

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3145-19
BILL NO.: Truly Agreed To and Finally Passed HS for HCS for SS #2 for SCS for SBs 757 & 602
SUBJECT: Revises Various Child Protection Laws
TYPE: Original
DATE: May 23, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$344,462)	Exceeds (\$388,222)	Exceeds (\$389,216)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$344,462)	Exceeds (\$388,222)	Exceeds (\$389,216)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	??	??	??

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(Unknown Exceeding \$200,000)	(Unknown Exceeding \$200,000)	(Unknown Exceeding \$200,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 12 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Department of Health, and Department of Public Safety - Missouri Highway Patrol** have assumed for similar proposals from this session that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Courts Administrator (OSCA)** stated there may be some increase in the number of cases filed, but the OSCA would not anticipate a significant impact on the workload of the judiciary.

Officials from the **Office of State Public Defender (SPD)** have responded to similar proposals from this session and stated that in FY 99, the SPD provided representation in 507 cases of endangering the welfare of a child for indigent clients. If just 20 % of these cases could be filed as child assault cases, then approximately 100 cases would move from a D felony to an A or B felony. As the severity of a case escalates, the amount of attorney time required to provide representation also escalates. The SPD assumes they will need one-half of an FTE for an Assistant Public Defender (\$33,360) and one-quarter of an FTE for a Paralegal (\$23,112). The new FTE would require the necessary expense and equipment items as well.

Officials from the **Department of Social Services - Division of Legal Services (DLS)** assume this proposal requires the local child fatality review panel to review all deaths of children that meet guidelines set by the Department of Social Services. Local child fatality review panels currently have guidelines as to which deaths to review and are trained to use the guidelines. Additionally, the panel has discretion to review any child death reported to it by the medical examiner or coroner. Some local child fatality review panels currently review all deaths in their county.

The DLS stated the proposal differentiates, in child fatality cases, whether a medical examiner/coroner or the child's personal physician shall notify the Division of Family Services within 24 hours. The DFS is currently taking information on child fatalities. The proposal modifies the time frame as to when the Division of Family Services is contacted. The proposal also add reports of child pornography to be investigated, along with other reports alleging criminal violations on a child. The Division of Family Services already investigates reports of child pornography.

ASSUMPTION (continued)

The proposal modifies expungement criteria and time frame in reports where Division of Family

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Services finds insufficient evidence. The Division of Family Services is to maintain reports concluded with insufficient evidence for 10 years from the date of the report or date of last report if there were subsequent reports. The electronic storage of data will be addressed by the Department of Social Services - Division of Data Processing.

The proposal includes child physical abuse, neglect, exploitation and fatalities along with child sexual abuse, within the purview of the State Technical Assistance Team (STAT). The proposal requires the STAT investigators to have proper training for peace officers. STAT investigators currently meet this training requirement and receive continuing education.

The DLS stated there is no programmatic or fiscal impact to the DLS contained in the proposal. Current resources will continued to be utilized to meet the statutory requirements.

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated there is no programmatic or fiscal impact to the DFS contained in this portion of the proposal. Current resources will continue to be utilized to meet the statutory requirements.

Officials from the **Department of Social Services - Division of Data Processing (DDP)** the DDP stated the child abuse system currently uses 2,300 cylinders for record retention. The DDP estimates the provisions of this legislation would require an additional 9,200 cylinders of disk storage (8 gigabytes) for 10 year retention. Costs were estimated at \$3,445, \$4,258, and \$4,386 for FY 01, FY 02, and FY 03, respectively for the additional computer storage space. The costs were charged to the General Revenue Fund.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this proposal will not fiscally affect their agency. The DESE went on to state that local multi-disciplinary teams conducting investigations are now to include a liaison of the local public school district. It is assumed that most school districts will be able to accommodate this provision with existing staff.

Officials from the **Department of Corrections (DOC)** have responded to similar proposals from this session that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in this proposal. An increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (at least \$35.00 per inmate, per day) or through supervision provided by the Board of Probation and Parole (at least \$3.00 per offender, per day).

