

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3992-07  
Bill No.: HCS for HB 1451  
Subject: Probation and Parole; Attorneys  
Type: Original  
Date: April 9, 2010

---

Bill Summary: The proposal creates the Omnibus Crime Bill.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
General Revenue	(More than \$1,400,000) to Unknown	(More than \$1,400,000) to Unknown	(More than \$1,400,000) to Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$1,400,000) to Unknown</b>	<b>(More than \$1,400,000) to Unknown</b>	<b>(More than \$1,400,000) to Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
DNA Profiling Analysis	\$1,400,000	\$1,400,000	\$1,400,000
MO Office of Prosecution Services*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$1,400,000</b>	<b>\$1,400,000</b>	<b>\$1,400,000</b>

\* Offsetting Revenues and Costs of an Up to \$116,000 per fiscal year, net to \$0.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 17 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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 2011	FY 2012	FY 2013
<b>Local Government*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Offsetting Local Government Revenues and Costs of \$0 or Unknown per year, net to \$0.

---

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Agriculture, Office of Administration – Administrative Hearing Commission, Coordinating Board for Higher Education, Department of Insurance, Financial Institutions, and Professional Registration, Department of Mental Health, Department of Natural Resources, Department of Labor and Industrial Relations, Missouri Consolidated Health Care Plan, Department of Conservation, Missouri Ethics Commission, Office of the State Auditor, Missouri Senate, City of Centralia, Jefferson City Police Department, Lincoln University, Linn State Technical College, Metropolitan Community College of Kansas City, Missouri Southern State University, Missouri State University, University of Central Missouri, and Parkway School District** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

**Oversight** assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, 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. SPD assumes a minimal unknown impact.

**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.

Sections 302.020, 302.321, 303.025 – Create Several New Infractions

Officials from the **Office of Administration – Division of Budget and Planning** assume any penalties collected by the state as a result of these new infractions would impact Total State Revenue (TSR).

Sections 479.260 and 488.5032 – Court Costs

Officials from the **Office of State Courts Administrator** assume Sections 479.260 and 488.5032 would allow courts to charge costs in municipal and criminal cases where the charges are dismissed.

ASSUMPTION (continued)

Section 488.5050 – DNA Profiling Analysis Fund

Officials from the **Office of Administration – Division of Budget and Planning** assume prior to implementation of section 488.5050.4, certain court fees were deposited in the DNA Profiling Analysis Fund. In Fiscal Year 2009, \$1,464,814 was deposited in the DNA Profiling Analysis Fund. Because the state's general revenue did not increase by two percent or more in 2008, the revenues previously deposited in the DNA Profiling Analysis Fund are currently being deposited into general revenue fund.

Officials from the **Department of Public Safety – Missouri State Highway Patrol**, Crime Laboratory Division state that at the beginning of the 2010 fiscal year, all the funding intended for the DNA profiling fund was redirected to general revenue. This amounted to approximately \$1.4 million. If this bill is enacted, the court fees received will be deposited in the DNA Profiling Analysis Fund. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor. The funding portion of this bill includes an emergency clause.

Sections 537.800 – 537.810 – Missouri False Claims Act

Officials from the **Office of the Attorney General (AGO)** assume sections 537.800 – 537.810 of the proposal create a Missouri False Claims Act. Section 537.804 specifically requires that the AGO “diligently shall investigate” all violations. AGO assumes this provision would require 2 additional investigators to handle the mandatory requirement. AGO also assumes that extensive procedures involved in reviewing private claims act cases could create an extensive legal workflow, particularly given the time frames for actions by the government in pursuing certain cases.

In response to a similar proposal from the 2009 Session (HB 940, LR # 2054-01), officials from the Office of the Attorney General assumed any potential costs arising from this proposal can be absorbed within existing resources. Therefore, **Oversight** assumes the AGO can absorb any potential costs within existing resources. Oversight assumes any significant increase in the workload of the AGO would be reflected in future budget requests.

