

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2054S.02I  
Bill No.: SB 616  
Subject: Mental Health; Department of Mental Health; Psychologists; Criminal Procedure  
Type: Original  
Date: April 14, 2023

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Bill Summary: This proposal modifies provisions relating to the discharge of certain committed persons.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
General Revenue	(\$162,275)	(\$194,730)	(\$194,730)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$162,275)</b>	<b>(\$194,730)</b>	<b>(\$194,730)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</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>

\*Income and costs are estimated at \$619,000 annually and net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$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 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §552.020 – Behavioral health services for certain persons

Officials from the **Department of Mental Health (DMH)** state that, in this proposal, once charges are dismissed, the accused shall remain in the custody of DMH until such time as the department determines that the accused is appropriate for placement in the community. This bill removes the requirement for an automatic guardian for non-dangerous felonies. It requires Permanently Incompetent to Proceed (PIST) individuals to remain in DMH custody until determined if the individual is not likely to be dangerous to others while living in the community.

DMH assumes the proposed language will apply from enactment forward and does not require monitoring for individuals who are already living in the community under guardian supervision. DMH will provide monitoring of newly released PIST individuals through contracted providers. DMH will develop a discharge plan and monitoring will be provided by Community Mental Health Centers (CMHC) and Certified Community Behavioral Health Organizations (CCBHO) to allow for less General Revenue cost due to Federal Match. The cost for monitoring through the providers for FY24 and beyond is \$813,750 (\$194,730 GR; \$619,020 Federal match).

**Oversight** does not have any information contrary to that provided by DMH. Oversight notes this proposal does not contain an emergency clause. Therefore, Oversight will reflect expenditures as \$678,125 (\$162,275 GR; \$515,850 Federal) in FY 2024 and \$813,750 (\$194,730 GR; \$619,020 Federal) in FY 2025 and beyond.

Officials from the **Office of State Courts Administrator (OSCA)** 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** 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.

Officials from the **Missouri Office of Prosecution Services**, the **Office of the State Public Defender**, the **Kansas City Police Department**, the **Phelps County Sheriff's Office**, the **St. Joseph Police Department** and the **St. Louis County Police Department** 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 received from state agencies and political subdivisions; however, other circuit clerks, sheriffs and police departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DMH (\$552.020) Provider-Case Monitor funding p. 3	(\$162,275)	(\$194,730)	(\$194,730)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$162,275)</u></b>	<b><u>(\$194,730)</u></b>	<b><u>(\$194,730)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income</u> - DMH (\$552.020) Provider-Case Monitor funding p. 3	\$515,850	\$619,020	\$619,020
<u>Costs</u> - DMH (\$552.020) Provider-Case Monitor funding p. 3	(\$515,850)	(\$619,020)	(\$619,020)
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

## FISCAL DESCRIPTION

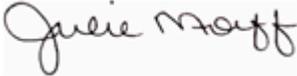
Those who have been accused of committing a dangerous felony shall be either declared incapacitated or involuntarily detained and be approved for admission to an appropriate facility. They shall remain in the custody of the Department of Mental Health until the Department determines that they are appropriate for placement in the community and are not likely to be dangerous to others while living in the community. The Department shall allow the accused's guardian to be involved in the discharge planning, as described in the act. The Department shall arrange for follow-up monitoring for persons discharged to the community at least monthly, unless it is determined after 36 months that the frequency should be reduced, but not less than once per year. Discharge plans for persons under this provision shall include the facilities, programs, or services in the geographic areas where the persons are placed, as well as the location of their housing and degree of recommended supervision. Finally, at least 30 days prior to discharge to the community, the Department shall notify the prosecutor, who shall, if requested, provide notice to the accused's victim.

Those who have been accused of committing a non-dangerous felony shall not be required to be declared incapacitated or involuntarily detained and approved for admission to an appropriate facility prior to the dismissal of charges, but shall remain in the custody of the Department as permanently incompetent until such time as the Department determines that the accused is appropriate for placement in the community and is not a danger to others in the community. The accused, and guardian if one is appointed, shall be allowed to be involved in the discharge planning, as described in the act. The Department shall arrange for follow-up monitoring for persons discharged to the community at least monthly, unless it is determined after 36 months that the frequency should be reduced, but not less than once per year. Discharge plans for persons under this provision shall include the facilities, programs, or services in the geographic areas where the persons are placed, as well as the location of their housing and degree of recommended supervision. Finally, at least 30 days prior to discharge to the community, the Department shall notify the prosecutor, who shall, if requested, provide notice to the accused's victim (§552.020).

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

SOURCES OF INFORMATION

Department of Mental Health  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Kansas City Police Department  
Phelps County Sheriff's Office  
St. Joseph Police Department  
St. Louis County Police Department



Julie Morff  
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April 14, 2023



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