

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0406-02
Bill No.: Truly Agreed to and Finally Passed HCS for SB 12
Subject: Religion: Civil Rights
Type: Original
Date: May 30, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	\$0	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** note that there could be a number of court cases to determine the parameters of the proposal and establish limits in specific areas. However, over time, CTS does not expect a significant increase in the volume of civil litigation and, therefore, assumes no fiscal impact.

Officials from the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, and the **Department of Social Services** stated that the proposal would have no direct fiscal effect on their agencies.

Officials from the **Department of Corrections (DOC)** noted that the committee substitute allows restriction of free exercise of religion if the governmental authority can demonstrate that the restriction is "...essential to further a compelling governmental interest and is not unduly restrictive considering the relevant circumstances." The proposal defines "relevant circumstances" as including legitimate interests needed to keep prisons and prisoners safe and secure. The proposal goes on to say that "reasonable" requests by prisoners to pray, have access to clergy, reasonable diet requests, and access to religious materials which are not violent or

ASSUMPTION (continued)

profane are not included in “relevant circumstances”. Department of Corrections officials conclude that the effect on the Department as well as the fiscal impact is unknown.

Oversight notes that the Department of Corrections already makes efforts to meet the religious requirements of inmates and assumes, for fiscal note purposes, that the determination of what is reasonable will be made through administrative actions within the Department and, perhaps, through litigation. Oversight further assumes that additional costs caused by administrative and, perhaps, court decisions would be addressed in either budget decision items or in Department management decisions on how to allocate resources.

For fiscal note purposes, Oversight assumes that the same issues would apply to jails operated by political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<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.

DESCRIPTION

This proposal would forbid governmental authorities from restricting a person’s free exercise of religion unless the restriction is: 1) a rule of general applicability which does not discriminate against religions or among religions, and 2) a governmental authority can demonstrate that the restriction is necessary to further a compelling state interest and is not unduly restrictive considering the relevant circumstances.

The proposal would define “exercise of religion”, “demonstrates”, and “relevant circumstances”.

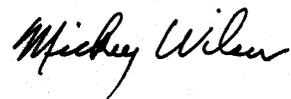
DESCRIPTION (continued)

Nothing in the proposal would be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law. Nothing in this proposal would be construed to allow any person to cause physical injury to another person, to possess weapons otherwise forbidden by law, to fail to provide child support or to fail to provide health care for a child suffering from a life threatening condition.

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

SOURCES OF INFORMATION

State Courts Administrator
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Department of Corrections



Mickey Wilson, CPA
Director
May 30, 2003