ASSUMPTION (continued)

Due to the wide variance of newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown.

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The DOC anticipates that new beds might have to be constructed to accommodate the number of offenders receiving longer sentences due to this proposal. At this time, the DOC is unable to determine the number of people that would be convicted under the provisions of this proposal to estimate the fiscal impact for additional capital improvements.

Estimated construction cost for one new maximum security inmate bed is \$48,800.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

Oversight notes the proposal requires the local Child Fatality Review Panels to investigate all deaths, which meet the DOSS guidelines for review, of children under the age of 18. The Department of Health - Bureau of Vital Statistics reports that during 1998, there were 1,035 deaths of persons under the age of 18 in the state. The breakdown of deaths of persons under the age of 18 is as follows:

0 to 1 years old	- 573 deaths
1 to 4 years old	- 112
5 to 9 years old	- 77
10 to 14 years old	- 101
15 to 17 years old	- <u>172</u>
Total deaths	<u>1,035</u>

Oversight cannot predict the number of deaths of persons under the age of 18 the local child fatality review teams will choose to investigate. However, it would be reasonable to assume some deaths of children will now be reviewed that would not have been reviewed prior to enactment of this proposal. The requirements of this proposal should not cause the local officials involved in the child fatality review boards to hire additional personnel, however, miscellaneous costs could increase. These local government costs are unknown, but not expected to exceed \$100,000 annually in the aggregate.

ASSUMPTION (continued)

Jackson County Child Abuse and Neglect Response Team

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated there is no programmatic or fiscal impact to the DFS contained in this portion of the proposal. Current resources will continue to be utilized to meet the statutory requirements.

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Oversight assumes significant costs will be incurred at the local level to conduct hotline evaluations, investigations, and assessment within Jackson County; report to the director of the division of family services; conduct reviews of the community standards, procedures and protocols established by the response team; and produce an annual report. These unknown costs will likely exceed \$100,000.

Jefferson County Child Assessment Center

Officials from the **Department of Social Services - Division of Family Services - Children's Services Section** stated this portion of the proposal would have a fiscal impact to the Department in that an additional \$250,000 would be required to bring the proposed Child Assessment Center (CAC) to the level of the CAC's currently receiving funding through the Department. The costs would be charged to the General Revenue Fund.

Posting Criminal Offenders on the Internet

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume, based on information from MHP's Criminal Records and Identification Division, approximately 6,500 registered offenders will need to be posted. Each registrant will require about 20 minutes for posting onto the system. Each associated fingerprint card will need to be prepared, entered, and scanned/refiled. Two AFIS Entry Operators would be required to formally enter the 6,500 sex offender registrants onto the Internet as well as process and enter incoming sex offenders on the Internet daily. This task would require six months or more to complete without interruption. These positions would require the standard office equipment.

MHP's Information Systems Division would require two full-time CITS I (Computer Information Technology Specialist) positions to design, develop, acquire training, maintain the application and hardware, ensure security and monitor the network infrastructure for the web-site. These two positions would require the standard office equipment. The CITS I's would be required to design, develop, acquire training, maintain the application and hardware, ensure security and monitor the network infrastructure.

ASSUMPTION (continued)

Additionally, consulting services would be needed to mentor, facilitate, and educate the required full-time CITS I's on the initial design and development of the application to post the registry to the web site. The system would be a Lotus Notes implementation with cost estimates utilizing state contract prices. MHP's Information System Division would also require hardware and software capable of hosting the new application and accommodating the anticipated increase in server access traffic.

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Oversight assumes MHP currently maintains an Internet site and would not require the 2.0 FTE CITS I positions to design, develop, acquire training, maintain the application and hardware, ensure security and monitor the network infrastructure for the web-site; nor would MHP require consulting services, hardware and software for the initial design and development of the application. Oversight assumes MHP will not post information regarding fingerprints on the Internet as it is not required by the proposed legislation. In addition, Oversight assumes much of the information required to be posted on the Internet is currently available on existing systems and would not require significant resources to convert to a format compatible with the web-site. Oversight assumes any additional costs could be absorbed with existing resources.

