

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4083-03  
Bill No.: Perfected HCS for HB 2042  
Subject: Crimes and Punishment; Sexual Offenses; Highway Patrol  
Type: Original  
Date: March 8, 2018

Bill Summary: This proposal modifies provisions relating to sexual offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2028)
General Revenue	(\$751,944)	(\$656,372)	(\$735,451)	(\$1,353,901)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$751,944)</b>	<b>(\$656,372)</b>	<b>(\$735,451)</b>	<b>(\$1,353,901)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2028)
Criminal Records	\$524,572	\$629,486	\$629,486	\$629,486
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$524,572</b>	<b>\$629,486</b>	<b>\$629,486</b>	<b>\$629,486</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 14 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Fully Implemented (FY 2028)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Fully Implemented (FY 2028)</b>
General Revenue	8 FTE	8 FTE	8 FTE	8 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>8 FTE</b>	<b>8 FTE</b>	<b>8 FTE</b>	<b>8 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>Fully Implemented (FY 2028)</b>
Local Government	\$0	\$0	\$0	\$0

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the legislation revises the offenses of persistent and predatory sexual offenders and creates the offense of prior sexual offender.

1. Section 566.123 defines a predatory sexual offense to be the offense of statutory rape 1st degree, statutory sodomy 1st degree, rape 1st degree, sodomy 1st degree, child molestation 1st degree (when sentenced as a class A or B felony), child molestation 2nd degree (when sentenced as a class A or B felony) or sexual abuse 1st degree (when sentenced as a class B felony). A predatory sex offender is an offender with two more convictions or acts that constitute a predatory sexual offense. The penalty is life without parole.
2. Section 566.124 defines a prior sex offender to be a sex offender with one prior conviction in chapter 566 or who is a registered sex offender and defines a persistent sex offender to be a sex offender with two or more prior sex convictions. The prior sex offenses include felonies and misdemeanors.

The penalty for a prior sex offender is an increase in the felony class by one step. The penalty for a persistent sex offender is an increase in the felony class by two steps. Prior or persistent sex offenders convicted of a class A felony or an unclassified felony with a maximum sentence of thirty years or more shall serve life without parole. It should be noted that most serious sex offenses are unclassified felonies, but all prior and persistent sex offenders shall be sentenced without probation or parole for three years. Probation will, therefore, no longer be a sentencing option.

The effect of the legislation will be to increase the number of offenders sentenced as prior or persistent sexual offenders. The current legislation defines persistent and predatory sexual offenders based upon the prior commission of the offenses listed in the revised 566.123, RSMo. The sentencing requires a life sentence and a time served of 30 years or more.

The DOC is estimating the impact of the legislation on the offenses that are received by the DOC but this may significantly understate the actual impact, because the DOC does not receive many offenders sentenced for misdemeanor sex offenses and misdemeanors are included in the count of prior sex offenses. The DOC estimates that in FY17 there were 58 offenders who would have been sentenced as a predatory, persistent or prior sex offender, of which 11 were sentenced to probation. The definition of a prior conviction requires that the current offense is committed after the last sentencing of the prior sex offenses.

ASSUMPTION (continued)

**Prior, Persistent and Predatory sex offenses  
 Admissions in FY17**

	Disposition		
	Prison	Probation	Total
Prior sex offenders	42	11	53
Persistent sex offender	3	-	3
Predatory sex offenders	2	-	2
<b>Total</b>	<b>47</b>	<b>11</b>	<b>58</b>

1. Predatory Sex Offenders

The definition of a predatory sex offender in the bill includes the offenses that define a persistent and predatory sex offender in the current statute (566.125.1), and while there is some enhancement in the sentencing, the changes in HCS for HB 2042 are not expected to increase the number or the length of time the predatory sex offenders serve. It is already long and the impact of the proposed changes will be beyond the 10 year budget horizon. The DOC estimates that two offenders per year will be sentenced as predatory sex offenders and they will serve 30 or more years. At the end of the 10 year budget forecast the predatory sex offender population will be 20. There is no impact for the revision to laws regarding predatory sexual offenders, previously defined as persistent or predatory sexual offenders.