Officials from the **Office of Administration – Division of Budget and Planning** assume this would allow the Attorney General to pursue civil penalties against persons or entities who submit false claims for payment to the state or a political subdivision of the state.

ASSUMPTION (continued)

As part of the Deficit Reduction Act (DRA), states that are compliant with specific false claims guidelines are entitled to an enhanced federal share of Medicaid recoveries. Currently, there are twelve states that have a DRA compliant false claims act and have experienced millions of dollars in Medicaid recoveries as a result. However, the language contained in proposal is not DRA compliant and specifically excludes Medicaid providers.

Officials from the **Department of Transportation (MoDOT)** assume this bill creates the “Missouri False Claims Act.” It authorizes the Attorney General (AGO) to pursue civil penalties against persons or entities who submit false claims for payment to the state or a political subdivision of the state (including school districts). The bill authorizes the AGO to file a lawsuit on behalf of the state when a false claim has been made. This will effectively prevent Missouri Highways and Transportation Commission (MHTC) from pursuing any false claims made against MHTC on its own.

The bill does not specifically state that any penalties or damages recovered due to a false claim will be used to reimburse the damaged state agency, school district, etc., but if that is the case, this bill could have an unknown fiscal impact upon MoDOT.

Officials from the **Department of Social Services (DOS)** assume the proposal authorizes the Attorney General (AGO) to pursue civil penalties against persons or entities who submit false claims for payment to the state. The act authorizes the AGO to file a lawsuit on behalf of the state when a false claim has been made. The act does not apply to hospitals and medical providers governed under section 208.164 (providers enrolled with Department of Social Services – includes MO HealthNet) or sections 191.900 (health and welfare) to 191.910 (attorney general may investigate violations). These changes do not impact who is eligible for MO HealthNet or the services MO HealthNet provides; therefore, there is no fiscal impact to the MO HealthNet Division.

By exempting hospitals and medical providers governed under section 208.164 or sections 191.900 to 191.910, the Missouri False Claims Act will not comply with the Federal False Claims Act. If Missouri enacts false claims legislation that meets certain standards that are at least as strict as the Federal False Claims Act (approved by the Office of Inspector General), it can retain 10% of the federal share of Medicaid recoveries made under the false claims act. DSS estimates potential recoveries to be at least \$1.5 to \$2.0 million, if the false claims legislation meets federal false claims standards.

ASSUMPTION (continued)

Section 557.014 – Prosecution Diversion Program

Officials from the **Department of Corrections (DOC)** assume this proposed legislation allows prosecuting or circuit attorneys to collect restitution as a condition of parole or conditional release, gives DOC the authority to create a three year mental health assessment pilot program, allows for the use of a prosecution diversion program, creates a restitution handling fee, and creates the Administrative Handling Cost Fund.

Although this bill enhances the restitution statute to include not only tampering and stealing offenses, but for any offense the court so chooses. Restitution is already considered a mandate and the DOC is authorized to remove funding from the inmate's account (if it exists) while the defendant is incarcerated. Failure to pay mandated restitution may result in extension to the maximum term of parole or revocation may mean time served in prison.

Based on Section 557.014, which gives prosecuting attorneys the authority to divert accused offenders to a prosecution diversion program and Section 559.117, which gives DOC the authorization to create a three year mental health assessment pilot program, DOC believes that this will result in fewer offenders going to prison. Therefore, the impact to DOC is an Unknown savings.

Officials from the **Department of Revenue (DOR)** assume the provisions in Section 557.014 permit “deferred prosecution” for most traffic offenses, at the sole discretion of the local prosecuting attorney. This would potentially affect Missouri state compliance with 49 CFR Part 384 federal commercial driver license program, resulting in a possible loss of federal highway funds.

Failure to comply with the federal regulations could result in the loss of Missouri's portion of federal highway funds, with the first year of non-compliance resulting in a 5% reduction (approximately \$25 million) and each subsequent year of subject to a 10% reductions (approximately \$50 to \$65 million).

