

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6619-01
Bill No.: HB 2636
Subject: Mental Health; Mental Health Department; Crimes and Punishment; Courts
Type: Original
Date: April 3, 2018

Bill Summary: This proposal modifies provisions relating to criminal proceedings involving persons lacking mental capacity.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(\$725,881)	(\$6,069,008)	(\$6,464,766)
Total Estimated Net Effect on General Revenue	(\$725,881)	(\$6,069,008)	(\$6,464,766)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	6	55.5	55.5
Total Estimated Net Effect on FTE	6	55.5	55.5

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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health (DMH)** state over the past three years, there have been 135 individuals who have been found permanently incompetent to stand trial, have been assigned a legal guardian, and whose criminal charges have been dismissed discharged from inpatient facilities, or an average of 45 clients annually. There are currently 304 clients in inpatient DMH facilities as permanently incompetent to proceed and this population continues to grow. Due to the increased length of stay, additional beds would need to be identified/developed.

Starting in FY19, the DMH would require an additional \$751,465 and 6.5 FTE. Two (2) attorneys (\$60,000 each, annually) will be necessary to help with the increased legal filings for the newly required conditional/unconditional releases. Three (3) Forensic Case Monitors (\$42,000 each, annually) will be needed to handle the additional individuals being monitored on conditional/unconditional release. One (1) full time (Senior Office Support Assistant (SOSA) \$27,180 annually) and one (1) part-time office support (Office Support Assistant (OSA) \$23,465 annually) positions will support the case monitors. Also, travel costs will increase for the case monitors due to additional conditional/unconditional releases.

The DMH assumes that the referrals for commitment will continue at the same rate. Currently state facilities are over bed capacity; with the proposed legislation potentially requiring individuals to stay in facilities 3-6 months longer, the DMH will need an additional 18 bed ward beginning in FY20. This ward would employ an additional 49.75 FTE. The total cost for FY20 would be \$6,254,086, which includes all additional staff needed to manage the releases, to run the additional ward, and expense and equipment costs.

DMH estimates FY19 costs to the General Revenue Fund of \$751,465; FY20 costs of \$6,254,086; and FY21 costs of \$6,684,037.

Oversight assumes the DMH would not hire part-time individuals and assign the additional duties to existing staff except for the part-time staff physician specialist. Oversight assumes FY19 FTE would be reduced to 6; FY20 and FY21 FTE are assumed to be reduced to 55.5 FTE. In addition, **Oversight** has, for fiscal note purposes only, changed the starting salary for various proposed FTE to correspond to the second step above minimum for comparable positions in the state's merit system pay grid or to reflect more closely the starting salaries paid by the DMH for FTE in similar positions. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

Officials from the **Missouri Office of Prosecution Services** and the **Office of State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE FUND			
<u>Costs - DMH (\$552.020)</u>			
Personal service costs	(\$226,950)	(\$1,701,391)	(\$2,006,524)
Fringe benefits	(\$121,344)	(\$1,104,047)	(\$1,194,672)
Equipment and expense	(\$80,587)	(\$563,279)	(\$563,279)
Additional treatment expenditures	(\$297,000)	(\$2,700,291)	(\$2,700,291)
Total <u>Costs</u> - DMH	<u>(\$725,881)</u>	<u>(\$6,069,008)</u>	<u>(\$6,464,766)</u>
FTE Change - DMH	6 FTE	55.5 FTE	55.5 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$725,881)</u>	<u>(\$6,069,008)</u>	<u>(\$6,464,766)</u>
Estimated Net FTE Change on the General Revenue Fund	6 FTE	55.5 FTE	55.5 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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, in a conditional or unconditional release of a committed individual, the Department of Mental Health shall submit a report to the court, in writing, with the department's evidence in support of the release; the prosecuting or circuit attorney who originally brought the case against the individual shall be notified upon his or her release; and the guardian appointed to the individual shall be given access to the risk assessment and patient files from the department. If the individual was charged with one of the offenses specified in the bill and the required report contains an opinion that he or she should be immediately conditionally released to the community by the court, the court shall hold a hearing to determine if an immediate conditional release is appropriate under the procedures for conditional release, specified in the bill. An individual shall not be unconditionally released unless it is determined that he or she does not have, and is not likely to have in the near future, a mental disease or defect rendering him or her dangerous to the safety of himself or herself or others.

The bill also specifies that, if the individual lacks mental capacity to be tried under the provisions of this bill and the alleged offense is a dangerous felony, the court shall order a required report with specified information.

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

SOURCES OF INFORMATION

Department of Mental Health
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

Ross Strobe



Acting Director
April 3, 2018