	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	Maximum Population
Predatory Sex Offenders	2	4	6	8	10	12	14	16	18	20	30

2. Prior and Persistent Sex Offenders

The total impact for the prior and persistent sex offenders are broken out below. Offenders sentenced for a class A felony will serve life without parole instead of 18.8 years, and those offenders sentenced for a class B felony will be sentenced as a Class A felony, estimated to be 17.6 years instead of 10 years as a class B felony. Similarly, D and E felonies will receive longer sentences. Sex offenders are required to complete the Missouri Sexual Offender Program and are estimated to serve 70% of the sentence before first release. In addition, the DOC is adding on 40% of the remaining time as parole violator time. The impact of the enhanced sentences of those offenders sentenced to prison is an increase of 312 in the prison population, but because of the long sentences many of the offenders are already serving the full impact and the difference will not occur until after the ten years of the budget forecast. After ten years the increase is 22.

**ASSUMPTION (continued)**

**Sex offenders sentenced as prior sex offenders  
 Admitted in FY16 and will serve longer sentences**

Sentenced as Felony class	Admissions FY16 (1)	Average Sentence (yrs)			Length of stay (yrs) to first release			Parole (yrs)			Parole returns (9)*40% (10)	Additional prison time served (8)+(10) (11)	Additional parole time (9)*60% (12)	Total Impact (1)*(11) (13)	Impact after 10 years (14)
		Before (2)	After (3)	Increase (6)	Before (4)	After (5)	Increase (6)	Before (7)	After (8)	Increase (9)					
A/ Unclassified as LWOP	16	18.8	30.0	13.2	30.0	16.8	5.6	-	-	-	16.8	269	-		
B as A	4	10.0	17.6	7.0	12.3	5.3	3.0	5.3	2.3	0.9	6.2	1.37	25	4	
D as C	5	6.0	7.2	4.2	5.0	0.8	1.8	2.2	0.4	0.1	1.0	0.22	5	5	
E as D	8	4.0	6.0	2.8	4.2	1.4	1.2	1.8	0.6	0.2	1.6	0.36	13	13	
<b>Total Prison</b>	<b>33</b>	<b>6.0</b>	<b>9.1</b>	<b>4.2</b>	<b>6.4</b>	<b>2.2</b>	<b>1.8</b>	<b>2.7</b>	<b>0.9</b>	<b>0.4</b>	<b>2.5</b>	<b>312</b>	<b>22</b>		

In addition to the longer time served by offenders who would have been sentenced to prison, there will be a prison population increase from the offenders who would have been sentenced to probation. In FY17, there were eleven offenders who would have been sentenced as prior sexual offenders who were sentenced to probation.

**Sex offenders sentenced as prior sex offenders  
 Sentenced to probation in FY17 and will serve a prison sentence**

Sentenced as Felony class	Admissions FY16 (1)	Average Sentence (yrs)			Length of stay (yrs) to first release			Parole (yrs)			Parole returns (9)*40% (10)	Additional prison time served (6)+(10) (11)	Additional parole time (9)*60% (12)	Total Impact (1)*(11) (13)	Impact after 10 years (14)
		Before (2)	After (3)	Increase (6)	Before (4)	After (5)	Increase (6)	Before (7)	After (8)	Increase (9)					
A as LWOP	1	-	30.0	-	21.0	21.0	-	9.0	9.0	3.6	24.6	5.4	25	10	
B as A	3	-	17.6	-	12.3	12.3	-	5.3	5.3	2.1	14.4	3.2	43	30	
D as C	7	-	6.0	-	4.2	4.2	-	1.8	1.8	0.7	4.9	1.1	34	34	
<b>Total Prison</b>	<b>11</b>	<b>-</b>	<b>11.3</b>	<b>-</b>	<b>7.9</b>	<b>7.9</b>	<b>-</b>	<b>3.4</b>	<b>3.4</b>	<b>1.4</b>	<b>9.3</b>	<b>102</b>	<b>74</b>		

The calculation is similar and the estimated impact is an increase of 102 in the prison population, of which 74 will occur within the ten years of the budget forecast.