Emancipation of Minors in Certain Circumstances

Officials from the **Department of Social Services - Division of Youth Services** assume this proposal will not fiscally affect their agency.

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated they do not expect any fiscal impact as a result of enactment of this proposal. As of January 2000, the Division had 208 youth in Independent Living Arrangement (ILA). Currently, youth age 18 and over who are in the care and custody of the Division have the option to petition for emancipation. It is the Division's experience that only a negligible number of those youth take advantage of this option. Therefore, it is expected that only a very small portion of the 16 to 17 year old youths will take advantage of this option, which should not impact the Division greatly.

Officials from the **Office of State Courts Administrator (OSCA)** stated that while they anticipate a fiscal impact on the courts, depending on how often the process is used, there is no way at this time to quantify that impact. Any significant workload increase will be reflected in future budget requests.

Oversight obtained a population estimate of 16 and 17 year old persons from the US Census Bureau for 1998. The population estimates were 84,201 and 82,724 for persons aged 16 and 17 years, respectively. If only 1% of these persons asks the court for emancipation, the court would have an additional 1,669 cases. The OSCA reported that they heard 279,145 civil cases in the state in Fiscal Year 1999. If this proposal is enacted, it may result in an increase in court system

ASSUMPTION (continued)

case load of 0.6 %, depending on how many minors between the age of 16 and 18 would want to be emancipated. If only 1% of the state's population of 16 and 17 year old persons would want to be emancipated through the court system, it appears the court system could absorb the costs of the additional cases. Therefore, Oversight will not reflect a cost to the court system resulting from enactment of this proposal.

Genital Mutilation

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Officials from the **Office of the Attorney General (AGO), Office of State Courts Administrator (CTS), Department of Health (DOH), Department of Social Services (DOS), Department of Public Safety (DPS), Office of Prosecution Services (OPS), and State Public Defender (SPD)** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Corrections (DOC)** assume this portion of the proposed legislation would have minimal fiscal impact that could be absorbed by the agency.

Oversight assumes this portion of the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be less than \$100,000 annually.

Jail Personnel Added to List of Mandatory Reports of Child Abuse

Officials from the **Department of Social Services** stated the increased number of hotline reports is expected to be minimal and will be handled by existing Children's Services staff.

Officials from the **Department of Corrections** have not responded to Oversight's request for fiscal information on this portion of the proposal nor have they provided a ten-year prison impact statement as required by Section 217.022 RSMo. However, **Oversight** assumes this portion of the proposal should not require significant additional personnel or resources.

Officials from the **St. Louis Metropolitan Police Department** and **Kansas City Police Department** did not respond to our request for fiscal impact.

Oversight assumes the local police and sheriff departments may have to provide some additional training related to this portion of the proposal; however, Oversight assumes these duties could be absorbed with existing resources.

ASSUMPTION (continued)

Leaving a Child Unattended in a Motor Vehicle

Officials from the **Office of State Courts Administrator (CTS)** assume that if the laws outlined in this portion of the proposed legislation become public, there would be substantial compliance. Therefore, CTS would not anticipate a significant impact on the workload of the courts.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those 15 to 25 cases arising where indigent persons are charged with leaving a child unattended in a motor vehicle. However, passage of more than one similar

proposal could require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Office of the Attorney General**, the **Department of Social Services**, the **Department of Public Safety -- Missouri State Highway Patrol**, **Missouri State Water Patrol**, **Missouri Capitol Police**, and the **Office of Prosecution Services** assume this portion of the proposal would have no fiscal impact on their agencies.

Expedites Termination of Parental Rights and Adoption Cases

Officials from the **Office of State Courts Administrator (OSCA)** stated that while this portion of the proposal may cause some docketing problems at certain times, the number of these cases is not so great as to cause a fiscal impact on the courts.

