,685 per court reporter, the fiscal impact is an unknown cost of up to \$3,040,720 annually.

**Oversight** notes that the \$20,685 from OSCA’s response is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$60,072 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service below starting January 1, 2022:

06-10 years of service -	\$63,226
11-15 years of service -	\$68,442
16-20 years of service -	\$74,260
21+ years of service -	\$80,757

**Oversight** notes officials from OSCA provided a listing of the current court reporters, but would not provide a start date (to calculate years of service) for each. Therefore, Oversight will have to make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 25 years of service. Oversight will assume “Beginning on January 1, 2022” means that court reporters will be eligible for pay raises as they attain the requisite years of service (therefore, in addition to the raises awarded on January 1, 2022, raises could be earned each year thereafter as long as the court reporter hit the new thresholds). Oversight will also make the assumption that all raises will be given as of January 1<sup>st</sup>, regardless of when in the year the court reporter hit the new step year thresholds (6, 11, 16, and/or 21 years). Therefore, Oversight will reflect 6 months of impact in FY 2022 (January 1 - June 30). In FY 2023, Oversight will reflect the other six months of the January 1, 2022 raises, and six months of the January 1, 2023 raises.

**Oversight** will also assume fringe benefits of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers’ compensation.

**Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which we do not have) for the court reporters.**

In response to similar legislation from 2021 (Perfected HCS HB 1242), officials from the **Office of Administration - Administrative Hearing Commission** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Bill as a Whole

Officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Office of Administration**, the **Kansas City Health Department**, the **Newton County Health Department**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies, circuit clerks, counties, sheriffs, police, and fire protection districts were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DSS p. 3-7</u> (§§210.143-210.1286)			
Personal service	(\$857,962)	(\$866,541)	(\$875,206)
Fringe benefits	(\$551,069)	(\$553,910)	(\$556,780)
Equipment and expense	(\$163,056)	(\$168,778)	(\$172,997)
<u>Total Costs – DSS</u>	<u>(\$1,572,087)</u>	<u>(\$1,589,229)</u>	<u>(\$1,604,983)</u>
FTE Change – DSS	19 FTE	19 FTE	19 FTE
<u>Costs – AGO p. 4-5</u> (§210.1271)	Could exceed...	Could exceed...	Could exceed...
Personal service	(\$60,770)	(\$61,378)	(\$61,991)
Fringe benefits	(\$32,450)	(\$32,655)	(\$32,862)
<u>Total Costs – AGO</u>	<u>(\$93,221)</u>	<u>(\$94,033)</u>	<u>(\$94,853)</u>
FTE Change – AGO	Could exceed 1 FTE	Could exceed 1 FTE	Could exceed 1 FTE
<u>Costs – OSCA – to implement Raise the Age</u> (§211.012 thru §211.435), <211.438>, <211.439> p. 9-10	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)
FTE Change–OSCA p. 9	34 FTE	34 FTE	34 FTE
<u>Costs – DSS – raise the age implementation p. 9</u> (§211.012 thru §211.435)	(\$3,043,596)	(3,043,596)	(\$3,043,596)
<u>Less –</u> (§211.012 thru §211.435) Each			

<p>circuit shall establish a Juvenile Justice Preservation Fund (assumed to be used to pay local OSCA &amp; DSS costs – therefore Oversight is reflecting here as an offset p. 10</p>	\$2,871,060	\$1,200,000	\$1,200,000
<p><u>FISCAL IMPACT – State Government</u> (continued)</p>	FY 2022	FY 2023	FY 2024
<p><b>GENERAL REVENUE FUND</b> (continued)</p>			
<p><u>Loss - STO</u> (§217.195) Reduction in interest revenue (now retained by the new Inmate Canteen Fund) p. 10-11</p>	(\$25,471)	(\$30,565)	(\$30,565)
<p><u>Costs – DOC</u> (§217.195) Reentry services p. 10-11</p>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<p><u>Savings – DOC</u> (§217.777) Potential of community-based supervision p. 12</p>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<p><u>Costs -</u> (§221.065.3) General Assembly shall assist sheriffs for healthcare products expense p. 12</p>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<p><u>Costs – OSCA</u> (§485.060) salary adjustments for court</p>			

