

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5353S.01I  
 Bill No.: SB 1370  
 Subject: Courts; Criminal Procedure; Crimes and Punishment; Mental Health  
 Type: Original  
 Date: February 23, 2024

Bill Summary: This proposal modifies a provision relating to the establishment of treatment courts by providing for a mental health treatment court.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |  |  |  |
|--|--|--|--|
| FUND AFFECTED  | FY 2025                                    | FY 2026                                    | FY 2027                                    |
| General Revenue                                      | \$0 or (could exceed<br>\$600,000)         | \$0 or (could exceed<br>\$600,000)         | \$0 or (could exceed<br>\$600,000)         |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$0 or (could exceed<br/>\$600,000)</b> | <b>\$0 or (could exceed<br/>\$600,000)</b> | <b>\$0 or (could exceed<br/>\$600,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2025    | FY 2026    | FY 2027    |
| Treatment Court Resources Fund*                               | \$0        | \$0        | \$0        |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: () indicate costs or losses.

\*Transfer-ins less expenditures will net to zero.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2025</b> | <b>FY 2026</b> | <b>FY 2027</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 2025</b> | <b>FY 2026</b> | <b>FY 2027</b> |
|  |                |                |                |
|  |                |                |                |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

#### §478.001 – Mental Health Courts

Officials from the **Office of the State Courts Administrator (OSCA)** state the potential budgetary impact could initially be \$600,000 and continue to increase due to the growth in mental health courts. There may be additional impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Mental Health**, the **Missouri Office of Prosecution Services** and the **Office of the State Public Defender** 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.

In response to similar legislation from this year, HB 2064, officials from the **Attorney General's Office** 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.

**Oversight** assumes this proposal establishes mental health courts within the treatment court division and specifies that a mental health court may be established by any circuit court.

Currently all 46 circuits provide treatment court services with an estimated 6,341 participants for CY 2022. The Treatment Court Division has 143 programs representing services for adult drugs, DWI, veterans, families and juveniles. Oversight assumes this proposal will add mental health to the services as an alternative to incarceration/probation.

Based upon FY 2023 expenditures for treatment courts using the Treatment Court Resources Fund, cost per participant is \$1,521 (\$9,642,143/6,341). There are many other factors that affect the operating costs associated with establishing and maintaining treatment courts which vary from county to county throughout the state.

OSCA's budget book presented the following information:

|                            | CY 2022 participants | CY 2022 Programs |
|----------------------------|----------------------|------------------|
| Adult Drug Treatment Court | 4,470                | 82               |
| DWI Treatment Court        | 985                  | 25               |
| Veterans Treatment Court   | 362                  | 16               |
| Family Treatment Court     | 498                  | 16               |
| Juvenile Treatment Court   | 26                   | 4                |

**Oversight** is unaware of the number of mental health treatment courts that could be established, when those services would be needed and/or where those services would be located. Oversight assumes when the mental health treatment court services are needed within a certain circuit, OSCA would request the proper appropriation authority for those expenditures through the budget appropriation process. Therefore Oversight will reflect a \$0 or the estimated amount from OSCA that could continue to increase because of the potential growth in mental health courts. Oversight will reflect this as a transfer out of the General Revenue Fund and transferred into the Treatment Court Resources Fund for this proposal.

| <u>FISCAL IMPACT – State Government</u>                               | FY 2025<br>(10 Mo.)                           | FY 2026                                       | FY 2027                                       |
|---|---|---|---|
| <b>GENERAL REVENUE</b>  |   |   |   |
| Transfer Out - §478.001 – to establish mental health treatment courts | <u>\$0 or (could exceed \$600,000)</u>        | <u>\$0 or (could exceed \$600,000)</u>        | <u>\$0 or (could exceed \$600,000)</u>        |
| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>                        | <b><u>\$0 or (could exceed \$600,000)</u></b> | <b><u>\$0 or (could exceed \$600,000)</u></b> | <b><u>\$0 or (could exceed \$600,000)</u></b> |
| <b>TREATMENT COURT RESOURCES FUND</b>                                 |   |   |   |
| Transfer In – funds from GR §478.001                                  | <u>\$0 or could exceed \$600,000</u>          | <u>\$0 or could exceed \$600,000</u>          | <u>\$0 or could exceed \$600,000</u>          |
| Cost – program expenditures §478.001                                  | <u>\$0 or (could exceed \$600,000)</u>        | <u>\$0 or (could exceed \$600,000)</u>        | <u>\$0 or (could exceed \$600,000)</u>        |
| <b>ESTIMATED NET EFFECT ON TREATMENT COURT RESOURCES FUND</b>         | <b><u>\$0</u></b>                             | <b><u>\$0</u></b>                             | <b><u>\$0</u></b>                             |

| <u>FISCAL IMPACT – Local Government</u> | FY 2025<br>(10 Mo.) | FY 2026           | FY 2027           |
|---|---------------------|-------------------|-------------------|
|   |                     |                   |                   |
|   | <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.

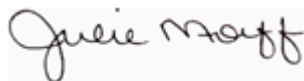
FISCAL DESCRIPTION

Currently, the treatment court divisions of the circuit courts may include an adult treatment court, DWI court, family treatment court, juvenile treatment court, and veteran treatment court, which are specialized courts focused on addressing substance abuse disorders, mental health disorders, and co-occurring disorders of certain criminal defendants. This act provides for the establishment of a mental health court within a treatment court division to provide an alternative for the disposal of cases that stem from mental health or co-occurring disorders of criminal defendants.

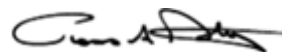
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Attorney General's Office  
Department of Mental Health  
Missouri Office of Prosecution Services  
Office of the State Public Defender



Julie Morff  
Director  
February 23, 2024



Ross Strobe  
Assistant Director  
February 23, 2024