

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0377H.02C  
Bill No.: HCS for HB 218  
Subject: Courts, Juvenile; Attorneys  
Type: Original  
Date: March 7, 2021

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Bill Summary: This proposal modifies provisions relating to a child's right to counsel.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	Up to (\$1,025,759)	Up to (\$1,204,456)	Up to (\$1,215,934)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Up to (\$1,025,759)</b>	<b>Up to (\$1,204,456)</b>	<b>Up to (\$1,215,934)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<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.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<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 2022	FY 2023	FY 2024
General Revenue	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Up to 12 FTE</b>	<b>Up to 12 FTE</b>	<b>Up to 12 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

For the purpose of the proposed legislation, officials from the **Office of the State Public Defender (SPD)** state they cannot assume existing staff will be able to provide competent, effective representation for any new cases for indigent children. The SPD is currently providing legal representation in caseloads in excess of recognized standards.

In the FY 2018 Youth and Families report, OSCA indicated that 2,192 delinquency cases were filed by formal petition. SPD anticipates that 12 juvenile attorney specialists, specifically trained to represent children, would be necessary if this bill were passed.

**Oversight** inquired SPD regarding their response from last year, HB 1422, which included an “(Unknown)” fiscal impact. Upon further review of the current legislation, SPD had more of a specific response. **Oversight** does not have anything to the contrary and will reflect the impact as “Up to” the costs presented by SPD in the table below.

Officials from the **Department of Social Services**, the **Office of the State Courts Administrator (OSCA)**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Corrections** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE</b>			
<u>Costs – SPD</u>	Up to...	Up to...	Up to...
Personal Service	(\$618,960)	(\$750,180)	(\$757,681)
Fringe Benefits	(\$328,299)	(\$396,466)	(\$398,997)
Equipment & Expense	(\$78,500)	(\$57,810)	(\$59,256)
<u>Total costs – SPD</u>	<u>Up to (\$1,025,759)</u>	<u>Up to (\$1,204,456)</u>	<u>Up to (\$1,215,934)</u>
FTE Change-SPD	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>Up to (\$1,025,759)</u></b>	<b><u>Up to (\$1,204,456)</u></b>	<b><u>Up to (\$1,215,934)</u></b>
Estimated Net FTE Change to General Revenue	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

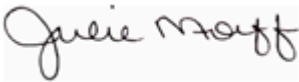
#### FISCAL DESCRIPTION

This bill specifies that if a child waives his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. In determining whether a child has knowingly, intelligently, and voluntarily waived his or her right to counsel, the court shall look to the totality of the circumstances, as specified in the bill. If a child waives his or her right to counsel, the waiver shall only apply to that particular proceeding. The bill also specifies certain proceedings in which a child's right to counsel cannot be waived.

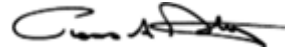
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Public Defender  
Department of Social Services  
Office of the State Courts Administrator  
Department of Health and Senior Services  
Department of Mental Health  
Department of Corrections  
Missouri Office of Prosecution Services



Julie Morff  
Director  
March 7, 2021



Ross Strobe  
Assistant Director  
March 7, 2021