reporters as of January 1 <sup>st</sup> p. 13			
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$483,532)	(\$517,443)
<u>Total Costs – OSCA</u>	<u>(\$924,512)</u>	<u>(\$1,916,219)</u>	<u>(\$2,050,608)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>Could exceed (\$16,825,764)</u></b>	<b><u>Could exceed (\$19,511,579)</u></b>	<b><u>Could exceed (\$19,662,542)</u></b>
Estimated Net FTE Change on the General Revenue Fund	Could exceed 54 FTE	Could exceed 54 FTE	Could exceed 54 FTE
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022	FY 2023	FY 2024
<b>INMATE CANTEEN FUND</b>			
<u>Income - STO (\$217.195) Interest Earned to fund instead of General Revenue Fund p. 10-11</u>	\$25,471	\$30,565	\$30,565
<u>Transfer-In to New - DOC (\$217.195) Transfer-in from Canteen Fund post- August 28, 2021 p. 10-11</u>	\$5,800,000	\$0	\$0
<u>Transfer-Out from Old - DOC (\$217.195) Transfer- out from Canteen</u>	<u>(\$5,800,000)</u>	<u>\$0</u>	<u>\$0</u>

Fund pre-August 28, 2021			
<b>ESTIMATED NET EFFECT ON THE INMATE CANTEEN FUND</b>	<b><u>\$25,471</u></b>	<b><u>\$30,565</u></b>	<b><u>\$30,565</u></b>
<b>JUVENILE JUSTICE PRESERVATION FUND (0739)</b>			
Transfer to county circuits	(\$2,871,060)	\$0	\$0
<u>Loss</u> – all future amounts are to be retained by the county circuits p. 10	\$0	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
<b>ESTIMATED NET EFFECT ON JUVENILE JUSTICE PRESERVATION FUND (0739)</b>	<b><u>(\$2,871,060)</u></b>	<b><u>(\$1,200,000)</u></b>	<b><u>(\$1,200,000)</u></b>
<u>FISCAL IMPACT – State Government</u> (continued)	FY 2022	FY 2023	FY 2024
<b>FEDERAL FUNDS</b>			
Federal Reimbursement	\$2,250,557	\$2,250,557	\$2,250,557
<u>Costs</u> – DSS – raise the age implementation p. 9	<u>(\$2,250,557)</u>	<u>(\$2,250,557)</u>	<u>(\$2,250,557)</u>

<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT – Local Government</u>			
<b>LOCAL GOVERNMENT - COUNTY OR CITY JAILS</b>			
<u>Costs - (\$221.065) Healthcare products expense p. 12</u>			

<u>Costs - (\$221.065) Healthcare products expense p. 12</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - COUNTY OR CITY JAILS</b>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
<b>LOCAL GOVERNMENT - COUNTY OR CITY JAILS</b>			
<u>Costs - (\$221.065) Healthcare products expense p. 12</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - COUNTY OR CITY JAILS</b>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

<b>LOCAL GOVERNMENTS –County Health Departments</b>			
Costs – County Health Departments (§210.1265) Facility inspections p. 4	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - COUNTY HEALTH DEPARTMENTS</b>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>COUNTIES</b>			
Costs – to implement Raise the Age p. 9-10	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO COUNTIES</b>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT – Small Business

**Department of Social Services** officials state this proposal requires previously unregulated license-exempt residential care facilities to register with DSS, conduct criminal background checks, and comply with certain health and safety inspections. DSS is unsure of how many of these entities exist; how many already comply with these health and safety regulations or already conduct the prescribed background screening requirements. These new requirements may impact small business residential children’s homes (§§210.143, 210.1250, 210.1253, 210.1256, 210.1259, 210.1262, 210.1263, 210.1264, 210.1265, 210.1268, 210.1271, 210.1274, 210.1277, 210.1280, 210.1283, and 210.1286).

FISCAL DESCRIPTION

PROTECTION OF CHILDREN (Sections 210.143 to 210.1286)

This bill adds a process by which an "exempt-from-licensure residential care facility", as defined in the bill, is required to notify the Department of Social Services (DSS) of their existence and

compliance with provisions that protect the safety of the children in residence. These include: fire and safety inspections, local health department inspections, background checks, medical records for all residents, and information about schools serving the children. The bill provides courts the power to expand on orders to produce children in a facility if there is suspicion of abuse or neglect.

