

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1434S.01I
Bill No.: SB 305
Subject: Attorneys; Children and Minors; Civil Procedure; Courts; Courts, Juvenile;
Criminal Procedure
Type: Original
Date: February 22, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
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)
Total Estimated Net Effect on General Revenue	Up to (\$1,025,759)	Up to (\$1,204,456)	Up to (\$1,215,934)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

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
Total Estimated Net Effect on FTE	Up to 12 FTE	Up to 12 FTE	Up to 12 FTE

- 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
Local Government	\$0	\$0	\$0

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 to a similar proposal 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 **Missouri Highway Patrol**, 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.

In response to similar legislation from this year, HB 218, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **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
GENERAL REVENUE			
<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
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Up to (\$1,025,759)</u>	<u>Up to (\$1,204,456)</u>	<u>Up to (\$1,215,934)</u>
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
	<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

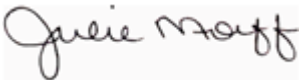
Under this act, when a petition has been filed in a juvenile court under certain provisions of law and a child has waived his or her right to counsel, such waiver shall be made in open court and be recorded and in writing. The waiver shall be made knowingly, intelligently, and voluntarily, which shall be determined by the totality of the circumstances, including the child's age, background, experience, emotional stability, and the complexity of the proceedings. Such waiver shall only apply to that proceeding and in any subsequent proceedings, the child shall be informed of his or her right to counsel.

A child's right to counsel shall not be waived in the following proceedings: (1) at a detention hearing, (2) at a certification or dismissal hearing, (3) at an adjudication hearing for any misdemeanor or felony offense, (4) at a dispositional hearing, or (5) at a hearing on a motion to modify or revoke supervision under certain provisions of law.

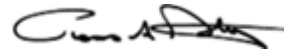
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Public Defender
Department of Social Services
Missouri Highway Patrol
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
February 22, 2021



Ross Strobe
Assistant Director
February 22, 2021