Finally, there is the impact from the three offenders who would have been sentenced as persistent sexual offenders and will be sentenced to two felony classes higher. The impact is an increase in the prison population of 15, of which 9 will occur in the first ten years.

**Sex offenders sentenced as persistent sex offenders  
 Admitted in FY17 and will serve longer sentences**

Sentenced as Felony class	Admissions FY16 (1)	Average Sentence (yrs)			Length of stay (yrs) to first release			Parole (yrs)			Parole returns (9)*40% (10)	Additional prison time served (8)+(10) (11)	Additional parole time (9)*60% (12)	Total Impact (1)*(11) (13)	Impact after 10 years (14)
		Before (2)	After (3)	Increase (6)	Before (4)	After (5)	Increase (6)	Before (7)	After (8)	Increase (9)					
B as A	1	12.0	18.8	6.4	13.2	4.8	3.6	5.6	2.0	0.8	5.6	-	6	-	
D as B	2	4.5	10.0	3.2	7.0	3.9	1.4	3.0	1.7	0.7	4.5	1.0	9	9	
<b>Total Prison</b>	<b>3</b>	<b>7.0</b>	<b>12.9</b>	<b>4.9</b>	<b>9.1</b>	<b>4.2</b>	<b>2.1</b>	<b>3.9</b>	<b>1.8</b>	<b>0.7</b>	<b>4.9</b>	<b>15</b>	<b>9</b>		

ASSUMPTION (continued)

The timing of the impact begins in the first year of enactment when offenders who would have been sentenced to probation are incarcerated. For the offenders who would have received a prison sentence, the impact begins when the time that would have been served to release is completed.

**Total Impact of HCS for HB 2042**

Overall, the prison population is expected to increase by 429 due to this legislation, of which the increase is 106 in the first ten years. The field population decline in the first ten years will be the converse of the prison population increase.

**Impact of Prior and Persistent Sex Offenses**

	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
<b>Admissions</b>										
<b>Prior Sex Offenders</b>										
Prison sentences- will serve longer	33	33	33	33	33	33	33	33	33	33
Previously served probation	11	11	11	11	11	11	11	11	11	11
<b>Persistent Sex Offenders</b>										
Prison sentences- will serve longer	3	3	3	3	3	3	3	3	3	3
Previously probation										
Probation	-11	-11	-11	-11	-11	-11	-11	-11	-11	-11
<b>Change in Prison and Field Population (admissions * increased length of stay)</b>										
<b>Prior Sex Offenders</b>										
Prison sentences- will serve longer	-	-	-	-	13	13	18	18	18	22
Previously served probation	11	22	33	44	54	58	62	66	70	74
<b>Persistent Sex offenders</b>										
Prison sentences- will serve longer	-	-	-	-	2	4	6	8	9	9
Previously served probation	-	-	-	-	-	-	-	-	-	-
Probation (5 years)	-11	-22	-33	-44	-55	-55	-55	-55	-55	-55
Parole					-15	-17	-24	-26	-27	-31
<b>Total prison</b>	<b>11</b>	<b>22</b>	<b>33</b>	<b>44</b>	<b>70</b>	<b>76</b>	<b>87</b>	<b>93</b>	<b>98</b>	<b>106</b>
<b>Field supervision</b>	<b>-11</b>	<b>-22</b>	<b>-33</b>	<b>-44</b>	<b>-70</b>	<b>-76</b>	<b>-87</b>	<b>-93</b>	<b>-98</b>	<b>-106</b>
<b>P&amp;P Officers+ or -</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Revision to the rules regarding sex offender registration, 589.400 RSMo**

The legislation proposes the introduction of a registration based upon a risk assessment and classifying the offender as tier I, II or III. A tier I offender will be required to register for 15 years, tier II 25 years and tier III for life. Tier I offenses are mainly misdemeanor offenses and most offenders that the DOC supervises will be tier II or III. The bill also proposes to revise the reporting frequency of registered sex offenders. At present sex offenders are required to report to

ASSUMPTION (continued)

the chief law enforcement officer semi-annually, except for persistent or predatory sex offenders or with sex offenses against juveniles when the reporting period is every 90 days. Tier I offenders will be allowed to report annually but the number of offenses that require reporting every 90 days is increased.

