

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6880-01
Bill No.: Truly Agreed To and Finally Passed HB 2
Subject: Courts; Courts, Juvenile; Family Law; Drugs and Controlled Substances; Alcohol; Veterans
Type: Original
Date: October 5, 2018

Bill Summary: This proposal relates to treatment courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Corrections (DOC)** assume no fiscal impact from this proposal. Section 217.703 establishes the rules and regulations of earned compliance credits (ECC) for offenders on probation, parole, or conditional release. With the FN6880-01T version, a section 12 is added which governs ECCs. An offender (on field supervision), upon entering into a treatment court, will have all ECC accrual suspended until completion of its program. At that point, all accumulated ECCs during the time of suspension are retroactively applied if the offender successfully completed his/her time in treatment court. If the offender fails completion of treatment court, the offender accrues no ECCs during the time period. Final discharge with use of ECC occurs only after completion of restitution.

To understand the impact of this proposal, an analysis was done on current drug court programs used during field supervision. In FY17, a total of 9,127 offenders were discharged from probation, parole, or conditional release using earned compliance credits. Of these, 548 attended a drug court program during field supervision. Forty-four percent were unsuccessful in completing the drug program (241 individuals); they spent an average of 0.87 years in the program. From these findings, the estimated impact of this proposal is that each year 241 persons on field supervision will not earn ECC for 10 months which results in 5 more months of field supervision.

With the enactment of this proposal, an additional 101 offender-years will occur each year in field supervision. No new P&P officers will be needed to supervise this change in offenders.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

ASSUMPTION (continued)

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17,003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

Officials at the **Office of the State Courts Administrator (OSCA)** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

OSCA notes that current statute already allows drug courts to be established in every circuit. The proposed legislation clearly defines drug courts as treatment courts, however, OSCA does not believe the proposal changes anything that would cause an increase in treatment courts in the state. The proposal also allows the Treatment Courts Coordinating Commission (Commission) to create standards and practices for all treatment court divisions in the state. It is unknown if there will be an increase in costs from these changes in standards in existing treatment courts.

In response to a previous version, officials at the **Office of the State Public Defender (SPD)** assumed an unknown impact from this proposal. The addition of treatment courts without adding additional treatment resources in Missouri will likely generate additional criminal cases for the SPD. While the number of cases remains unknown, the SPD will continue to request sufficient appropriations to provide effective representation.

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

Officials at the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Missouri State Employee Retirement System**, the **Department of Revenue**, the **Office of the State Treasurer**, the **Missouri Department of Transportation**, the **Department of Public Safety's Missouri Highway Patrol**, the **Missouri National Guard** and the **Veterans Commission** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Oversight notes that according to the Treatment Courts Facts Sheet from the Drug Courts Coordinating Commission, as of July 31, 2018, there were 151 treatment court programs in the state. Here is the breakdown by type:

Adult drug courts -	99
Juvenile treatment courts -	4
Family treatment courts -	13
DWI courts -	23
Veterans treatment courts -	12

Oversight also notes that according to the FY 2019 budget, roughly \$8 million is being transferred from General Revenue to the Drug Court Resources Fund (0733) to be utilized for established treatment courts in the state as determined by the Commission. Oversight will reflect a \$0 fiscal impact for this proposal, based upon the assumptions that the proposal does not: expand the number of treatment courts in the state, the impact from the establishment of standards by the Commission is speculative and unknown, and the increase in the number of offenders utilizing treatment courts is unknown, but could create savings in other areas (such as reduced incarceration expense).

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

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 Corrections
Department of Health and Senior Services
Department of Mental Health
Department of Social Services
Missouri State Employee Retirement System
Department of Revenue
Office of the State Treasurer
Missouri Department of Transportation
Department of Public Safety
 Missouri Highway Patrol
 Missouri National Guard
 Veterans Commission
Office of the State Public Defender
Office of Prosecution Services

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October 5, 2018

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