

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0574-01
Bill No.: SB 0098
Subject: Statements made by a person with a developmental disability are admissible in court; defines "forcible compulsion" and revises criminal provisions.
Type: Original
Date: January 22, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(Unknown)	(Unknown)	(Unknown exceeding \$340,878)

* Unknown costs expected to exceed \$100,000 annually.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defenders (SPD)** and the **Department of Mental Health (DMH)** stated the proposed legislation would have no fiscal impact to their organizations.

Officials from the **Office of State Courts Administrator (CTS)** stated the proposed legislation would increase the penalty for certain crimes and change the definition of some crimes. The CTS officials stated there may be some increase in the workload of the courts but they do not expect it to increase the budget of the judiciary. The CTS officials state there may be an impact on the Department of Corrections.

Officials from the **Office of Prosecution Services (OPS)** stated the cost to their organization is unknown but is estimated to be less than \$100,000.

Officials from the **Department of Corrections (DOC)** stated revisions to section 491.075, RSMo, deal with the conditions when the testimony of a developmentally disabled individual can be admitted as evidence in a court trial. The DOC officials stated this proposed revision would have little or no impact on the DOC.

The DOC officials stated revisions to section 565.024, RSMo, regarding involuntary manslaughter (IM) change the 1st degree penalty from a class C to a B felony; and 2nd degree penalties from a class D to a C felony. Currently, 225 persons are serving time for IM 1 with an average of 48 admissions per annum with an average stay of about 2 years. This proposal would increase that stay to an estimated average of 4.64 years. Officials state impact to the DOC would begin in the third year after passage of this proposal with costs. It is estimated the increase in population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact. The DOC officials stated a cost of \$35.61 (FY 99 cost) per inmate per capita with an inflation rate of 3% per each subsequent year ($\$35.61 \times 365 \text{ days/year} = \$12,998$ per inmate for operating expenses for FY 99). Therefore, the expected annual cost, beginning in FY 04 is unknown exceeding \$340,878 ($\$12,998 \times 24 \text{ average inmate population} \times 1.03\% \times 1.03\% \times 1.03\% = \$340,878$).

There are currently no offenders incarcerated for IM 2, nor have there been any admissions in the past four (4) fiscal years. The DOC officials state it is not possible to determine if passage of this legislation would affect sentencing practices of the courts in the future. The DOC officials state there is no data available to determine potential fiscal impact due to proposed changes in sections 566.070 and 568.060, RSMo.

ASSUMPTION (continued)

The DOC officials state, in summary, that total new commitments to the DOC which may result from the creation of the offenses outlined in this proposal cannot be accurately determined, but are expected to exceed the outlined numbers and costs estimated in FY 04 and beyond. These costs are very conservative as new bed space costs are not included in the estimate (only inmate per-capita costs) and the unknown cost factors cannot be determined.

Oversight assumes that the duties for the court system will increase should this proposal be enacted. The fiscal impact cannot be determined based on the information provided by the CTS and OPS. The DOC cost calculation indicates an expected annual cost exceeding \$340,878 beginning in FY 04, but could not determine an estimated effect for FY 02 and FY 03. Oversight assumes the unknown cost of this proposal is expected to be in excess of \$100,000 annually chargeable to the General Revenue Fund for FY 02 and FY 03.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - State Courts System</u>	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Department of Corrections</u>			
Operating Expenses	(Unknown)	(Unknown)	(Exceeding \$340,878)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown exceeding \$340,878)</u>

* Unknown costs expected to exceed \$100,000 annually

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal adds that statements made by a person with a developmental disability as the term is defined in section 630.010, RSMo, relating to an offense under Chapter 565, 566, or 568, RSMo, will be admissible in court in certain circumstances. In addition, this proposal defines “forcible compulsion” and adds forcible compulsion to the definitions of the crimes of sexual assault and deviate sexual assault.

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 Defenders
Department of Mental Health
Office of State Courts Administrator
Office of Prosecution Services
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett", with a stylized, cursive script.

Jeanne Jarrett, CPA
Director

January 22, 2001