The DOC receives many sex offenders who fail to correctly register. In FY17, there were 89 new admissions and 111 probation openings, but because of the long time even the lowest risk sex offenders will be required to register, it is not expected that the proposal will affect the number of offenders returned in the next ten years.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

The DOC would assume this legislation will result in long term cost as indicated in the chart below.

	# to prison	Cost per year	Total Costs for <b>prison</b>		# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	11	(\$6,206)	(\$56,888)		(11)	absorbed	\$0	(\$56,888)
Year 2	22	(\$6,206)	(\$139,263)		(22)	absorbed	\$0	(\$139,263)
Year 3	33	(\$6,206)	(\$213,072)		(33)	absorbed	\$0	(\$213,072)
Year 4	44	(\$6,206)	(\$289,778)		(44)	absorbed	\$0	(\$289,778)
Year 5	70	(\$6,206)	(\$470,230)		(70)	absorbed	\$0	(\$470,230)
Year 6	76	(\$6,206)	(\$520,746)		(76)	absorbed	\$0	(\$520,746)
Year 7	87	(\$6,206)	(\$608,040)		(87)	absorbed	\$0	(\$608,040)
Year 8	93	(\$6,206)	(\$662,973)		(93)	absorbed	\$0	(\$662,973)
Year 9	98	(\$6,206)	(\$712,589)		(98)	absorbed	\$0	(\$712,589)
Year 10	106	(\$6,206)	(\$786,175)		(106)	absorbed	\$0	(\$786,175)

Officials from the **Department of Public Safety - Missouri Highway Patrol**, and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version, officials from the **Department of Social Services**, the **Office of the State Public Defender**, and the **Department of Mental Health** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.



ASSUMPTION (continued)

House Amendment 1 §§210.025 - 210.1080 - Criminal background checks;

In response to a similar proposal from this year (HB 2249) officials from the **Department of Health and Senior Services (DHSS)** stated the Child Care Development Block Grant (CCDBG) Reauthorization Act of 2014 Section 658H set out requirements for comprehensive criminal background checks. States are required to have policies and procedures in place by September 30, 2017. Missouri has been approved for a one year waiver, which expires September 30, 2018. After the one year waiver ends noncompliant states are subject to losing 5% of their total Child Care Development Fund (CCDF) monies. Missouri may be at risk of losing \$5.4 million in federal funding for child care.

The proposed legislation requires child care staff members, which includes all regulated (licensed and license-exempt) child care providers, persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are age seventeen (17) and older to undergo criminal background checks and every five (5) years thereafter and an annual check of the central registry for child abuse in order to qualify for receipt of state or federal funds for providing child-care services.

DHSS estimated an additional 28,613 child care staff member will need a background check based on the capacities of regulated facilities and the staff/child ratio needed to maintain supervision. DHSS will require additional staff to implement the legislation.

**Health Program Representative II (6)** (\$35,640 annually, each): DHSS estimated that one Health Program Representative II (HPR II) is needed to process 4,000 background screenings and complete other additional responsibilities related to the direct processing of background screenings for regulated providers. Given the expectation,  $(28,613/4,000 = 7 \text{ FTE})$ , DHSS assumes 6 HPRs II will be needed.