This bill creates a process for DSS to provide background checks for licensed residential care facilities or child placing agencies and for residential care facilities subject to the notification requirements of 210.1250 to 210.1286 RSMo. Fingerprints are valid for 5 years and DSS will provide results to the applicant and to the facility or agency. The bill outlines what will make an applicant ineligible and provides applicants the right to appeal.

When there are allegations of abuse or neglect in the residential facility, the bill outlines how the Department can petition a court for an order for a home to present a child that is the subject of a child abuse investigation. The bill specifies that any case in which a referral is made to a juvenile officer for removal of a child, a referral may also be made to the Attorney General.

The bill further details that failure to comply with these provisions may result in fines, misdemeanor charges for failure to conduct background checks, and potential removal of children.

The bill specifies that the Department may promulgate necessary rules that include a fee to cover the cost of the notification process. However, it is not permitted to regulate any religious program, curriculum, or ministry.

These sections include an emergency clause for immediate implementation to protect children.

#### JUVENILE COURT PROCEEDINGS (Sections 211.012, 211.181, and 211.435)

This bill specifies that, for the purposes of Chapter 211, RSMo, Section 221.044, and original jurisdiction of the juvenile court, if a person was considered an adult when he or she allegedly violated a state law or municipal ordinance, he or she will no longer be considered a child. Additionally, under current law, no court will require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

Lastly, the bill specifies that new treatment services expanding services from 17 years of age to 18 will be administered by the Division of Youth Services and the Children's Division within the Department of Social Services.

These sections of the bill contain an emergency clause.

#### OPERATION OF CANTEENS AND COMMISSARIES BY DOC (Section 217.195)

Under current law, the chief administrative officer of a correctional center may operate a canteen or commissary for the use and benefit of the offenders with the approval of the Division Director. Each correctional center keeps revenues received from the canteen or commissary to purchase the goods sold and other operating expenses.

Under this act, the Director of the Department of Corrections must approve the creation and operation of any canteen or commissary. This act also creates the "Inmate Canteen Fund" in the state treasury which shall consist of funds received from the inmate canteens. Any proceeds generated from this fund shall be expended solely for the purpose of improving inmate recreational, religious, educational, and reentry services.

This act repeals the current "Inmate Canteen Fund", which receives the remaining funds from sales of the canteen or commissary.

#### HYGIENIC PRODUCTS TO OFFENDERS (Sections 217.199 and 221.065)

This bill specifies that the Director of the Department of Corrections must ensure that tampons and sanitary napkins are available for free to offenders while they are confined in any of the Department's correctional centers. The Director must ensure that the products conform with applicable industry standards. Additionally, every sheriff and jailer who holds a person in custody pursuant to a writ or process for a criminal offense must ensure that tampons and sanitary napkins are available for free to such person in custody, in a quantity that is appropriate for the health care needs of the person. The sheriff or jailer must ensure that the products conform with applicable industry standards. The General Assembly may appropriate funds to assist the Director or sheriffs and jailers in fulfilling their duties.

These sections of the bill contain an emergency clause.

#### COMPENSATION OF COURT REPORTERS (Section 485.060)

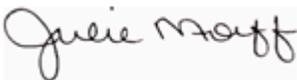
This act provides that the annual salary of each court reporter for a circuit judge shall be adjusted by a percentage based on each court reporter's cumulative years of service with the circuit courts.

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

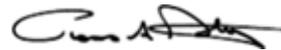
#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Public Safety

Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the Secretary of State  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
Clinton County  
Ellisville Police Department  
Crestwood Police Department  
Ellington Police Department  
Kansas City Police Department  
Kimberling City Police Department  
St. John Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Boone County Sheriff's Department  
Lewis County Sheriff's Department  
Clay County Sheriff's Department  
Cape Girardeau County Sheriff's Department  
Columbia/Boone County Public Health & Human Services  
Florissant Valley Fire Protection District  
Fruitland Area Fire Protection District  
Kansas City Health Department  
Newton County Health Department



Julie Morff  
Director  
May 7, 2021



Ross Strobe  
Assistant Director  
May 7, 2021