

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3861-03
BILL NO. SB 980
SUBJECT: Domestic Violence
TYPE: Original
DATE: February 15, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue Fund	(Exceeds \$363,401)	(Exceeds \$496,839)	(Exceeds \$529,499)
Criminal Record System Fund	(\$24,072)	(\$344,773)	(\$353,377)
Total Estimated Net Effect on <u>All</u> State Funds	(Exceeds \$387,473)	(Exceeds \$841,612)	(Exceeds \$882,876)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)
Total Estimated Net Effect on <u>All</u> Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(\$0 to Unknown)	(\$0 to Unknown)	(\$0 to Unknown)

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 8 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General** and the **Department of Insurance** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume under the current law, there were 35,608 adult abuse petitions filed in FY 99. This proposal will increase the number of cases by an unknown factor. Almost all of these cases are filed pro se, and court clerks are required to assist parties in completing forms. This has been a very labor-intensive type case, and the proposal will increase the time required and the number of cases.

While it is not possible to estimate the increased volume of cases or the average increase in time on these cases, it is most likely that increased state costs for court clerk time will exceed \$100,000 per year. This is based on an 1800 hour/FTE year, and an average salary for the clerks handling these cases being \$21,000/year or higher, plus fringes.

Officials from the **Department of Corrections (DOC)** noted that the courts reported 35,608 annual petitions of adult abuse. The Public Defenders Offices reported that in 1999 they represented 6,038 assault cases. New commitments which may result from the creation of the offense(s) outlined in this proposal cannot be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day).

Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown, but estimated to be significant, or in excess of \$100,000 per year.

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** assume even if DPS is responsible for establishing the program, MHP will be tasked with administering it. Missouri law enforcement agencies will fully and voluntarily comply with the data collection and submission requirements. The guidance established by the FBI will be followed to become certified as a UCR-compliant state as follows: a) the Missouri UCR program will conform to the national UCR standards, definitions, and information b) MHP will

ASSUMPTION (continued)

establish a proven, effective, and acceptable quality assurance program c) at least 97% of the state's population will be covered in submitting law enforcement agency reports d) field staff will be necessary to conduct audits, training, and to assist contributing agencies in improving the quality of record practices and crime reporting procedures e) adequate staff will be necessary to administer the program and to maintain and improve the computer hardware and software f) MHP will provide in a timely manner those reports required by the FBI to include Missouri's input for the annual Crime In The United States report.

Prior to June 30, 2004, the program will transition from the collection of summary-based to incident-based statistics. On July 1, 2004, the state will assume full financial responsibility for maintaining the program. The computer equipment needed to initiate this program will be provided under the federal NCAP grant. The computers (450 in year 1 and 100 in year 2) would be located at various sites throughout Missouri. The computers would need to be equipped for connection to the Internet and Internet service would need to be provided at each location.

The Information Systems Division would require the following FTEs to design, develop, and maintain the application, and to ensure security:

CITS I - Network	\$40,536
CITS I - Internet Developer	\$40,536
CITS I - Application Developer(3)	\$121,608
CITS I - Technical Support	<u>\$40,536</u>
	\$243,216

In Year 2, the Information System Division would require 3 additional positions:

Year 2	
CIT II (2)	\$61,944
CITS I (Network)	<u>\$40,536</u>
	\$102,480

In Year 3, the Information System Division would require 1 additional position:

Year 3	
Help Desk CIT II	\$33,559

The positions would require the standard office equipment. The positions required in the Information Systems Division would be responsible for designing, developing, and maintaining the application, and to ensuring security.

ASSUMPTION (continued)

The Criminal Records Division would require the following FTEs:

Trainer (9)	\$270,000 (Salary based on anticipated market value of position)
AFIS Entry	<u>\$17,112</u>
	\$287,112

The AFIS Entry position would require standard office equipment. The Trainer-Auditor position would require training materials and equipment.

The Trainer positions in the Criminal Records and Identification Division would be responsible for traveling to the various sites throughout Missouri and training personnel in the proper procedures for collecting and editing crime data. In addition, these positions would be responsible for reviewing crime data forwarded for statistical purposes and reviewing current collecting procedures.

The AFIS Entry Operator would retrieve the protection order documents from the courts, verify the name, Social Security number, and address with the Department of Revenue (DOR), verify vehicle information with DOR, verify that the document is completed in its entirety, enter into MULES to check for wants and warrants, image documents into the criminal history imaging system, answer telephone calls reference ex parte and protection orders, fax and notarize copies upon request.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Missouri Highway Patrol's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 38 new pages of regulations in the Code of State Regulations at a cost of \$26.50 per page, and 57 new pages in the Missouri Register at a cost of \$22.50 per page. Costs due to this proposal would be \$2,289, the actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** assume there will be a significant impact on local prosecutors based on the proposal's requirements regarding statistical information.