**Oversight** assumes the loss of federal funding is speculative and dependent upon other factors. For fiscal note purposes, Oversight assumes no fiscal impact.

ASSUMPTION (continued)

Sections 559.100, 559.105 – Office of Prosecution Services Fund

Officials from the **Office of Administration – Division of Budget and Planning** assume sections 559.100 and 559.105 allow various fees to be assessed for restitution in certain cases and credited to the Office of Prosecution Services Fund. Any revenue from fees collected would impact Total State Revenue (TSR). B&P defers to the Office of Prosecution Services for a specific estimate of costs or savings.

In response to a previous version of the proposal (HB 1451, LR # 3992-01), officials from the **Office of Prosecution Services (OPS)** assume the proposal would have a positive financial impact on the Missouri Office of Prosecution Services estimated between \$116,162.50 and \$168,820.00. The theory and estimation of how the fiscal impact was calculated is outlined in the paragraphs below.

OPS surveyed of all 115 counties (which includes the City of St. Louis) as to how many cases in 2009 restitution was ordered. It should be noted restitution did not include cases of bad checks. 42 counties responded to the survey, which is equivalent to 36.5% of counties reporting. Of those 42 counties, there were a total of 12,331 cases in which restitution was ordered. It should be noted that Jackson County responded and accounted for 6,293 cases or 51% of the total reported cases.

The theory to determine the fiscal impact on the Missouri Office of Prosecution Services was to survey all counties as to how many cases there were in FY 2009 with restitution ordered, then add the total number of cases and multiple times the proposed minimum \$5.00 fee. Two amounts were determined: one using Jackson County in with a total state average and the second by determining the average of the responding counties without Jackson County and then adding Jackson County to the total.

The counties that responded to the survey included: Andrew, Atchison, Audrain, Benton Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Cedar, Clay, Cole, Dallas, Franklin, Gentry, Grundy, Henry, Holt, Jackson, Jefferson, Knox, Laclede, Maries, McDonald, Mercer, Miller, New Madrid, Newton, Pike, Randolph, Ray, Ripley, Shelby, St. Francois, St. Genevieve, St. Louis City, St. Louis County, Stone, Taney, Warren and Washington.

The high end of \$168,820.00 was figured by averaging the cases of restitution in all the counties, including Jackson County, and then multiplying the average number of cases by 115 (total counties) and multiplying again by the \$5.00 fee:



ASSUMPTION (continued)

All 42 Counties Surveyed

42 counties w/ a total of 12,331 cases  
 $12,331 / 42 = 293.6$  average cases per county  
 $293.6 \times 115$  counties = 33,764 average total cases statewide  
 $33,764$  cases  $\times$  \$5.00 = \$168,820.00 estimated total fiscal impact

The lower end of \$116,162.50 was figured by determining the average number of cases of the counties surveyed (not including Jackson County), multiplying that average number by the total number of counties (not including Jackson County) then multiplying that by the \$5.00 fee and then adding that average amount to the dollar amount that Jackson County would bring alone by collecting restitution on all their cases. Jackson County would bring in \$31,465.00 and the remainder of the counties would average \$84,697.50 for a total of \$116,162.50.

Jackson County: 6,293 cases  $\times$  \$5.00 = \$31,465

$12,331$  (total reported cases) - 6,293 (Jackson Co. cases) = 6,038 remaining total cases  
 $6,038$  remaining cases / 41 remaining counties = 147.3 avg. cases/county  
 $147.3 \times 114 = 16,792$  estimated cases statewide  
 $16,792 \times \$5.00 = \$84,697.50$  (all counties except Jackson)  
 $\$84,697.50 + \$31,465.00$  (Jackson Co.) = \$116,162.50

**Oversight** assumes the administrative handling cost would be deposited into the county Administrative Handling Cost Fund and then distributed to the county prosecuting attorney or circuit attorney. Oversight has utilized the estimates provided by Office of Prosecution Services for the average without Jackson County, and then adding Jackson County estimates. Oversight assumes the administrative handling cost would not be collected on all cases. Therefore, Oversight assumes the deposits in this fund to be Up to \$116,000 per fiscal year, and to be equal to the costs of the county prosecuting attorney or circuit attorney. Oversight has adjusted the FY11 estimate to reflect 10 months.

