

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4761-01  
Bill No.: HB 1243  
Subject: Crimes and Punishment; Mental Health; Department of Mental Health  
Type: Original  
Date: February 24, 2014

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Bill Summary: This proposal creates criminal penalties for acts of violence committed by a sexually violent predator while in a secure facility operated by the Department of Mental Health.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)	(Unknown, less than \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown, less than \$100,000)</b>	<b>(Unknown, less than \$100,000)</b>	<b>(Unknown, less than \$100,000)</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<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 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Administration (OA) - Division of General Services (GS)** state this legislation (§632.520.2) could potentially result in savings to the state's workers' compensation program with the following assumption:

That an offender residing in a state mental health facility would be deterred from acting out violently against an employee of the facility knowing that the punishment could result in charges and a possible conviction of a class B felony.

**Oversight** assumes an unknown savings to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in a potential fiscal impact for the DOC is for up to a class B felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on 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 costs either through incarceration (FY 13 average of \$18,014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Parole (FY 13 average of \$5.07 per offender, per day, or an annual cost of \$1,851 per offender).

Therefore, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Sixteen (16) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes of knowingly committing violence to an employee of the Department of Mental Health (DMH) or to another offender housed in a secure facility. Violation of this new subsection would become a new class B felony and knowingly damaging any building or other property owned or operated by the DMH would become a new class C felony.

ASSUMPTION (continued)

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Office of State Courts Administrator (CTS)** indicate they would not expect the proposal to have a significant fiscal impact on the courts. However, if other similar bills pass that result in additional duties to the courts, the combined impact could result in a request for additional appropriations.

Officials from the **Department of Mental Health (DMH)** state the proposed legislation imposes no additional duties nor threatens current revenues. No fiscal impact is anticipated.

Based on discussions with DMH staff, **Oversight** notes that the DMH would not expect to have significant savings as a result of sending one or two people to the DOC as a result of this proposal. The DMH receives funding for a “ward”, rather than for the number of people in their care. The DMH does not believe they would ever send enough individuals to the DOC in a year to save the cost of an entire ward.

Officials from the **Department of Public Safety (DPS) - Missouri State Highway Patrol (MHP)** and the **OA - Facilities Management, Design and Construction** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** did not respond to **Oversight’s** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>GENERAL REVENUE FUND</b>			
<u>Savings - OA-GS (\$632.520)</u>			
Reduction in workers' compensation program costs	Unknown	Unknown	Unknown
<u>Costs - DOC (\$632.520)</u>			
Incarceration and probation costs	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>	<u>(Unknown, less than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Unknown, less than \$100,000)</u></b>	<b><u>(Unknown, less than \$100,000)</u></b>	<b><u>(Unknown, less than \$100,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></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 specifies that a sexually violent predator ordered or committed to the Department of Mental Health who knowingly commits violence to an employee of the department or to another offender housed in a secure facility operated by the department will be guilty of a class B felony.

An offender who knowingly damages any building or other property owned or operated by the department will be guilty of a class C felony.

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

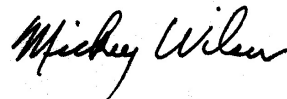
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SOURCES OF INFORMATION

Office of Attorney General  
Office of Administration -  
    Facilities Management, Design and Construction  
    General Services Division  
Office of State Courts Administrator  
Department of Mental Health  
Department of Corrections  
Department of Public Safety -  
    Missouri State Highway Patrol  
Office of State Public Defender

Not Responding:

Office of Prosecution Services



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February 24, 2014

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February 24, 2014