

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 3861-06  
BILL NO.: SCS for SB 980  
SUBJECT: Makes Various Changes to Domestic Violence Statutes  
TYPE: Original  
DATE: March 13, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$426,575)	Exceeds (\$608,975)	Exceeds (\$653,830)
Criminal Records System Fund	\$0	(\$373,653)	(\$382,994)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>Exceeds (\$426,575)</b>	<b>Exceeds (\$982,628)</b>	<b>Exceeds (\$1,036,824)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Federal Funds	(\$333,100)	(\$1,302,460)	(\$982,210)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(\$333,100)</b>	<b>(\$1,302,460)</b>	<b>(\$982,210)</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>Exceeds (\$200,000)</b>	<b>Exceeds (\$200,000)</b>	<b>Exceeds (\$200,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 10 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

#### *Domestic Violence Changes*

Officials from the **Department of Health, Department of Mental Health, and the Department of Insurance** assume that this proposal will not fiscally affect their agencies.

In response to a similar proposal, officials from the **Office of Prosecution Services** assumed that this proposal will not fiscally affect their agency.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the SPD assumed existing staff could provide representation for those 75 to 100 cases arising where indigent persons were charged with the crime of domestic abuse more than two times on the same family. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in these cases where the penalty has been enhanced. The SPD provided representation in 6,038 assault cases in Fiscal Year 1999.

Officials from the **Office of State Courts Administrator (OSCA)** stated under the current law, there were 35,608 adult abuse petitions filed in FY 99. This proposal will increase the number of cases by an unknown factor. Almost all of these cases are filed pro se, and court clerks are required to assist parties in completing forms. This has been a very labor-intensive type case, and the proposal will increase the time required and the number of cases.

While it is not possible to estimate the increased volume of cases or the average increase in time on these cases, it is most likely increased state costs for court clerk time will exceed \$100,000 per year. This is based on an 1,800 hour/FTE year, and an average salary for the clerks handling these cases being \$21,000/year or higher, plus fringes.

**Oversight** cannot provide an estimate of the costs for new court clerks related to this proposal. As a result, the state costs will reflect an unknown amount to exceed \$100,000 annually for additional court clerks and expense and equipment items for the new staff.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** noted that the courts reported 35,608 annual petitions of adult abuse. The Public Defenders Offices reported that in 1999 they represented 6,038 assault cases. New commitments which may result from the creation of the offense(s) outlined in this proposal cannot be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of \$2.47 per offender, per day).

Due to the wide variance of crimes and punishments including newly created crimes and punishments, the fiscal impact as it relates to the DOC is unknown, but estimated to be significant, or in excess of \$100,000 per year.

Officials from the **Office of Attorney General (AGO)** assume any additional responsibilities for the AGO could be absorbed with existing resources.

Officials from the **Jackson County Sheriff's Office** and **Kansas City Police Department** did not respond to our request for fiscal impact. Oversight will rely on the response from the St. Louis Metropolitan Police Department for local law enforcement fiscal impact.

Officials from the **St. Louis Metropolitan Police Department (STLMPD)** responded to a very similar proposal from this session and stated this legislation, if enacted, will fiscally impact their agency.

The STLMPD estimated that this proposal would result in housing more detainees. The STLMPD used total jail costs plus an indirect cost rate of 42% of that total to estimate a \$122 per day cost of housing prisoners. Jail costs reported by the STLMPD included:

Salaries and Benefits	\$3,971,358
Medical maintenance	\$ 450,000
Food/supplies	<u>\$ 46,000</u>
Sub-total	<u>\$4,467,358</u>

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42% indirect rate	<u>\$1,876,290</u>
Total Jail Costs	<u>\$6,343,649</u>

ASSUMPTION (continued)

Average cost per day \$17,380 for 52,000 prisoners or \$122 per day or \$5.08 per hour.

The STLMPD averages 7,000 domestic violence detainees a year. This proposal would add 1,750 more detainees resulting in costs of \$266,860. The STLMPD will also be fiscally impacted by a need to increase their Domestic Assault Response Team (DART). They anticipate needing 18 Police Officers and one Sargent with benefits and vehicle maintenance costs totaling \$1,859,746. The STLMPD will also require an additional firearms examiner with costs totaling \$111,026. The STLMPD would also require more Police Officers for new crime reporting requirements which totals \$914,424 each year. The STLMPD reported that the total costs to their department relating to this proposal was \$3,152,056.

**Oversight** assumes that local governments that have jails or other detainment facilities may see an increase in costs related to an increase in persons detained in these facilities. The proposal may also require the local governments to hire additional police officers or deputy Sheriffs. Oversight cannot predict how this proposal will affect the various city police and county law enforcement agencies. Oversight assumes that these law enforcement agencies will find it necessary to hire additional personnel. Therefore, Oversight will reflect an unknown cost for local government funds for additional law enforcement personnel. These costs are expected to well exceed \$100,000 annually.

