

COMMITTEE ON LEGISLATIVE RESEARCH  
 OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4891-01  
Bill No.: HB 2057  
Subject: Department of Corrections; Crimes and Punishment; Health Care; Medical Procedures and Personnel  
Type: Original  
Date: March 12, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

**FISCAL ANALYSIS**

## ASSUMPTION

Officials from the **Department of Health and Senior Services** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** assume this bill adds TB testing without the right of refusal to subsection 1 in §191.659 as an addition to current mandatory HIV testing. Currently the DOC tests offenders for TB upon admission and annually thereafter during their birth month, but they have the right to refuse. Mandatory submission would make for a more efficient legal process and also allow for proper treatment and disease control. It is assumed that testing within the year of release (during their birth month) would suffice as the “release or discharge” testing required in the bill. If that assumption is correct, there would be no fiscal impact for this component of the bill.

The new language also allows DOC to perform infectious disease testing, also without the right of refusal. This testing is currently done on an offender if they are symptomatic; however, they have the right to refuse. Mandating submission would ensure testing is done when symptoms were present thus allowing for proper treatment, disease control, and for victims to be notified, if applicable.

Subsection 3 of this proposal includes positive testing for sexually transmitted diseases (STDs) (in addition to the current HIV testing) as a criteria for victim notification. It is unknown how many positive tests there would be with broadening the definition to include any STD (rather than only HIV) and the corresponding increase for victim notification. It is possible additional staff may be required.

In summary, the fiscal impact for the DOC due to passage of this bill is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Increased medical testing	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposal would require all persons being discharged from the Department of Corrections to be tested for tuberculosis prior to release. The proposal would also give the department, at its discretion, authority to test offenders for infectious diseases.

The proposal would require the department to inform victims of sexual offenses of the results of sexually transmitted disease testing performed on an offender at the time of commitment to a correctional facility.

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 State Courts Administrator  
Department of Health and Senior Services  
Department of Corrections



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