

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0109-02
Bill No.: Perfected HB 294
Subject: Drugs and Controlled Substances; Crimes and Punishment; Liability
Type: Original
Date: April 5, 2017

Bill Summary: This proposal provides immunities for persons who seek medical assistance for a drug overdose.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	\$24,521	\$60,027	\$90,639
Total Estimated Net Effect on General Revenue	\$24,521	\$60,027	\$90,639

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state RSMo 579.074, 579.078, 311.310, 311.320, and 311.325 violations carry misdemeanor penalties and thus do not fall under the jurisdiction of the DOC. A probation/parole violation is an unclassified felony. Violation of a restraining order carries a class A misdemeanor or class E felony depending upon the nature of the violation. RSMo 579.015 (class D felony) and 579.105 (class E felony) begin January 1, 2017. RSMo 579.105 concerns nuisance properties from drug manufacturing. In 2016, only 14 persons were prosecuted for this offense; and it is not considered an impact to DOC with the passage of HB 294. The estimated impact to DOC is the standard response for removal of a class D felony which averages a decrease of 8 offenders per year, three from prison and 5 from probation. The average sentence is 4.8 years, 2.9 incarcerated and 1.9 under field supervision. On average, three years are served for probation sentences.

If this impact statement has changed from statements submitted in previous years, it is because the department's Budget and Research Section reviewed the way responses had been submitted and has developed a more precise way to calculate the impact. In previous year's responses, the full impact of recidivism for parole releases was not adequately calculated. Now we have been able to quantify the fact that some parolees are returned to prison after release and that has been added into the calculation of the impact. The total number of offenders has not changed but there is an assumption that they will spend more time back in prison rather than being on community supervision, which will increase the amount of the impacts.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

	fewer # to prison	Cost per year	Total Savings for prison	fewer # on probation & parole	Cost per year	Total savings for probation and parole	Grand Total - Prison and Probation savings (includes and 2% inflation)
Year 1	(3)	(\$6,085)	\$18,255	(5)	(\$2,234)	\$11,170	\$24,521
Year 2	(6)	(\$6,085)	\$36,510	(10)	(\$2,234)	\$22,340	\$60,027
Year 3	(9)	(\$6,085)	\$52,940	(15)	(\$2,234)	\$34,180	\$90,639
Year 4	(9)	(\$6,085)	\$52,940	(18)	(\$2,234)	\$40,882	\$99,564
Year 5	(9)	(\$6,085)	\$52,940	(21)	(\$2,234)	\$46,244	\$107,359

ASSUMPTION (continued)

In summary, the DOC assumes a savings of \$24,521 in FY 2018, \$60,027 in FY 2019, and \$90,639 in FY 2020.

Officials from the **Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Department of Public Safety - Missouri Highway Patrol**, and the **Office of the State Public Defender** each assume no fiscal impact to their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Savings</u> - DOC - cost avoidance of persons who seek medical assistance for a drug or alcohol overdose	<u>\$24,521</u>	<u>\$60,027</u>	<u>\$90,639</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$24,521</u>	<u>\$60,027</u>	<u>\$90,639</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<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 bill specifies that an individual who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency, including seeking assistance for himself or herself in these instances, or if the individual is the subject of a good faith request shall not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for certain specified offenses if the evidence

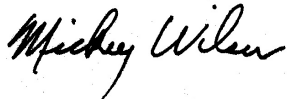
FISCAL DESCRIPTION (continued)

for the arrest, charge, prosecution conviction, seizure, or penalty was gained as a result of seeking medical assistance. The bill also requires any police officer who is in contact with any person who is in need of emergency medical assistance because of a drug or alcohol overdose to provide appropriate information and resources for substance-related assistance.

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 Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator



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Director
April 5, 2017

Ross Strobe
Assistant Director
April 5, 2017