

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2048H.01I
Bill No.: HB 1254
Subject: Crimes and Punishment; Courts; Mental Health; Department of Mental Health;
Guardians
Type: Original
Date: April 25, 2023

Bill Summary: This proposal modifies provisions relating to the discharge of certain committed persons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue	(\$162,275)	(\$194,730)	(\$194,730)
Total Estimated Net Effect on General Revenue	(\$162,275)	(\$194,730)	(\$194,730)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Federal	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds*	\$0	\$0	\$0

*Income and costs are estimated at \$619,000 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§552.020 – Behavioral health services for certain persons

Officials from the **Department of Mental Health (DMH)** state that, in this proposal, once charges are dismissed, the accused shall remain in the custody of DMH until such time as the department determines that the accused is appropriate for placement in the community. This bill removes the requirement for an automatic guardian for non-dangerous felonies. It requires Permanently Incompetent to Proceed (PIST) individuals to remain in DMH custody until determined if the individual is not likely to be dangerous to others while living in the community.

DMH assumes the proposed language will apply from enactment forward and does not require monitoring for individuals who are already living in the community under guardian supervision. DMH will provide monitoring of newly released PIST individuals through contracted providers. DMH will develop a discharge plan and monitoring will be provided by Community Mental Health Centers (CMHC) and Certified Community Behavioral Health Organizations (CCBHO) to allow for less General Revenue cost due to Federal Match. The cost for monitoring through the providers for FY24 and beyond is \$813,750 (\$194,730 GR; \$619,020 Federal match).

Oversight does not have any information contrary to that provided by DMH. Oversight notes this proposal does not contain an emergency clause. Therefore, Oversight will reflect expenditures as \$678,125 (\$162,275 GR; \$515,850 Federal) in FY 2024 and \$813,750 (\$194,730 GR; \$619,020 Federal) in FY 2025 and beyond.

Officials from the **Missouri Office of Prosecution Services**, the **Office of State Courts Administrator (OSCA)**, the **Office of the State Public Defender**, the **Kansas City Police Department**, the **Phelps County Sheriff's Office** and the **St. Louis County Police Department** 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 these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks, sheriffs and police departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE			
<u>Costs</u> - DMH (§552.020) Provider-Case Monitor funding p. 3	(\$162,275)	(\$194,730)	(\$194,730)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$162,275)</u>	<u>(\$194,730)</u>	<u>(\$194,730)</u>
FEDERAL FUNDS			
<u>Income</u> - DMH (§552.020) Provider-Case Monitor funding p. 3	\$515,850	\$619,020	\$619,020
<u>Costs</u> - DMH (§552.020) Provider-Case Monitor funding p. 3	(\$515,850)	(\$619,020)	(\$619,020)
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<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

Those who have been accused of committing a dangerous felony shall be either declared incapacitated or involuntarily detained and be approved for admission to an appropriate facility. They shall remain in the custody of the Department of Mental Health until the Department determines that they are appropriate for placement in the community and are not likely to be dangerous to others while living in the community. The Department shall allow the accused's guardian to be involved in the discharge planning, as described in the act. The Department shall

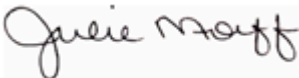
arrange for follow-up monitoring for persons discharged to the community at least monthly, unless it is determined after 36 months that the frequency should be reduced, but not less than once per year. Discharge plans for persons under this provision shall include the facilities, programs, or services in the geographic areas where the persons are placed, as well as the location of their housing and degree of recommended supervision. Finally, at least 30 days prior to discharge to the community, the Department shall notify the prosecutor, who shall, if requested, provide notice to the accused's victim.

Those who have been accused of committing a non-dangerous felony shall not be required to be declared incapacitated or involuntarily detained and approved for admission to an appropriate facility prior to the dismissal of charges, but shall remain in the custody of the Department as permanently incompetent until such time as the Department determines that the accused is appropriate for placement in the community and is not a danger to others in the community. The accused, and guardian if one is appointed, shall be allowed to be involved in the discharge planning, as described in the act. The Department shall arrange for follow-up monitoring for persons discharged to the community at least monthly, unless it is determined after 36 months that the frequency should be reduced, but not less than once per year. Discharge plans for persons under this provision shall include the facilities, programs, or services in the geographic areas where the persons are placed, as well as the location of their housing and degree of recommended supervision. Finally, at least 30 days prior to discharge to the community, the Department shall notify the prosecutor, who shall, if requested, provide notice to the accused's victim (§552.020).

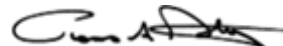
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Mental Health
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Kansas City Police Department
Phelps County Sheriff's Office
St. Louis County Police Department



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April 25, 2023