Officials from the **Office of Cole County Prosecuting Attorney** assume they recently implemented a new program in association with OPS which is solely for court disposition information. For this program, there is an annual maintenance fee for each county ranging from \$5,000 to \$15,000. This proposal would likely require another program or modifications to the existing program which could cost local prosecutors from \$100,000 to \$2,000,000 over the next three to four years.

Officials from the **Office of Boone County Prosecuting Attorney** assume the MHP is currently privy to the MULES system which contains detailed case information entered by the investigating agency. The incident report is a public record which contains less information than that available through the MULES system. It doesn't appear likely that the MHP will require the incident report information. However, the proposal could be interpreted to require local prosecutors to submit incident information reports to the Missouri Highway Patrol. This would mean significant costs for local prosecutors in the form of increased personnel costs, postage, copies, etc.

<u>FISCAL IMPACT - State Government</u>	FY 2001	FY 2002	FY 2003
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Costs</u> - Department of Corrections	(Exceeds	(Exceeds	(Exceeds
Increased beds	\$100,000)	\$100,000)	\$100,000)
<u>Costs</u> - Missouri Highway Patrol			
Salaries	(\$207,747)	(\$348,976)	(\$388,672)
Fringe Benefits	(13,292)	(16,350)	(16,758)
Expense and Equipment	(42,362)	(31,513)	(24,069)
Total	(\$263,401)	(\$396,839)	(\$429,499)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Exceeds <u>\$363,401</u>)	(Exceeds <u>\$496,839</u>)	(Exceeds <u>\$529,499</u>)

FISCAL IMPACT - State Government FY 2001 FY 2002 FY 2003
 (continued) (10 Mo.)

CRIMINAL RECORD SYSTEM FUND

<u>Costs - Missouri Highway Patrol</u>			
Salaries	(\$14,617)	(\$248,603)	(\$254,818)
Fringe Benefits	(5,611)	(95,439)	(97,825)
Expense and Equipment	(3,844)	(731)	(734)
Total	<u>(\$24,072)</u>	<u>(\$344,773)</u>	<u>(\$353,377)</u>

FEDERAL FUNDS

<u>Costs - Missouri Highway Patrol</u>			
Computer Expense and Equipment	<u>(\$333,100)</u>	<u>(\$1,302,460)</u>	<u>(\$982,210)</u>

FISCAL IMPACT - Local Government FY 2001 FY 2002 FY 2003
 (10 Mo.)

LOCAL PROSECUTING ATTORNEYS	(\$0 to Unknown)	(\$0 to Unknown)	(\$0 to Unknown)
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FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

This proposal revises various laws concerning domestic violence and criminal reporting requirements. The proposal requires the Department of Public Safety (DPS) to implement statewide use of the uniform crime reporting system established by the FBI. State, county and municipal law enforcement agencies shall participate in the system. DPS shall issue a uniform crime report, compiling the data.

The proposal defines "family or household member" to include persons who are engaged to each other or dating each other, now or in the past, for sections regarding adult orders of protection and for the repeat domestic offender sentencing statute. A court may temporarily enjoin a respondent from communicating with a petitioner through any medium. In any full or ex parte

DESCRIPTION (continued)

order of protection, or in any order of child protection, the court may order the respondent to pay any medical expenses inflicted by an act of domestic abuse. The proposal provides that shelter employees or volunteers are incompetent to testify concerning any communication made to them by a person seeking assistance, unless the person consents.

Current law requires law enforcement to determine whether a homicide involving an adult is related to domestic violence. This extends the requirement to pertain to any criminal case. Information submitted to the Highway Patrol central repository regarding a crime involving domestic violence shall include the defendant's social security number, and shall be designated as a domestic violence offense. All orders of protection issued pursuant to Chapter 455, RSMo, shall include the respondent's social security number. The court shall submit a copy of the order to the Highway Patrol central repository.

The proposal creates the crime of domestic assault in the first degree; the elements are the same as for assault in the first degree, except the victim is a family or household member. The penalty is Class B felony, unless serious physical injury results, in which case it is a Class A felony. Domestic assault in the second degree shall have the same elements as assault second degree, except when the crime is committed against a family or household member and includes the act of causing physical injury by choking. Domestic assault in the second degree is a Class C felony. Domestic assault in the third degree is similar to assault in the third degree, except when the crime is committed against a family or household member, and includes knowingly causing or attempting to cause isolation of family or household member by restricting access to other persons, transportation, or communication devices. Domestic assault in the third degree is a Class A misdemeanor. A third conviction for domestic assault third degree shall result in a Class D felony.

The proposal revises the crime of harassment to include a threatening or offensive communication through any medium, including electronic mail.

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

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SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Department of Insurance
Office of Prosecution Services
Office of Secretary of State
Office of Cole County Prosecuting Attorney
Office of Boone County Prosecuting Attorney



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