

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0802-01  
Bill No.: HB 309  
Subject: Veterans; Courts  
Type: Original  
Date: February 11, 2013

Bill Summary: This proposal establishes the Military Veterans and Servicemembers Court Program to provide treatment and intervention to veterans and service members charged or convicted of certain crimes.

**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>

\* Does reflect the possibility of losing federal highway funding (approximately \$64 million annually) if this proposal puts Missouri out of compliance with federal requirements.

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 7 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** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** state the proposed legislation establishes the Military Veterans and Service Members Court Program to provide treatment and intervention to veterans and service members charged or convicted of certain crimes. 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 such a program, 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 create the "Veterans Treatment Intervention Act" to allow the presiding judge of each judicial circuit to establish "Military Veterans and Servicemembers Court Programs". These programs would allow the court to sentence veterans and servicemembers who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem in a manner that appropriately addresses their condition.

The bill allows for certain individuals to participate in a pretrial veterans' treatment intervention program or a misdemeanor pretrial veterans' treatment intervention program that could eliminate sentencing and/or charges.

"Military Veterans and Servicemembers Court Programs" could 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 Military Veterans and Servicemembers Court Programs 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. As a result of the unknown factors associated with this bill, DMH projects an unknown cost.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** state the program outlined in proposed §§478.1100, 1105, 1110 and 1115 may have a positive fiscal impact on DOC in that deferrals to the program may keep offenders out of prison. This may be fiscally offset, however, if additional probation and parole officers are required to implement the programs. Actions of the court cannot be predicted and fiscal impact cannot be determined at this time.

DOC assumes no fiscal impact for proposed §478.1120 as the bill states the DOC is not required to expend state funds to implement it. If the intent is for this statement to cover fiscal impact for the entire bill, DOC fiscal impact would be zero for each fiscal year.

Officials from the **Department of Revenue (DOR)** assume no direct impact anticipated from this proposal, however, this may potentially affect Missouri's compliance for its commercial drivers license program, which could result in a reduction in federal funding to the state highway fund under 49 CFR Part 384.

As this alternative court program is designed primarily upon a model of pretrial intervention for felony (478.1110) and misdemeanor (478.1115) charges (including traffic-related offenses), and mandates dismissal upon successful completion of the program, this would likely constitute a "diversion" program, prohibited by federal rule for offenses committed by commercial driver license holders or those who were operating a commercial motor vehicle when the offense was committed. The proposal also contains provisions for post-conviction participation (478.1105), however, it appears only to be for purposes of sentencing considerations, not dismissal or expungement of the offense.

If this proposal is found to be in violation of federal rule requirements (49 CFR §384.226) for Missouri state commercial driver license (CDL) program compliance (49 CFR Part 384, subparts C and D), this legislation could result in the loss of Missouri's portion of federal highway funds, with the first year of non-compliance resulting in 4% reduction (approximately \$32 million), and each subsequent year subject to a 8% reduction (approximately \$64 million). Missouri may lose the ability to issue CDLs if not compliant.

Officials from the **Department of Transportation** did not respond to our request for fiscal impact.

**Oversight** will range a state fiscal impact to the Department of Mental Health from \$0 (either no Military Veterans and Servicemembers 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 and DOC.

RS:LR:OD

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Savings</u> - Department of Corrections			
If veterans are diverted from incarceration or probation services because of the Veterans Treatment Intervention Act	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
 <u>Costs</u> - Department of Corrections			
program expenses for referrals from Veterans Treatment Intervention Act	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
 <u>Costs</u> - Department of Mental Health			
program expenses for referrals from Veterans Treatment Intervention Act	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<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>

\* Does reflect the possibility of losing federal highway funding (approximately \$64 million annually) if this proposal puts Missouri out of compliance with federal requirements.

<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

This proposal establishes a Military Veterans and Servicemembers Court Program for specified veterans and servicemembers.

The bill:

- (1) Authorizes the presiding judge of each judicial circuit to create the program and provide criteria for entry into the program. Those eligible would be veterans and servicemembers who are suffering from a military related mental illness, traumatic brain injury, substance abuse disorder or psychological problems stemming from military service in a combat theater;
- (2) Requires the court to give preference to specified treatment programs;
- (3) Specifies the felonies which that make a person ineligible to enter into the program;
- (4) Creates a pretrial veterans' and servicemembers' treatment intervention program. The bill establishes the requirements for a defendant to be voluntarily admitted to the pretrial program and specifies the exceptions to admission. The charges are dismissed following a defendant's completion of the pretrial intervention program and may be expunged under certain circumstances;
- (5) Creates a misdemeanor pretrial veterans' treatment intervention program. The bill establishes the requirements for voluntary admission to the program. The misdemeanor charges are dismissed upon completion of the program and may be expunged under certain circumstances;
- (6) Exempts treatment services provided by the United States Department of Veterans Affairs from specified contract requirements;
- (7) Authorizes a judge to impose a condition of probation requiring the probationer to participate in a treatment program capable of treating his or her disorder. The bill requires the court to give preference to certain treatment programs; and
- (8) The Department of Corrections is not required to spend state funds to implement these provisions.

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 Public Safety  
Department of Mental Health  
Office of Prosecution Services  
Department of Revenue  
Department of Corrections

**Not Responding:**

Department of Transportation



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