

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0780S.01I
 Bill No.: SB 218
 Subject: Courts; Criminal Procedure; Crimes and Punishment; Mental Health
 Type: Original
 Date: February 11, 2025

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 or (Could exceed \$600,000) to Unknown	\$0 or (Could exceed \$600,000) to Unknown	\$0 or (Could exceed \$600,000) to Unknown
Total Estimated Net Effect on General Revenue	\$0 or (Could exceed \$600,000) to Unknown	\$0 or (Could exceed \$600,000) to Unknown	\$0 or (Could exceed \$600,000) to Unknown

*Cost for mental health treatment courts transferred to Treatment Court Resources Fund and unknown savings for the DOC assumed to be greater than \$250,000 per year. Without additional information, Oversight cannot estimate the net effect.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Treatment Court Resources Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

*Transfer-ins less expenditures will net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0	\$0	\$0

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.

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 6,092 participants for CY 2023. The Treatment Court Division has 147 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 (0733), cost per participant is \$1,521 (\$9,642,143/6,092). 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 2023 participants	CY 2023 Programs
Adult Drug Treatment Court	4,245	82
DWI Treatment Court	1,016	27
Veterans Treatment Court	369	17
Family Treatment Court	429	17
Juvenile Treatment Court	33	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 (Could exceed \$600,000) in costs because of the potential growth in mental health courts. Oversight will reflect this as a transfer out of the General Revenue Fund and transfer into the Treatment Court Resources Fund.

Officials from the **Department of Corrections (DOC)** state §478.001 adds that a mental health treatment court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder. The

department uses a classification system (1-5) that correlates an offender's mental health impairment with the necessary services and/or interventions for treatment of the disorder. It is unknown how many of the offenders with applicable mental health concerns that would typically be sentenced to the Department of Corrections would instead be diverted by the court to a mental health treatment court. Therefore, the department assumes an **unknown fiscal impact**.

Oversight notes the provisions of this section provide for the establishment of a mental health court as an alternative for the disposal of cases that typically are sentenced to the DOC. In response to similar legislation from the current session (SB 143), DOC stated the department is unable to project a savings amount and assumes an unknown fiscal impact. Oversight notes if only 24 people are diverted away from DOC as a result of the mental health treatment courts, the savings would exceed \$250,000 annually ($\$10,485 \text{ annual incarceration costs} * 24 = \$251,640$). Therefore, for fiscal note purposes, Oversight will present a \$0 to unknown savings to the General Revenue Fund.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

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.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE FUND			
<u>Savings</u> – DOC (§478.001) – reduction in costs resulting from diversions to mental health treatment courts p.4	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Transfer Out</u> – (§478.001) – to establish mental health treatment courts p.3	\$0 or (could exceed <u>\$600,000</u>)	\$0 or (could exceed <u>\$600,000</u>)	\$0 or (could exceed <u>\$600,000</u>)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	\$0 or (Could exceed <u>\$600,000</u>) to <u>Unknown</u>	\$0 or (Could exceed <u>\$600,000</u>) to <u>Unknown</u>	\$0 or (Could exceed <u>\$600,000</u>) to <u>Unknown</u>
TREATMENT COURT RESOURCES FUND			
<u>Transfer In</u> – funds from GR (§478.001) p.3	\$0 or could exceed <u>\$600,000</u>	\$0 or could exceed <u>\$600,000</u>	\$0 or could exceed <u>\$600,000</u>
<u>Cost</u> – program expenditures (§478.001) p.3	\$0 or (could exceed <u>\$600,000</u>)	\$0 or (could exceed <u>\$600,000</u>)	\$0 or (could exceed <u>\$600,000</u>)
ESTIMATED NET EFFECT ON TREATMENT COURT RESOURCES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

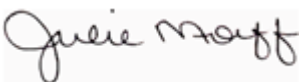
FISCAL DESCRIPTION

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 treatment court to provide an alternative for the disposal of cases that stem from mental health or co-occurring disorders of criminal defendants. (§478.001)

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 Mental Health
Department of Corrections
Office of the State Public Defender
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
February 11, 2025



Jessica Harris
Assistant Director
February 11, 2025