

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4139-01
Bill No.: HB 1741
Subject: Crimes and Punishment; Department of Mental Health
Type: Original
Date: March 3, 2014

Bill Summary: This proposal allows a sexually violent offense conviction in another state to be considered when determining whether a person is a sexually violent predator for purposes of confinement and treatment.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|-------------------------------------|-------------------------------------|-------------------------------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| General Revenue | (Could exceed \$100,000) | (Could exceed \$100,000) | (Could exceed \$100,000) |
| Total Estimated Net Effect on General Revenue Fund | (Could exceed \$100,000) | (Could exceed \$100,000) | (Could exceed \$100,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| 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 2015 | FY 2016 | FY 2017 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

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 **Department of Mental Health** state to the extent that referrals for sexually violent predator (SVP) in Missouri as a result of convictions in other states is increased, the fiscal impact will increase. The fiscal impact is unknown.

Officials from the **Department of Corrections (DOC)** state currently, they cannot predict the number of new commitments or extended incarcerations which may result from the expansion of a sexually violent predator as outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

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 direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Officials from the **Office of the State Public Defender (SPD)** state clients charged as sexually violent offenders are extremely expensive to defend. The average cost of each SVP case opened by the SPD was approximately \$20,000. If just 5 additional SVP cases were assigned to the SPD, the resulting cost would be \$100,000 per year.

Officials from the Office of Prosecution Services did not respond to our request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|--|--|--|--|
| GENERAL REVENUE FUND | | | |
| <u>Costs</u> - Department of Mental Health potential treatment of additional SVP cases because of additional referrals | (Could exceed \$100,000) | (Could exceed \$100,000) | (Could exceed \$100,000) |
| <u>Costs</u> - Department of Corrections potential additional incarceration expense for additional SVP referrals | (Unknown) | (Unknown) | (Unknown) |
| <u>Costs</u> - Office of the State Public Defender - potential for increased SVP- defense cases | (Could exceed <u>\$100,000</u>) | (Could exceed <u>\$100,000</u>) | (Could exceed <u>\$100,000</u>) |
| ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND | (Could exceed <u>\$100,000</u>) | (Could exceed <u>\$100,000</u>) | (Could exceed <u>\$100,000</u>) |

| <u>FISCAL IMPACT - Local Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|---|---------------------|------------|------------|
| | <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

This proposals specifies that a conviction in this state or any other jurisdiction for a sexually violent offense can be considered when determining if a person is a sexually violent predator for purposes of confinement and treatment.

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

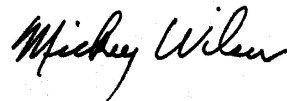
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SOURCES OF INFORMATION

Department of Corrections
Department of Mental Health
Attorney General's Office
Office of the State Courts Administrator
Office of the State Public Defender

Not Responding:

Office of Prosecution Services



Mickey Wilson, CPA
Director
March 3, 2014

Ross Strope
Assistant Director
March 3, 2014