

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3399-01
Bill No.: HB 873
Subject: Drugs and Controlled Substances; Mental Health; Mental Health Dept.
Type: Original
Date: February 5, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator, Department of Economic Development - Division of Professional Registration, Department of Insurance, Department of Public Safety - Missouri State Highway Patrol and Office of State Public Defender** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Mental Health (DMH)** state the proposal will only prevent agencies providing assessment services from also providing treatment services. Currently 49 providers (68% of the SATOP providers) provide both offender management unit (OMU) services with weekend intervention program, clinical intervention program and/or youth clinical program (WIP/CIP/YCIP) services. There will be a loss of funding to those providers that have to choose one or the other service. However, this loss cannot be calculated. There will be no overall increase to the DMH to separate these two functions and therefore, the proposal has no fiscal impact to the DMH.

Officials from the **Office of Prosecution Services** assume any costs associated with this proposal can be absorbed within current funding levels.

Officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitment depends on the utilization by prosecutors and the actual sentences imposed by the court.

ASSUMPTION (continued)

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 operational cost either through incarceration (FY 03 average of \$38.10 per inmate per day or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender per year).

The DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence rather than incarceration. There is the probability that offenders would be charged with a similar but more serious offence or that sentences may run concurrent to one another. Therefore, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal could adversely impact small businesses providing both OMU assessment and WIP/CIP/YCIP services as they will no longer be able to provide both screening and program services.

DESCRIPTION

This proposal contains provisions pertaining to the Substance Abuse Traffic Offender Program (SATOP).

The proposal: (1) Allows providers in offender management units who offer assessment and screening services to participate in the offender education program and to provide 10-hour basic offender education courses. Providers are prohibited from being affiliated with or providing

DESCRIPTION (continued)

services in other SATOP programs; and (2) Prohibits providers from being affiliated with or providing services to which offenders are referred to by an offender management unit.

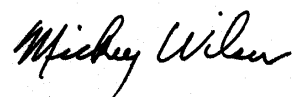
The proposal also requires any entity prior to commencing certain business under the SATOP program, including an offender management unit, a youth clinical intervention program, or an offender education program to file specific information with the Department of Mental Health that includes: (1) The names of all principals in the business; (2) The names of all persons or corporations paid by the business and the investments of each person receiving payments from the business; (3) The amount of capital stock in the business and types of investments; and (4) Assets of the business other than capital stock, the source of the assets, the types of investments financed by the assets, promissory notes, and other securities of the business.

Business or entities providing false or misleading information in the filings which results in pecuniary gain will be guilty of a class D felony.

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 State Courts Administrator
Department of Economic Development -
 Division of Professional Registration
Department of Mental Health
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Department of Insurance
Office of Prosecution Services
Office of State Public Defender



L.R. No. 3399-01
Bill No. HB 873
Page 5 of 5
February 5, 2004

Mickey Wilson, CPA
Director
February 5, 2004