Officials from the **Department of Social Services - Division of Family Services (DFS)** stated that children may spend less time in foster care but would be eligible for an adoption subsidy. An adoption subsidy can include a maintenance payment, Medicaid, and other support services; therefore, a cost savings is not anticipated.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Office of State Public Defender</u>			
Personal Service (.75 FTE)	(\$19,175)	(\$23,595)	(\$24,185)
Fringe Benefits	(\$5,731)	(\$7,053)	(\$7,229)
Expense and Equipment	<u>(\$7,861)</u>	<u>(\$3,316)</u>	<u>(\$3,416)</u>
Total <u>Costs</u> - State Public Defender	(\$32,767)	(\$33,964)	(\$34,830)
<u>Costs - Department of Social Services - Division of Data Processing</u>			
Disk Storage	(\$3,445)	(\$4,258)	(\$4,386)
<u>Costs - Department of Corrections</u>			
Increased Incarceration or Probation	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
<u>Costs - Department of Social Services - Division of Family Services</u>			
Increased Assessment Center Costs	(\$208,250)	(\$250,000)	(\$250,000)
ESTIMATED EFFECT ON GENERAL REVENUE FUND	Exceeds <u>(\$344,462)</u>	Exceeds <u>(\$388,222)</u>	Exceeds <u>(\$389,216)</u>

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL GOVERNMENTS

<u>Cost - City and County Government</u> Increased Costs for Child Fatality Review Panels	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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<u>Cost - City and County Government</u> Establishment and operation of the Jackson County Child Abuse and Neglect Response Team*	(Unknown)	(Unknown)	(Unknown)
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ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS	(Unknown Exceeding \$200,000)	(Unknown Exceeding \$200,000)	(Unknown Exceeding \$200,000)
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***Estimated to exceed \$100,000 annually.**

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal makes various changes to the statutes regarding child abuse and neglect, child pornography.

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

Jefferson County Child Assessment Center

This proposal adds the Jefferson County Child Assessment Center to the list of child assessment centers eligible to receive funding from the Department of Social Services - Division of Family Services.

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

Jackson County Child Abuse and Neglect Response Team

Section 1 of the proposal would create a pilot project to be known as the “Jackson County Child Abuse and Neglect Response Team”.

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

Posting Criminal Offenders on the Internet

The proposed legislation requires the Department of Public Safety to put information regarding persons who are required to register as sex offenders on the department's Internet web site. The site will include the person's name, photograph, birth date, address, place of employment, and status as a persistent or predatory sex offender. The site will also include a description of the crime committed which requires registration and any information that the department determines is necessary to preserve public safety.

This legislation is federally mandated by the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, would not duplicate any other program, and would not require additional capital improvements or rental space.

DESCRIPTION (continued)

Emancipation of Minors in Certain Circumstances

This proposal allows for the emancipation of minors in circumstances listed in the legislation. The proposal also lists the activities an emancipated minor may legally participate.

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

Genital Mutilation

The proposed legislation makes it a class B felony to excise or infibulate, in whole or in part, the genital organs of a female less than 17 years old, or to permit these procedures to be done. Neither the belief that such conduct is required as a matter of custom, ritual, or standard practice,

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nor the consent of the child or the child's parents is an affirmative defense. Such procedures are permissible if necessary to preserve the health of the child or for medical purposes associated with labor or birth.

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

Jail Personnel Added to List of Mandatory Reports of Child Abuse

This proposal adds jail and detention center personnel to the list of mandatory child abuse reporters.

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

Leaving a Child Unattended in a Motor Vehicle

The proposed legislation would create the crime of leaving a child unattended in a motor vehicle.

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

DESCRIPTION (continued)

Expedites Termination of Parental Rights and Adoption Cases

This proposal expedites termination of parental rights and adoption cases through the state court system.

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 Prosecution Services
Department of Social Services
Office of State Courts Administrator
Department of Corrections

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Department of Public Safety - Missouri Highway Patrol
Department of Health
Department of Elementary and Secondary Education
Office of Secretary of State
Missouri River Regional Library
Daniel Boone Regional Library



Jeanne Jarrett, CPA
Director
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