

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5026-01
Bill No.: HB 1220
Subject: Corrections Department; Children and Minors; Prisons and Jails
Type: Original
Date: January 26, 2012

Bill Summary: This proposal requires the Department of Corrections to establish a two-year pilot program to increase the access that children have to their incarcerated mothers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state they currently have two female prisons, one in Chillicothe (Chillicothe Correctional Center - CCC) and one in Vandalia (Womens Eastern Reception and Diagnostic Correctional Center - WERDCC). DOC currently has several parenting programs in place for incarcerated mothers that focus on providing them access to their children as well as enhancing their parenting skills, i.e., Parents as Teachers, Parents and Their Children (PATCH), 4H-LIFE, Story Link, Girl Scouts Beyond Bars, etc.

The DOC's Division of Adult Institutions (DAI) does not currently have the funding for the staff, vehicles or resources to "provide transportation for visits or any other means available to increase visitation between children and incarcerated mothers" and is unsure if additional general revenue funds exist for further appropriations that would be necessary to cover this expenditure if this bill were passed into law. It would be necessary to hire one additional caseworker, at a minimum, at each facility to manage this project and possibly clerical support as well. Fringe benefits and associated one-time and ongoing expense and equipment would also be required in addition to the ongoing personal service funds to cover the salary of the FTE.

Transportation of children and their parent/guardian via DOC creates a liability issue for the state as the majority of these are private citizens. This liability issue could be avoided by paying a public transportation provider to transport the children and their parent/guardian, however, the funding dilemma is the same. This project is to focus on children who live fifty or more miles from the facility, likely making the cost to transport them an unknown but substantial amount per each fiscal year. There is no means by which to project the number of persons impacted, the resulting transportation expenditures or potential costs for the project due to unknown program implementation via collaboration with DFS/DSS.

In summary, the fiscal impact has the potential to be substantial and is therefore an Unknown amount of cost per each fiscal year and could easily exceed \$100,000 per annum.

Officials from the **Department of Social Services (DOS)** state it is unclear what the role and responsibility of the Children's Division (CD) would be in this pilot project. However, additional staffing resources and funding will be needed to implement this project. The bill provides that the project will focus, but not be limited to children who live 50 or more miles from the facility where the mother's are incarcerated, likely making the cost to transport them an unknown but substantial amount per each fiscal year. There is no means by which to project the number of persons impacted, the resulting transportation expenditures or potential costs for the project could be substantial.

ASSUMPTION (continued)

Depending on the intent of this bill, the Division could have a fiscal impact of zero or the Division could have an unknown impact but greater than 100,000.

Officials from the **Joint Committee on Administrative Rules** state the proposal is not anticipated to cause a fiscal impact on their agency beyond their current appropriation.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

The two-year pilot project starts on January 1, 2013. Therefore, **Oversight** will assume the Department of Corrections and the Department of Social Services will incur their unknown amount of expenses in fiscal years 2013, 2014 and 2015. Oversight assumes the expenses could exceed \$100,000 in each year.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
To implement the pilot project	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Department of Social Services</u>			
To implement the pilot project	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)	(Unknown - could exceed <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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.

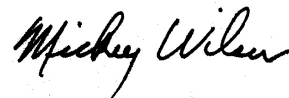
FISCAL DESCRIPTION

Beginning January 1, 2013, this bill requires the Department of Corrections, in cooperation with the Division of Family Services within the Department of Social Services, to establish a two-year pilot project to increase the access that children have to their incarcerated mothers. The project must cover the Chillicothe Correctional Center and the Women's Eastern Reception, Diagnostic and Correctional Center which house women. The department and the division must collaborate to develop and implement the project by providing transportation for visits once a month or any other means available to increase visitation between children and incarcerated mothers who still have parental rights. Transportation for the caretakers of children must also be provided and the caretakers are required to attend the visitations. The project must focus on, but cannot be limited to, children who live 50 miles or more from the facility where the mother is located. Funding for the project must come from existing appropriations or any funds specifically appropriated for the project. At the end of the two-year pilot project, the department and division directors must submit a joint report to the Governor and the General Assembly by February 1, 2016, on the efficacy of the project on both children and incarcerated mothers as well as the project cost and make recommendations on whether to expand the project and of any needed changes.

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 Corrections
Department of Social Services
Office of the Secretary of State
Joint Committee on Legislative Rules



Mickey Wilson, CPA

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