

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4399-02
Bill No.: HB 1614
Subject: Probation and Parole; Drugs and Controlled Substances
Type: Original
Date: April 11, 2012

Bill Summary: This proposal requires at least 10% of all testing of violent offenders placed on probation, parole or conditional release to be completed by use of a hair follicle test.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)	(Unknown - could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☐ 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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the Division of Probation and Parole (P&P) test approximately 14% of their caseload each month using a ten-panel urine drug test. Confirmations are available to P&P within 24 to 48 hours of receipt of the sample in the laboratory. These tests are currently contracted at \$7.01 each and no ethical boundaries exist for this type of testing. The metabolite for a drug in urine can be detected 6 hours to 12 hours after ingestion. So if an offender is suspected to be under the influence, performing a urine drug test can confirm that.

Hair follicle drug testing is not recommended for individuals who have a documented religious reason to not cut their hair. A contracted hair test is only a five-panel test and therefore would not identify some of the drugs the offenders may be using. These tests are contracted for at the cost of \$55.00 each. The detection window is different for hair than urine. Hair tests will show results usually up to 90 days, therefore, you are not always just finding current usage. Hair testing is not an efficient way to determine immediate risk of drug use by a violent offender. Furthermore, confirmation of hair tests may take up to 8 days for results to be available to P&P officers. After the ingestion of a drug it takes a minimum of two weeks for a drug metabolite to be detectable in a hair follicle. P&P procedure requires that hair specimens should not be collected prior to 100 days from the date the offender was placed on probation supervision. Also those offenders with a positive result from a hair test cannot be collected for 100 days via another hair test. So if current abuse were suspected, a urine test would be the method utilized for a drug test at that time. It is unknown how many duplicate tests would be required and the resulting potential cost.

It is unknown how many more individuals may be revoked from the additional percentage of drug testing. Currently, the DOC cannot predict the number of new commitments which may result from the change outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

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 direct offender cost either through incarceration (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY11 average of \$5.03 per offender, per day or an annual cost of \$1,836 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

RS:LR:OD

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state 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 fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal would not fiscally impact their agency.

According to the Department of Corrections budget request, there were 73,188 offenders under the supervision of the Division of Probation and Parole at the beginning of 2012, with 19.84% being Level III (high-risk) and 38.37% being Level II (medium-risk). **Oversight** does not know how many offenders would take the hair follicle test each year; however, Oversight assumes the additional costs of the testing and the potential for additional persons sentenced to prison because of a failed test could exceed \$100,000 each year.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Costs - DOC</u>			
Cost of hair follicle test - either new tests, additional tests or difference (increase) in costs between hair follicle test (\$55) and the currently-used urine tests (\$7.01)	(Unknown)	(Unknown)	(Unknown)
<u>Costs - DOC</u>			
Potential cost for revocation of parole or probation if offender tests positive from hair follicle test and is placed into prison	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Unknown - could exceed \$100,000)</u>	<u>(Unknown - could exceed \$100,000)</u>	<u>(Unknown - could exceed \$100,000)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2013 (10 Mo.)	 FY 2014	 FY 2015
	<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.

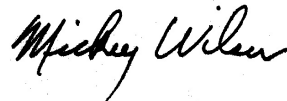
FISCAL DESCRIPTION

This proposal requires, subject to appropriations, at least 10% of any drug testing required for violent offenders placed on probation, parole, or conditional release under the supervision of the Board of Probation and Parole within the Department of Corrections to be completed by the use of hair follicle testing.

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

Department of Corrections
Department of Public Safety
Office of the Secretary of State

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

Mickey Wilson, CPA
Director
April 11, 2012