

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0311-01  
Bill No.: HB 73  
Subject: Courts; Drugs and Controlled Substances; Veterans; Military Affairs  
Type: Original  
Date: February 4, 2013

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Bill Summary: This proposal empowers circuit courts to establish veterans treatment courts to preside over judicial supervision, drug testing, and substance abuse and mental health treatment for active and retired military personnel.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Missouri Veterans Commission, Office of Prosecution Services, Missouri State Public Defender, Department of Transportation, and the Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** state the proposed legislation would allow a circuit court to establish a veteran's treatment court or dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel. The current cost per case in the drug court treatment program is \$6,190.

Based on the current clerical weighted workload, it takes 506 minutes of clerk time to process a treatment court case. Since the legislation is permissive, we have no way of knowing how many courts would create the programs. Any significant increase in workload and treatment cost will be reflected in future budget requests.

**Oversight** assumes if a circuit court decides to create a veterans treatment court, they will be able to do so utilizing existing resources. Therefore, Oversight will assume the proposal would not create a fiscal impact to the Office of the State Courts Administrator.

Officials from the **Department of Mental Health (DMH)** state this bill would allow any circuit court to establish a veterans treatment court as an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel. Veterans treatment courts would make referrals for substance abuse or mental health treatment to Federal level programs or community-based treatment programs, including those certified by the Missouri Department of Mental Health.

It is unknown how many veterans treatment courts will be established, how many people they will serve, or how many veterans will be referred for state-funded community-based mental health or substance abuse treatment. Due to the various unknown factors associated with this bill, the Department of Mental Health projects an unknown cost.

**Oversight** will range a state fiscal impact to the Department of Mental Health from \$0 (either no veterans treatment courts are established, or there are no referrals for their programs, or referrals are to federal programs) to an unknown amount of costs for treatment as stated by DMH.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Costs - Department of Mental Health</u> program expenses for referrals from veterans treatment courts	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>	<b><u>\$0 or (Unknown)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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.

FISCAL DESCRIPTION

Currently, a criminal defendant accepted by a drug court for disposition must be determined by the prosecuting attorney to be a nonviolent person. This bill removes that requirement.

The bill, also, allows any circuit court or combination of circuit courts to establish a veterans treatment court to provide an alternative for the judicial system to dispose of criminal cases that stem from substance abuse or mental illness of military veterans or current military personnel.

A veterans treatment court must:

- (1) Combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who are veterans or current military personnel; and
- (2) Make a referral for substance abuse or mental health treatment, or a combination of both, through the federal Department of Defense health care, the Veterans Administration, or a

FISCAL DESCRIPTION (continued)

community-based treatment program except for good cause found by the court. Any community-based treatment program utilized must receive state or federal funds in connection with the referral and only refer the individual to a program that is certified by the Department of Mental Health or the United States Veterans Administration unless no appropriate certified treatment program is located within the same county as the veterans treatment court.

The charges, petition, or penalty against a court participant may be dismissed, reduced, or modified upon the successful completion of the program. This provision will not apply to a participant who has previously had the charges, petition, or penalty dismissed, reduced, or modified under these provisions. Any fees received by a court from a participant as payment for substance abuse or mental health treatment programs must not be considered court costs, charges, or fines.

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 the State Courts Administrator  
Department of Mental Health  
Department of Transportation  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Public Safety



Ross Strope  
Acting Director  
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