*Uniform Crime Reporting*

Officials from the **Department of Public Safety (DPS) - Missouri Highway Patrol (MHP)** assume even if DPS is responsible for establishing the program, MHP will be tasked with administering it. Missouri law enforcement agencies will fully and voluntarily comply with the data collection and submission requirements. The guidance established by the FBI will be followed to become certified as a UCR-compliant state as follows: a) the Missouri UCR program will conform to the national UCR standards, definitions, and information b) MHP will establish a proven, effective, and acceptable quality assurance program c) at least 97% of the state's population will be covered in submitting law enforcement agency reports d) field staff will be necessary to conduct audits, training, and to assist contributing agencies in improving the quality of record practices and crime reporting procedures e) adequate staff will be necessary to administer the program and to maintain and improve the computer hardware and software f) MHP will provide in a timely manner those reports required by the FBI to include Missouri's input for the annual Crime In The United States report.

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Prior to June 30, 2004, the program will transition from the collection of summary-based to incident-based statistics. On July 1, 2004, the state will assume full financial responsibility for maintaining the program. The computer equipment needed to initiate this program will be

ASSUMPTION (continued)

provided under the federal NCAP grant. The computers (450 in year 1 and 100 in year 2) would be located at various sites throughout Missouri. The computers would need to be equipped for connection to the Internet and Internet service would need to be provided at each location.

The Information Systems Division would require the following FTEs to design, develop, and maintain the application, and to ensure security:

CITS I - Network	\$40,536
CITS I - Internet Developer	\$40,536
CITS I - Application Developer	\$40,536
CITS I - Technical Support	<u>\$40,536</u>
	\$162,144

In Year 2, the Information System Division would require 3 additional positions:

Year 2	
CIT II (2)	\$61,944
CITS I (Network)	<u>\$40,536</u>
	\$102,480

In Year 3, the Information System Division would require 1 additional position:

Year 3	
Help Desk CIT II	\$33,559

The positions would require the standard office equipment. The positions required in the Information Systems Division would be responsible for designing, developing, and maintaining the application, and to ensuring security.

The Criminal Records Division would require the following FTEs:

Trainer (9)	\$270,000 (Salary based on anticipated market value of position)
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The Trainer positions in the Criminal Records and Identification Division would be responsible

for traveling to the various sites throughout Missouri and training personnel in the proper procedures for collecting and editing crime data. In addition, these positions would be responsible for reviewing crime data forwarded for statistical purposes and reviewing current collecting procedures.

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** stated this proposal implements a statewide use of the uniform crime reporting system established by the FBI. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Public Safety and the Department of Health could require as many as 44 pages in the Code of State Regulations at a cost of \$26.50 per page, and 22 new pages in the Missouri Register at a cost of \$22.50 per page. The actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Jefferson City Police Department (JCPD)** assumed for similar proposals from this session, the FBI is moving toward National Incident Based Reporting (NIBRS). JCPD assumes the reporting referred to in the legislation is the NIBRS program. JCPD uses data entry from a transcription system for the incident reports. Because their software is written and maintained by a private firm which no longer supports NIBRS on its programs, JCPD assumes that at a minimum, a program would need to be written to interface with the current software. If entry fields are not compatible, a sizable reprogramming or vendor change would be needed. Officer training in gathering proper information would be required. Due to increased reporting fields, the complexity of NIBRS reporting requirements, supervisor time for review of reports, and quality control for acceptable submissions, based on 24-hour shifts, JCPD would require 2.0 FTE Police Information Clerks (\$44,000) and .5 FTE Field Supervisor (\$35,000) plus related expense and equipment. JCPD assumes fringe benefits and regular cost of living increases average at 5% annually.

**Oversight** assumes other local law enforcement agencies could have similar impacts as a result of this proposal; therefore, Oversight has shown costs to Local Governments as unknown

exceeding \$100,000.

Officials from the **North Kansas City Hospital** and the **University of Missouri** assumed for similar proposal, they already do most of what is required by the proposed legislation and any additional costs would be negligible.

