

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1028-01
Bill No.: HB 578
Subject: Victims of Crime; Crimes and Punishment; Department of Public Safety;
 Highway Patrol
Type: Original
Date: February 14, 2017

Bill Summary: This proposal establishes a statewide sexual assault kit tracking system.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(\$2,608,143)	(\$1,303,614)	(\$1,334,153)
Total Estimated Net Effect on General Revenue	(\$2,608,143)	(\$1,303,614)	(\$1,334,153)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

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 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the proposed legislation requires DPS to establish a complex statewide tracking system for sexual assault kits that must be used by all law enforcement agencies and crime labs who are involved in sexual assault investigations, and health care providers who collect sexual assault kit evidence from victims.

Cost at the local level for a system such as hardware, software, connectivity, security, and training on the system along with personnel to run, manage and comply with system requirements could be cost prohibitive. This could range from a minimum of \$50,000 to well over \$200,000 depending on volume, current system capabilities, level of expertise etc.

Over 500 Local Law Enforcement agencies, 114 Sheriffs Offices, well over 200 hospitals/medical facilities and all certified crime labs would have to have unique entry capabilities for multiple users and each individual victim would also have to have a unique login and all would have to be encrypted for security and confidentiality.

If this legislation were to be implemented, DPS would have to add two (2) FTE to handle the implementation and ongoing issues with a new system, just as the Missouri Victim Automated Notification System (MOVANS) has been handled.

Victim confidentiality is an important issue. With MOVANS, the case is tracked by the offender's name. If a sexual assault case has no known offender, the victim's name would be the only search method, thereby making the victim's information subject to confidentiality issues.

These kits are part of an "active investigation" and therefore subject to privacy and protection under RSMo 610.

Chain of custody issues could also arise if this system and the actual chain of custody do not match.

ASSUMPTION (continued)

DPS has ascertained the possible costs for this legislation to be as follows:

(1) FTE Program Specialist	\$34,320
(1) FTE Program Representative	\$30,770
Fringe Benefits	\$36,564
Equipment	
(2) Chairs	\$1,148
(2) File Cabinets - 4 Drawer	\$1,184
(2) Calculators	\$78
(2) PC/Software-Desktop	\$1,478
(2) 19" Monitors	\$312
(2) Desk Phones	\$572
(2) Voice/Data Wiring (1 Time)	\$200
Tracking System with access for multiple agencies/victims	\$2,500,000
Expenses	
Office Supplies	\$620
Phone Svcs/Year	\$480
IT PC Licenses, etc./Year	\$417
Yearly Maintenance Cost (starting in 2nd year)	\$958,333
Total Estimated Costs	\$3,566,476

Regarding how DPS arrived at the \$2.5 million estimated cost for the tracking system, DPS stated the process included looking at what capabilities the system would need, how many points of input, how many points of access and what similar types of systems cost now. The closest system the State currently has is the MOVANS system, and APRISS is the vendor for that system. Based on the cost for that system (or one similar to it) coupled with the increasing costs from the time that system was implemented until now, along with a large increase in the number of data input points compared to the MOVANS system, this new system would easily cost the estimated \$2.5 million to initially implement and \$1 million - \$1.5 million yearly to maintain.

Officials from the **Department of Public Safety - Missouri Highway Patrol** state after further evaluation, it has been determined that the Department of Public Safety, Director's Office will be responsible for the program, software system, and implementation of a statewide sexual assault kit tracking system. Therefore, the Highway Patrol anticipates no fiscal impact.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services**, and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

According to officials from the **Office of the Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Springfield Police Department** assume the proposal would not fiscally impact their agency.

Officials from the **University of Missouri Health Care** has reviewed the proposed legislation and has determined that, as written, it should not create expenses in excess of \$100,000.

Officials from the Attorney General's Office did not respond to **Oversight's** request for fiscal impact.

Numerous local law enforcement agencies as well as hospitals also did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE FUND			
<u>Costs - DPS</u>			
Personal Service (2 FTE)	(\$65,090)	(\$78,889)	(\$79,678)
Fringe Benefits	(\$36,564)	(\$44,109)	(\$44,344)
Expense and Equipment for FTE Tracking System	(\$6,489)	(\$1,866)	(\$1,912)
Yearly maintenance for all access points	\$0	(\$1,178,750)	(\$1,208,219)
Total Costs - DPS	(\$2,608,143)	(\$1,303,614)	(\$1,334,153)
FTE Change - DPS	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$2,608,143)</u>	<u>(\$1,303,614)</u>	<u>(\$1,334,153)</u>

Estimated Net FTE Change for the General Revenue Fund	2 FTE	2 FTE	2 FTE
---	-------	-------	-------

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<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 requires the Missouri Department of Public Safety to establish and the State Highway Patrol to administer a statewide sexual assault kit tracking system for the purpose of tracking the status of all sexual assault kits in the custody of various law enforcement agencies, state and local crime laboratories, and hospitals and treatment facilities. The bill specifies the purpose of the sexual assault kit tracking system. The department may phase in participation according to region, volume, or other appropriate classifications; however, all entities in the custody of sexual assault kits shall fully participate in the system no later than July 1, 2019. The department shall submit a report to the appropriate legislative committees and the Governor, regarding the current status and plan for launching the system, by January 1, 2019.

FISCAL DESCRIPTION (continued)

The department shall also submit a semiannual report on January 31 and July 31 of each year, the first report being due July 1, 2019. The bill also specifies what the semiannual report shall include.

Any public agency or entity, including officials and employees, and any hospital or treatment facility and its employees providing services to victims of sexual assault shall not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, as long as the release was without gross negligence.

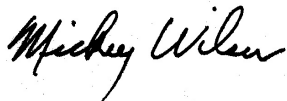
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of Prosecution Services
Department of Health and Senior Services
Office of the Secretary of State
Joint Committee on Administrative Rules
Springfield Police Department
University of Missouri Health Care

Not Responding:

Attorney General's Office



Mickey Wilson, CPA
Director
February 14, 2017

Ross Strobe
Assistant Director
February 14, 2017