**Health Program Representative III (1)** (\$39,704 annually): The Health Program Representative III will directly supervise the HPRs II. This position will provide direct daily oversight to HPRs II, ensure timely completion of background screenings, develop and maintain policy and procedural manuals, review and process submitted appeals, approve security access, coordinate with child care supervisors, and conduct quality assurance reviews for accuracy and timely completion of background screenings.

ASSUMPTION (continued)

**Senior Office Support Assistant (1)** (\$26,340 annually): A Senior Office Support Assistant will need to be hired whose primary duties will be to support the staff within the unit.

DHSS officials provided the response for the **Office of Administration (OA), Information Technology Services Division (ITSD)/DHSS**. ITSD stated, for fiscal note purposes, it is assumed a project team consisting of a project manager, business analyst, senior developer and developer for a project duration of six (6) months will be needed. Modifications will need to be made to an existing system that is currently being maintained by ITSD and hosted in the State Data Center (SDC). It has been assumed for this project that a system-to-system interface will not be established with Missouri State Highway Patrol (MSHP) for communication of fingerprint criminal background check data.

For section 210.233, modifications to an existing system that is currently being maintained by ITSD and hosted in the SDC is assumed necessary.

ITSD assumed that every new IT project/system will be bid out because all ITSD resources are at full capacity. The current contract rate for IT consultants is \$75 per hour. It is estimated that contract consultants will need 2,692.44 hours to complete the project. One-time costs to the General Revenue (GR) Fund are estimated to be \$201,933 (2,692.44 \* \$75).

The **DHSS** estimated FY19 costs to the GR Fund, including ITSD costs, to be \$705,794; FY20 costs to be \$530,316; and FY21 costs to be \$535,917.

**Oversight** notes that in response to proposals from the current session in which agencies have indicated the need for additional space, officials from the **Office of Administration (OA), Division of Facilities Management, Design and Construction (FMDC)** state additional space in leased facilities for additional staff in the Cole County area is estimated at 230 sq. ft. per FTE times \$17.50 per sq. ft., or \$4,025 annually per FTE. These costs are building lease cost, fuel and utilities, and janitorial services. The assumption for the need for larger space and/or in other regions of the state, or possible new construction space, would be a higher cost per sq. ft. (estimated at \$24.50 per sq. ft.).

**Oversight** notes the DHSS used a lease cost for the additional rental space needed for eight (8) new FTE of \$21 per square foot. This is an average of the lease rates for the various regions in the state. Oversight reduced the average cost to \$17.50 per square foot (which includes utilities and janitorial services), the amount provided by OA, Facilities Management, Design and Construction.

ASSUMPTION (continued)

In response to a similar proposal from this year (HB 2249) officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** stated fingerprint based criminal record checks are currently processed by the central repository pursuant to Section 210.025, RSMo. Based on Department of Health and Senior Services estimates, the MHP would be required to process 28,613 state and federal fingerprint-based criminal record checks for child care providers annually. The fees assessed for these background checks are as follows:

State fee:	\$20.00
FBI fee:	\$12.00
Applicant fingerprinting vendor fee:	<u>\$8.30</u>
Total fee per applicant:	\$40.30

Of these amounts, the state retains the \$20 state fee and \$2 of the federal charge of \$12 for a pass thru fee (\$22 total retained by the state). The \$8.30 charge is paid directly to the vendor at the time of application. All fees collected will be deposited in the Highway Patrol's Criminal Records System Fund.

Total fees added to the Highway Patrol's Criminal Records System Fund is estimated to be \$629,486 annually (\$22 \* 28,613).

House Amendment 1 to House Amendment 1 §566.147 - Sexual Offenders residing near schools;

In response to a similar proposal from this year (HB 1743), officials from the **Jasper County Sheriff's Department, Springfield Police Department, Joplin Police Department, Office of the State Public Defender, Office of Prosecution Services, Office of the State Courts Administrator, Department of Corrections, and the Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

HSA 1 for House Amendment 2 - §589.414 - Electronic Monitoring while relocating;

**Oversight** notes the amendment states "such person shall be responsible for all costs associated with electronic monitoring." Therefore, Oversight assumes this amendment would not have a fiscal impact on local law enforcement.

