

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1312-01
Bill No.: HB 567
Subject: Probation and Parole; Liability
Type: Original
Date: March 25, 2013

Bill Summary: This proposal gives limited civil immunity to any entity which supervises community service work performed in connection with a written deferred prosecution agreement.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration (COA)** state this proposal grants limited immunity to state employees who would supervise community service performed by an individual under a written agreement with a federal, state or local prosecutor. The state currently has sovereign immunity for this exposure; however, individual employees may receive additional protection under this act. However, the exclusion for gross negligence or intentional tort would likely be viewed as an additional waiver of sovereign immunity in these instances which could potentially lead to a cost to the Legal Expense Fund. On balance, we assume the potential cost through this added waiver, as limited as this exposure may be, would exceed the potential savings created by providing additional immunities to the individual state employee.

To the best of our knowledge, there have been no claims against the state or individuals providing supervision of community service workers. We believe the current utilization of community service workers is limited in state government and the risk for loss minimal.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume the proposal would not have a fiscal impact on their respective agencies.

Officials from the Department of Transportation, Missouri Department of Conservation, Taney County, Warren County, and Worth County did not respond to our request for fiscal impact.

Oversight assumes the proposal would not have a direct fiscal impact on state or local funds.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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

The proposed legislation appears to have no direct fiscal impact.

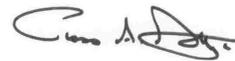
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of Administration
Attorney General's Office

Not Responding:

Department of Transportation
Missouri Department of Conservation
Taney County
Warren County
Worth County



Ross Strope
Acting Director
March 25, 2013