**Oversight** assumes the additional cost of five dollars per crime victim paid by persons paying restitution would be deposited into the Missouri Office of Prosecution Services Fund. Oversight assumes the deposits into this would be used by the Office of Prosecution Services, as specified in Sections 56.750 , 556.755, and 56.760, RSMo. Oversight assumes the deposits to be equal to the costs of the Office of Prosecution Services.

ASSUMPTION (continued)

Section 559.117 – DOC Mental Health Assessment Process

Officials from the **Department of Corrections (DOC)** assume, based on Section 557.014, which gives prosecuting attorneys the authority to divert accused offenders to a prosecution diversion program, and Section 559.117, which gives DOC the authorization to create a three year mental health assessment pilot program, DOC believes that this will result in fewer offenders going to prison. Therefore, the impact to DOC is an Unknown savings.

Section 650.470 – Reverend Nathaniel Cole Memorial Pursuit Reduction Grant

Officials from the **Office of Administration – Division of Budget and Planning** assume moneys received into the fund through appropriations, federal funds, gifts, bequests, and donations are to be used as grants to urban police departments for the purchase of real-time pursuit management systems. Any revenue collected into this fund would impact Total State Revenue (TSR).

Officials from the **Department of Public Safety (DPS) – Director’s Office** assume the possible fiscal impact is Unknown, but less than \$100,000. DPS does not know how many agencies these funds would be available to, or how much budgeted money would be available to grant to the agencies.

For fiscal note purposes, **Oversight** has reflected the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant amount as \$0 or Unknown, as it is not known whether funds will be appropriated or the amount of funds that may be available.

**Officials from the Department of Economic Development, Department of Health and Senior Services, Office of the Governor, Missouri Lottery, Missouri House of Representatives, Office of the Lieutenant Governor, Office of Prosecution Services, Office of the State Treasurer, Various Missouri Cities, Various Missouri Counties, Various Missouri School Districts, and Various Law Enforcement Agencies did not respond to Oversight’s request for fiscal impact.**

**The proposed legislation could fiscally impact Total State Revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
<b>GENERAL REVENUE FUND</b>			
<u>Savings</u> – Department of Corrections Fewer incarcerations (§§557.014, 559.117)	Unknown	Unknown	Unknown
<u>Costs</u> – Department of Public Safety – Director’s Office (DPS) For Reverend Nathaniel Cole Memorial Pursuit Reduction Grants (§650.470)	(Unknown)	(Unknown)	(Unknown)
<u>Losses</u> – Missouri State Highway Patrol Court fees (§488.5050)	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<u>(More than \$1,400,000) to Unknown</u>	<u>(More than \$1,400,000) to Unknown</u>	<u>(More than \$1,400,000) to Unknown</u>
<b>DNA PROFILING ANALYSIS FUND</b>			
<u>Revenues</u> – Missouri State Highway Patrol Court fees (§488.5050)	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>
<b>ESTIMATED NET EFFECT ON DNA PROFILING ANALYSIS FUND</b>	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>

FISCAL IMPACT - State Government  
 (continued)

FY 2011  
 (10 Mo.)

FY 2012

FY 2013

**MO OFFICE OF PROSECUTION  
 SERVICES FUND**

Revenues – Office of Prosecution  
 Services

Additional cost from persons paying  
 restitution

Up to \$97,000

Up to \$116,000

Up to \$116,000

Costs – Office of Prosecution Services

Administrative costs

(Up to \$97,000)

(Up to  
 \$116,000)

(Up to  
 \$116,000)

**ESTIMATED NET EFFECT ON MO  
 OFFICE OF PROSECUTION  
 SERVICES FUND**

**\$0**

**\$0**

**\$0**

FISCAL IMPACT - Local Government

FY 2011  
 (10 Mo.)

