

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5053-03
Bill No.: HB 1598
Subject: Crimes and Punishment; Mental Health
Type: Original
Date: February 7, 2014

Bill Summary: This proposal specifies that if a sexual offense is committed against a person who is developmentally or intellectually disabled, the criminality of the conduct will be based on the victim's developmental age and not the actual age of the victim.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Social Services** assume no fiscal impact from this proposal. Currently the Children's Division accepts and investigates sexual abuse allegations in which the alleged victim is under 18. All sexual abuse investigations are classified as investigations. The Elder Abuse Hotline accepts and investigates allegations of sexual abuse of victims age 60 and older and of victims 18 to 59 with disabilities. In some situations, these provisions would impact the way a person is charged, prosecuted and sentenced based on the victim's intellectual and developmental age.

Officials at the **Office of the State Public Defender (SPD)** assume for the purpose of this proposal, and as a result of excessive caseloads, the SPD cannot assume existing staff will provide competent, effective representation for any indigent clients faced with the expanded definition of age of a victim. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

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

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources, but may seek additional appropriation if a significant increase in litigation results.

Officials at the **Office of the State Courts Administrator (CTS)** assume this proposal would not be in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

Officials at the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

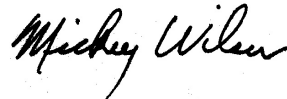
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 State Courts Administrator
Department of Mental Health
Office of the State Public Defender
Department of Social Services
Office of Prosecution Services
Office of the Attorney General



Mickey Wilson, CPA
Director
February 7, 2014

Ross Strobe
Assistant Director
February 7, 2014