

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0546-01
Bill No.: HB 200
Subject: Prisons and Jails; Insurance - General; Liability; Counties
Type: Original
Date: February 22, 2011

Bill Summary: This proposal makes gross negligence the standard of proof in actions for damages against correctional facilities as the result of the death, by suicide, of any person confined in such a facility.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Legal Expense	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Mental Health** and the **Department of Corrections** each assume the proposal would not create a fiscal impact to their respective agencies.

According to officials from the **Office of Administration - Risk Management (COA)**, the state self-assumes its own liability protection under the State Legal Expense Fund in Section 105.711, RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General. COA assumes the proposal could result in a potential savings to the Legal Expense Fund.

Officials from the **Boone County Sheriff** assume the proposal would not have a fiscal impact on their agency.

Officials from the **Buchanan County Sheriff's Department, Jackson County Sheriff's Department, Platte County Sheriff's Department** and the **St. Louis County Sheriff's Department** did not respond to our request for fiscal impact.

Oversight assumes the proposal could result in a potential savings to the Legal Expense Fund and to county jails and have ranged the speculative impact from \$0 to Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
LEGAL EXPENSE FUND			
<u>Savings</u> - Office of Administration			
Potential savings to the fund from raising the standard of proof in actions for damages against correctional facilities as the result of death or suicide to gross negligence	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> - County jails			
Potential savings to the fund from raising the standard of proof in actions for damages against correctional facilities as the result of death or suicide to gross negligence	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
ESTIMATED NET EFFECT TO THE LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</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 gross negligence will be the standard of proof in actions for damages brought against public or private jails, correctional centers, detention centers, or any other type of correctional facility as a result of death by suicide of any inmate..

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 Corrections
Department of Mental Health
Office of the State Courts Administrator
Office of the Attorney General
Office of Administration
Boone County Sheriff

NOT RESPONDING:

Buchanan County Sheriff's Department
Jackson County Sheriff's Department
Platte County Sheriff's Department
St. Louis County Sheriff's Department



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Director
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