FY 2012

FY 2013

**LOCAL GOVERNMENT**

Revenues – Urban Law Enforcement  
 Agencies

Reverend Nathaniel Cole Memorial  
 Pursuit Reduction Grants (§650.470)

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

Costs – Urban Law Enforcement  
 Agencies

Purchase of real-time tagging and  
 tracking pursuit management systems  
 (§650.470)

\$0 or  
 (Unknown)

\$0 or  
 (Unknown)

\$0 or  
 (Unknown)

**ESTIMATED NET EFFECT ON  
 LOCAL GOVERNMENT**

**\$0**

**\$0**

**\$0**

### FISCAL IMPACT - Small Business

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

### FISCAL DESCRIPTION

Knowingly operating a vehicle without a valid license is a class A misdemeanor; a reckless violation is an infraction. (Section 302.020)

Knowingly driving while revoked is a class A misdemeanor; a reckless violation is an infraction. (Section 302.321)

Knowingly operating a vehicle that is not registered is a class C misdemeanor; a reckless violation is an infraction. (Section 303.025)

The proposal allows courts to charge costs in municipal and criminal cases where the charges are dismissed. (Sections 479.260 and 488.5032)

The proposed legislation requires an individual who is found guilty in any criminal case in a circuit court to be assessed a \$30 surcharge and removes the provision assessing the surcharge to an individual who pled nolo contendere in these cases. Currently, these funds are deposited into general revenue if the state's general revenue did not increase by 2% in the previous fiscal year. This provision is removed and instead directs these moneys to be deposited into the DNA Profiling Analysis Fund to be used only by the State Highway Patrol Crime Lab. The proposal contains an emergency clause, and shall be in full force and effect upon passage and approval. (Section 488.5050)

The proposal establishes the Missouri False Claims Act. The bill specifies that a person will be liable to the state or relevant political subdivision for a civil penalty if he or she: (1) Knowingly presents, or causes to be presented, false or fraudulent claims for payment or approval to any officer or employee of the state, any political subdivision, public school district, or public charter school; (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved or to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government; (3) Conspires to defraud the government by getting a false or fraudulent claim allowed or paid; (4) Has possession, custody, or control of property or money used, or to be used, by the government and, intending to defraud the government or willfully to conceal the property, delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt; (5) Makes or delivers a certified receipt of property used without completely knowing that the information on the receipt

FISCAL DESCRIPTION (continued)

is true if the person is authorized to make or deliver the document and intends to defraud the government; (6) Knowingly buys or receives as a pledge of an obligation or debt public property from an officer, agent, or employee of the government who may not sell or pledge the property; or (7) Violates Section 105.452, 105.454, 576.010, 576.020, 576.030, 576.040, 576.050, or 576.080, RSMo. The penalty for anyone committing any of these acts will be between \$10,000 and \$100,000, plus three times the amount of damages sustained by the government or political subdivision unless the court finds that the person furnished the relevant entity charged with investigating the claim with all relevant information; fully cooperated with the investigation; and at the time of production of information and cooperation, had no knowledge of an investigation and no criminal prosecution, civil action, or administrative action had commenced. The proposal also requires the Attorney General to diligently investigate any violation of these provisions and allows any person to bring a civil action for himself or herself and for the government. Procedures are specified for bringing an action, the investigation, the hearing, the penalties, and the procedures in special circumstances. The provisions of the bill will not apply to hospitals or medical providers governed under Section 208.164 or Sections 191.900 – 191.910. (Sections 537.800 – 537.810)

The prosecuting attorney shall have the authority to divert a criminal case to a prosecution diversion program. (Section 557.014)

