

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1997-01  
Bill No.: HB 1108  
Subject: Children and Minors; Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: April 6, 2007

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Bill Summary: The proposal modifies the penalty for the crime of endangering the welfare of a child in the first degree.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(More than \$2,133,034)	(More than \$2,220,804)	(More than \$2,287,428)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$2,133,034)</b>	<b>(More than \$2,220,804)</b>	<b>(More than \$2,287,428)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Federal	(More than \$805,030)	(More than \$838,154)	(More than \$863,299)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(More than \$805,030)</b>	<b>(More than \$838,154)</b>	<b>(More than \$863,299)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	41.75	41.75	41.75
Federal	15.75	15.75	15.75
<b>Total Estimated Net Effect on FTE</b>	<b>57.5</b>	<b>57.5</b>	<b>57.5</b>

☐ 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Local Government</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>	<b>(More than \$100,000)</b>

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Corrections, Department of Public Safety – Missouri State Highway Patrol**, and the **– Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Social Services – Children’s Division (DOS)** assume the proposal requires individuals acting as caretakers at the time they are arrested for drug related child endangerment charges, who are also in possession of felony amounts of a controlled substance, to be held in custody for twenty-four hours and to be given a drug recognition expert (DRE) evaluation while such person is in police custody.

The proposal further requires the DRE results to be sent to the Children’s Division for proper evaluation of such person’s ability to remain the caregiver for the affected child and any subsequent punishment for the crime of endangering the welfare of a child in the first degree.

DOS assumes the proposal will result in a fiscal impact upon the division as additional staff in each judicial circuit (45 circuits) will be required to respond quickly to assess a caretaker’s suitability to remain a child’s caretaker and the suitable criminal punishment. DOS estimate that 45 FTE Children’s Service Workers (each at \$30,408 per year), 4.5 FTE Children’s Service Supervisors (each at \$32,652 per year), 6 FTE Office Support Assistants (each at \$20,724 per year), and 2 FTE Senior Office Support Assistants (each at \$23,160 per year) will be needed to cover these requirements. These staff will also need training. This bill appears to require division staff to evaluate the appropriateness of criminal punishment to individuals arrested for drug related child endangerment. Division staff have not been trained, or expected to provide such evaluations.

DOS estimates the total cost of the proposal to be more than approximately \$3 million per fiscal year. The costs affect the general revenue (72.5%) and federal (27.5%) funds.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume this new crime will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

**Oversight** assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the **Boone County Sheriff's Department** assume to maintain one person in jail for 24 hours costs an average of \$62.50. The cost of a drug recognition expert (DRE) evaluation is the hourly rate of the employee at a minimum of 3 hours per examination. The hourly midpoint of a deputy's pay is \$17.69 per hour, or a minimum of \$53.07 per examination. Adding the cost of one day in jail, this legislation will cost a minimum of approximately \$118 per arrest and examination.

Officials from the **Springfield Police Department** assume the estimated cost per drug recognition expert exam is \$100. Officials estimate the annual cost to be \$2,000.

**Oversight** assumes the statewide cost to local law enforcement agencies for the drug recognition expert evaluation and the 24-hour hold could exceed \$100,000 per fiscal year.

Officials from the **Kansas City Police Department** responded to Oversight's request but provided no fiscal impact statement.

**Officials from the Office of Prosecution Services, Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Social Services</u>			
Personal Service	(\$1,050,184)	(\$1,298,547)	(\$1,337,504)
Fringe Benefits	(\$479,514)	(\$592,917)	(\$610,704)
Equipment and Expense	(\$603,335)	(\$329,340)	(\$339,220)
Training	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs – DOS</u>	<u>(More than</u> <u>\$2,133,034)</u>	<u>(More than</u> <u>\$2,220,804)</u>	<u>(More than</u> <u>\$2,287,428)</u>
FTE Change – DOS	41.75 FTE	41.75 FTE	41.75 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(More than</u> <u>\$2,133,034)</u></b>	<b><u>(More than</u> <u>\$2,220,804)</u></b>	<b><u>(More than</u> <u>\$2,287,428)</u></b>
Estimated Net FTE Change for General Revenue Fund	41.75 FTE	41.75 FTE	41.75 FTE
<b>FEDERAL FUNDS</b>			
<u>Costs – Department of Social Services</u>			
Personal Service	(\$396,351)	(\$490,085)	(\$504,788)
Fringe Benefits	(\$180,974)	(\$223,773)	(\$230,486)
Equipment and Expense	(\$227,705)	(\$124,296)	(\$128,025)
Training	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs – DOS</u>	<u>(More than</u> <u>\$805,030)</u>	<u>(More than</u> <u>\$838,154)</u>	<u>(More than</u> <u>\$863,299)</u>
FTE Change – DOS	15.75 FTE	15.75 FTE	15.75 FTE
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>(More than</u> <u>\$805,030)</u></b>	<b><u>(More than</u> <u>\$838,154)</u></b>	<b><u>(More than</u> <u>\$863,299)</u></b>
Estimated Net FTE Change for Federal Funds	15.75 FTE	15.75 FTE	15.75 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>POLITICAL SUBDIVISIONS</b>			
<u>Costs – Local law enforcement agencies</u>			
Evaluation and detention costs	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>	<b><u>(More than \$100,000)</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation, known as Hope's Law, requires any person who knowingly encourages, aids, or causes a child younger than 17 years of age to violate any provision in Chapter 195, RSMo; who enlists the aid of any child younger than 17 years of age to manufacture, compound, produce, prepare, sell, transport, test, or analyze methamphetamine; or who manufactures, compounds, produces, prepares, sells, transports, tests, or analyzes methamphetamine will be arrested and held for 24 hours if the person is the child's caregiver. If the person possesses an amount of a controlled substance that would require the person to be charged with a felony, the person must submit to a drug recognition expert evaluation. The results of the evaluation will be submitted to the Children's Division within the Department of Social Services to evaluate the person's ability to remain the child's caregiver.

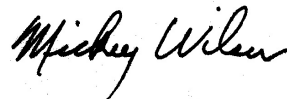
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

Office of State Courts Administrator  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Director's Office  
Office of the State Public Defender  
Boone County Sheriff's Department  
Springfield Police Department  
Kansas City Police Department

**NOT RESPONDING**

**Office of Prosecution Services  
Greene County Sheriff's Department  
Jackson County Sheriff's Department  
St. Louis County Police Department  
Columbia Police Department  
St. Louis Metropolitan Police Department**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
April 6, 2007