

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4317-01
Bill No.: HB 1569
Subject: Drugs and Controlled Substances; Liability
Type: Original
Date: December 29, 2015

Bill Summary: This proposal provides certain immunities for persons who seek medical assistance for a drug or alcohol overdose.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$8,788	\$17,503	\$24,736
Total Estimated Net Effect on General Revenue	\$8,788	\$17,503	\$24,736

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state this legislation protects individuals from prosecution for seeking medical assistance for those who have overdosed, to include themselves, if evidence of the possession was acquired as a result on the person seeking emergency medical assistance for himself/herself or another.

This legislation may have a positive fiscal impact if it results in fewer individuals being convicted and sentenced to a term of incarceration as a result of such cases. It also may result in less lengthy terms of incarceration in cases where seeking medical assistance for a drug overdose is used as a mitigating circumstance.

The impact assessment estimates that one offender would not be sentenced to prison and two offenders would not be sentenced to probation. The reduction will comprise one offender serving one year in prison and three years on parole and two offenders serving three years on probation.

The FY15 average cost of supervision is \$6.04 per offender per day or an annual cost of \$2,205 per offender. The DOC cost of incarceration is \$16.809 per day or an annual cost of \$6,135 per offender.

In summary, DOC assumes a savings of \$8,788 in FY 2017, \$17,503 in FY 2018, and \$24,736 in FY 2019 (1 fewer offender in prison and 8 fewer offenders on probation).

Officials at the **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Public Defender**, the **Office of Prosecution Services** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

Oversight has not reflected in the fiscal note the potential benefit of lives being saved if immunity being given to those helping persons who have overdosed on drugs or alcohol.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Savings</u> - DOC - cost avoidance of persons who seek medical assistance for a drug or alcohol overdose	<u>\$8,788</u>	<u>\$17,503</u>	<u>\$24,736</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$8,788</u>	<u>\$17,503</u>	<u>\$24,736</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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.

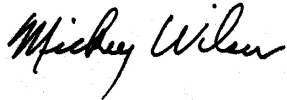
FISCAL DESCRIPTION

This bill specifies that an individual who, in good faith, seeks medical assistance for someone who is experiencing a drug or alcohol overdose or other medical emergency, including seeking assistance for himself or herself in these instances, or if the individual is the subject of a good faith request must not be arrested, charged, prosecuted, convicted, or have his or her property subject to civil forfeiture or otherwise be penalized for certain specified offenses if the evidence for the arrest, charge, prosecution conviction, seizure, or penalty was gained as a result of seeking medical assistance.

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 Public Safety
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections



Mickey Wilson, CPA
Director
December 29, 2015

Ross Strobe
Assistant Director
December 29, 2015