The proposal requires any restitution ordered by the court or agreed to by the parties to be paid through the Office of the Prosecuting or Circuit Attorney. Any prosecuting or circuit attorney who collects restitution will also collect from the person paying restitution an administrative handling cost in addition to all other costs and fees allowed by law. The cost will be \$25 for restitution of less than \$100 and \$50 for restitution between \$100 and \$249. For restitution of \$250 or more, the cost will be 10% of the total restitution, not to exceed \$75. In addition to the administrative handling cost, an installment cost will be assessed in the amount of \$2 for each restitution payment except for the first payment. The county treasurer is to deposit the costs collected and the restitution payments received into a separate interest-bearing administrative handling cost fund. The prosecuting or circuit attorney is required to collect from the person paying restitution an additional \$5 per crime victim to whom restitution is being paid. Those funds must be deposited into the Missouri Office of Prosecution Services Fund and transmitted at least monthly to the Director of the Department of Revenue. The proposal specifies how the moneys are to be used and that the fund may be audited by the State Auditor or the appropriate auditing agency. The court may set an amount of restitution to be paid by a defendant who is incarcerated. The amount will be taken from the inmate's account at the Department of Corrections. (Sections 559.100 and 559.105)

FISCAL DESCRIPTION (continued)

The director of the Department of Corrections is authorize to establish, as a three-year pilot program, a mental health assessment process. Upon a motion filed by the prosecutor in a criminal case, the judge may request that an offender be placed in the Department of Corrections for 120 days for a mental health assessment and treatment if it appears the person has a mental disorder or illness. The offender must qualify for probation including community psychiatric rehabilitation programs and such probation must be appropriate and consistent with public safety for the offender to be eligible for placement. Before the judge rules on the motion, the victim shall be given the opportunity to be heard by the court. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health process. Following the assessment and treatment period, an assessment report shall be sent to the court. The court, if appropriate, may release the offender on probation. The offender shall be supervised by a state probation officer, who will work with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation programs. Persons convicted of certain serious offenses or any other offense where probation or parole is prohibited or persons found to be predatory sexual offenders are not eligible for probation under this act. After three years, the directors of the Department of Corrections and Department of Mental Health shall jointly recommend to the Governor and General Assembly by December 31, 2013, on whether to expand the process statewide. (Section 559.117)

The proposal creates the Reverend Nathaniel Cole Memorial Pursuit Reduction Grant to be administered by the Director of the Department of Public Safety. Any moneys appropriated or received from federal grants, gifts, or donations to the fund will be used to provide grants, in the amount of a 50% match, to certain eligible urban police departments which purchase real-time tagging and tracking pursuit management systems.

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 the Attorney General  
Department of Agriculture  
Office of Administration

- Administrative Hearing Commission
- Division of Budget and Planning

Coordinating Board for Higher Education  
Office of State Courts Administrator  
Department of Elementary and Secondary Education  
Department of Transportation  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Mental Health  
Department of Natural Resources  
Department of Corrections  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Social Services  
Department of Public Safety

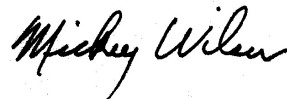
- Director's Office
- Missouri State Highway Patrol

Missouri Consolidated Health Care Plan  
Department of Conservation  
Missouri Ethics Commission  
Office of Prosecution Services  
Office of the State Auditor  
Missouri Senate  
Office of the Secretary of State  
Office of the State Public Defender  
City of Centralia  
Jefferson City Police Department  
Lincoln University  
Linn State Technical College  
Metropolitan Community College of Kansas City  
Missouri Southern State University  
Missouri State University  
University of Central Missouri  
Parkway School District



**NOT RESPONDING**

**Department of Economic Development  
Department of Health and Senior Services  
Office of the Governor  
Missouri Lottery  
Missouri House of Representatives  
Office of the Lieutenant Governor  
Office of Prosecution Services  
Office of the State Treasurer  
Various Missouri Cities  
Various Missouri Counties  
Various Missouri School Districts  
Various Law Enforcement Agencies**



Mickey Wilson, CPA  
Director  
April 9, 2010