ASSUMPTION (continued)

*Testimonial Privilege*

Officials from the **Office of State Courts Administrator, Department of Health, Office of Prosecution Services, and Kansas City Police Department** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the SPD assumed this legislative language would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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**GENERAL REVENUE FUND**

*Domestic Violence Changes*

Costs - State Courts Administrator

Personal Service, Expense and Equipment for Court Clerks	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Department of Corrections

Increased Costs for Additional Prisoners or Probation Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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*Crime Reporting*

Costs - Missouri Highway Patrol

Salaries	(\$138,498)	(\$272,833)	(\$310,625)
Fringe Benefits	(\$53,169)	(\$104,740)	(\$119,249)
Expense and Equipment	<u>(\$34,908)</u>	<u>(\$31,403)</u>	<u>(\$23,955)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
Total	(\$226,575)	(\$408,975)	(\$453,830)

<b>ESTIMATED EFFECT ON GENERAL REVENUE FUND</b>	<b>Exceeds <u>(\$426,575)</u></b>	<b>Exceeds <u>(\$608,975)</u></b>	<b>Exceeds <u>(\$653,830)</u></b>
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**CRIMINAL RECORDS SYSTEM**

<u>Costs - Missouri Highway Patrol</u>			
Salaries	\$0	(\$270,000)	(\$276,750)
Fringe Benefits	\$0	(\$103,653)	(\$106,244)
Total	<u>\$0</u>	<u>(\$373,653)</u>	<u>(\$382,994)</u>

**FEDERAL FUNDS**

<u>Costs - Missouri Highway Patrol</u>			
Computer Expense and Equipment	<u>(\$333,100)</u>	<u>(\$1,302,460)</u>	<u>(\$982,210)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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**LOCAL GOVERNMENT FUNDS**

*Domestic Violence Changes*

<u>Costs - Law Enforcement Departments</u>			
Additional Personal Service and Expense and Equipment and Jail/Detention Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)

*Crime Reporting*

<u>Costs - Law Enforcement Departments</u>			
Additional Personnel and Programming Costs for Additional Reporting	Exceeds	Exceeds	Exceeds

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
Requirements	<u>(\$100,000)</u>	<u>(\$100,000)</u>	<u>(\$100,000)</u>
<b>ESTIMATED EFFECT ON LOCAL GOVERNMENT FUNDS</b>	<b><u>Exceeds (\$200,000)</u></b>	<b><u>Exceeds (\$200,000)</u></b>	<b><u>Exceeds (\$200,000)</u></b>

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal makes various changes to laws relating to domestic violence, crime reporting, and testimonial privileges. In its main provisions, the proposal:

- (1) Requires the Department of Public Safety to adopt the uniform crime reporting system established by the Federal Bureau of Investigation (FBI), to be participated in by all state, county, and municipal law enforcement agencies. Each agency will be responsible for producing reports that contain information concerning the number and nature of offenses committed in its jurisdiction. From this information, the department is required to prepare a compilation of statistics available to state governmental bodies and the FBI upon request;
- (2) Establishes a confidentiality privilege for paid or unpaid workers in a domestic violence shelter covering information received while acting in his or her capacity as a shelter worker. The person providing the information may waive the privilege in writing;
- (3) Changes the domestic violence insurance law by: (a) adding definitions for "innocent coinsured," "sole," and "stalking"; and (b) allowing an innocent coinsured victim to collect on an insurance policy if the innocent coinsured signs a sworn affidavit as to the cause of loss and pledges to cooperate in the criminal prosecution of the coinsured offender causing the loss;
- (4) Expands the definition of "family" or "household member" in the adult abuse law to include adults in past or present dating relationships or engagements;
- (5) Adds to the purposes for which ex parte or full orders of protection may be granted,

restraining the respondent from communicating with the petitioner through any medium;

(6) Requires consent orders of protections to include a court finding of abuse;

(7) Adds the medical expenses of domestic violence victims to the list of expenses courts can order offenders to pay in full orders of protection;

(8) Expands the duty of local law enforcement to require a determination whether any criminal case is related to domestic violence and to report this information to the Highway Patrol. Current law only requires local law enforcement to determine whether homicides involving adult victims are related to domestic violence and to report this information to the Highway Patrol:

(9) Requires any information submitted to MHP related to domestic violence to include the respondent's Social Security number;

(10) Establishes the separate crimes of domestic assault in the first degree (a class A or B felony,

DESCRIPTION (continued)

depending upon the seriousness of the injury, domestic assault in the second degree, and domestic assault in the third degree;

(11) Updates the harassment law to include communicating through any medium to reflect new technologies utilized by perpetrators.

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 Insurance  
Office of State Courts Administrator  
Office of Prosecution Services  
Office of State Public Defender  
Department of Corrections  
Office of Attorney General  
Department of Public Safety - Missouri Highway Patrol  
Department of Health  
Department of Mental Health

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Department of Social Services  
Office of Secretary of State  
St. Louis Metropolitan Police Department  
Kansas City Police Department  
Jefferson City Police Department  
North Kansas City Hospital  
University of Missouri

**NOT RESPONDING: Jackson County Sheriff, Kansas City Police Department**

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA  
Director  
March 13, 2000