

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3371H.01I
Bill No.: HB 1699
Subject: Domestic Relations; Crimes and Punishment; Courts; Victims of Crime
Type: Original
Date: February 3, 2022

Bill Summary: This proposal modifies and establishes provisions relating to domestic violence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

***Oversight** assumes DOC's potential cost to incarcerate an increased number of domestic violence offenders because they cannot be offered a plea deal (and SPD's potential increase caseload for the same change) is not expected to exceed \$250,000 in any of the three fiscal years.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- ☐ 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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume this proposal modifies and establishes provisions relating to domestic violence.

§595.300 – This section states a defendant cannot be offered a plea bargain for any case involving domestic violence offense (565.072 to 565.076). This may result in offenders receiving longer terms of imprisonment. It is unknown how many offenders will be sentenced for domestic violence. In addition, we do not have data that shows how many previous offenders were offered a plea bargain for a shorter sentence under this section to estimate an impact. However, for each day a person is incarcerated, the fiscal impact is \$22.616.

§595.310 – This legislation requires a defendant convicted of a domestic violence offense to pay \$1,000 to any domestic violence shelter located in the city or county where the victim resides. If the defendant is incarcerated, the DOC will need to establish a new debit collection in order to collect these funds. This will have minimal impact.

§595.320 – This legislation requires a defendant to be financially responsible for any costs associated with attending any domestic violence related class as ordered by the court. If the defendant is incarcerated, the DOC will need to establish a new debit collection rule in order to collect these funds. This will have minimal impact.

In summary, DOC assumes a cost of \$0 to unknown to provide for the implementation of the changes in this proposal. **Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

Officials from the **Office of the State Public Defender (SPD)** assume the proposed legislation prohibits plea bargaining by the State of Missouri on any allegation of domestic violence pursuant to Sections 565.072, 565.073, 565.074, and 565.076, and therefore, could significantly increase the number trials on these cases that are eligible for representation by the SPD. The fiscal impact of this legislation on SPD is unknown as the number of additional trials as the result of the legislation is unknown, but it is anticipated that any increase would be less than \$250,000.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes the SPD may be able to absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect a \$0 or unknown fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Oversight notes the number of adult abuse and child protection order cases that have been filed and disposed over the last five years relating to domestic relations.

	<u>FY 2020</u>	<u>FY 2019</u>	<u>FY 2018</u>	<u>FY 2017</u>	<u>FY 2016</u>	<u>5 Year Avg</u>
Adult Abuse Filed	41,609	43,552	43,846	44,359	43,877	43,449
Adult Abuse Disposed	39,104	42,884	43,680	43,931	43,133	42,546
Child Protection Orders Filed	7,584	8,705	8,729	8,783	8,462	8,453
Child Protection Orders Disposed	7,315	8,564	8,687	8,595	8,517	8,336

Source: Table 42 - OSCA's Annual Statistical Supplemental Report on Domestic Relations Cases

Officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, the **Missouri Highway Patrol**, the **Department of Social Services** 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.

Officials from the **Phelps County Sheriff's Office** assume 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 this office.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other sheriff offices were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

<u>FISCAL IMPACT – State Government</u>	<u>FY 2023</u> <u>(10 Mo.)</u>	<u>FY 2024</u>	<u>FY 2025</u>
GENERAL REVENUE			
<u>Costs</u> – SPD – 595.300 – no plea bargains for certain offenders	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – DOC – potential increase in the number of domestic violence offenders being incarcerated pg. 3 (\$595.300)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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

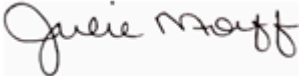
This bill allows a court to order a party in an action under Chapter 455, RSMo, to pay a reasonable amount to the other party for attorney's fees incurred throughout the proceeding. The bill also specifies that a respondent who has been properly served with an ex parte order of protection but fails to appear in court on the date and time set forth in the order for the full order of protection hearing will be considered to have knowledge of any conditions set forth in the subsequent full order of protection issued by the judge at that hearing.

The bill prohibits a court from compelling a victim or member of the victim's family testifying in a criminal proceeding for a domestic assault violation to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure necessary. The bill allows the victim in a domestic assault criminal proceeding to testify by video conference. The bill also prohibits a plea bargain from being offered to a defendant in a domestic assault case, and it requires a defendant convicted of domestic assault to pay \$1,000 to any domestic violence shelter located in the city or county in which the victim resides. Finally, a person who has been convicted of domestic assault and has been ordered by a judge to attend domestic violence-related classes will be financially responsible for any costs associated with attending the class.

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

Department of Corrections
Office of the State Public Defender
Office of the State Courts Administrator
Attorney General's Office
Missouri Highway Patrol
Department of Social Services
Missouri Office of Prosecution Services
Phelps County Sheriff's Office



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February 3, 2022



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