<u>FISCAL IMPACT - State</u>				Fully
<u>Government</u>	FY 2019		FY 2021	Implemented
	(10 Mo.)	FY 2020		(FY 2028)
<b>GENERAL REVENUE</b>				
<u>Costs - DHSS (HA1)</u>				
Personal Service	(\$233,237)	(\$282,683)	(\$285,510)	(\$306,105)
Fringe Benefits	(\$141,191)	(\$170,261)	(\$171,100)	(\$183,442)
Equip. & Expense	(\$118,695)	(\$64,165)	(\$65,769)	(\$78,179)
IT costs	<u>(\$201,933)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs - DHSS</u>	(\$695,056)	(\$517,109)	(\$522,379)	(\$567,726)
FTE Change DHSS	8 FTE	8 FTE	8 FTE	8 FTE
<u>Costs - DOC - increase in</u>				
<u>number of prisoners</u>	<u>(\$56,888)</u>	<u>(\$139,263)</u>	<u>(\$213,072)</u>	<u>(\$786,175)</u>
<b>ESTIMATED NET</b>				
<b>EFFECT TO</b>				
<b>GENERAL REVENUE</b>	<b><u>(\$751,944)</u></b>	<b><u>(\$656,372)</u></b>	<b><u>(\$735,451)</u></b>	<b><u>(\$1,353,901)</u></b>
Estimated Net FTE				
Change to GR	8 FTE	8 FTE	8 FTE	8 FTE
<b>CRIMINAL</b>				
<b>RECORDS SYSTEM</b>				
<b>FUND (#0671)</b>				
<u>Income - DPS (§210.025)</u>				
Increase in background				
check fees (HA 1)	<u>\$524,572</u>	<u>\$629,486</u>	<u>\$629,486</u>	<u>\$629,486</u>
<b>ESTIMATED NET</b>				
<b>EFFECT ON</b>				
<b>CRIMINAL</b>				
<b>RECORDS SYSTEM</b>	<b><u>\$524,572</u></b>	<b><u>\$629,486</u></b>	<b><u>\$629,486</u></b>	<b><u>\$629,486</u></b>

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2028)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal would have a direct fiscal impact on small business child care providers. Applicant child care staff members, individuals or volunteers whose activities involve the care or supervision of children and individuals in a family child care home age 17 or older will be required to undergo a criminal background check. Costs are to be paid for by the applicant but child care providers may pay the background check fee. In addition, prospective staff members may begin work for a provider, pending completion of the background check, but must be supervised at all times by another child care staff member who has received a qualifying background check. This may increase child care provider costs.

FISCAL DESCRIPTION

This bill modifies provisions relating to sexual offenders.

This bill also states that in order to qualify for the receipt of state or federal funds for providing child-care services, the following persons must submit to a criminal background check before being granted a registration and every five years thereafter and to an annual check of the central registry for child abuse: (1) An applicant child care provider; (2) Persons employed by the applicant child care provider for compensation; (3) Individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for by the applicant child care provider; or (4) Individuals residing in the applicant's family child care home who are 17 years or older (Section 210.025, RSMo).

The proposal requires all licensed child care facilities to report annually to the Department of Health and Senior Services information regarding liability insurance coverage (§210.233)

Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider must request the results of a criminal background check for such child care staff members. The cost of the background check will be the responsibility of the staff member, but may be paid by the child care provider (Section 210.1080).

FISCAL DESCRIPTION (continued)

Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt child care facility, the child care provider must request the results of a criminal background check for such child care staff members. The cost of the background check will be the responsibility of the staff member, but may be paid by the child care provider (Section 210.1080).

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

SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Office of the State Courts Administrator  
Attorney General's Office  
Department of Mental Health  
Department of Social Services  
Department of Health and Senior Services  
Jasper County Sheriff's Department  
Springfield Police Department  
Joplin Police Department

Ross Strobe



Acting Director  
March 8, 2018