

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1665-01  
Bill No.: HB 774  
Subject: Modifies provisions regarding cases involving sexual violent predators.  
Type: Original  
Date: March 6, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$91,236)	(\$106,136)	(\$109,087)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$91,236)</b>	<b>(\$106,136)</b>	<b>(\$109,087)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator, Office of Prosecution Services, Office of Attorney General, St. Louis City Metropolitan Police Department, and Department of Social Services** stated the proposed legislation would not fiscally impact their organizations.

Officials from the **Department of Mental Health (DMH)** stated the Department of Corrections estimates the change in the definition of "predatory" will result in an increase of 2-3 referrals per year. In addition, the sexually violent predator program of 2-3 individuals referred to the program will result in increased variable costs (food, medical, etc.), of \$45 per day per person for 365 days or \$16,425 annual cost per individual. \$16,425 annual cost times 3 individuals equals an annual cost of \$49,275 total annual cost. The FY 02 cost for a 10-month period is \$41,063. However, once the number of additional referrals has reached 25 on the ward, the opening of a new ward will be required, necessitating additional costs (staffing, etc.) of \$180 per day per person (for a total of \$225 per day per person).

Officials from the **Department of Corrections (DOC)** stated the proposed legislation appears to make it easier to declare an offender as a SVP (sexually violent predator), especially in the case of incest. This could result in 2 to 3 more SVP commitments per year and would result in additional testimony and travel time by the DOC's Sexual Offender Assessment Unit staff. (It is unclear whether the DOC may be required to house the offender pending appeal of determination of SVP status. If so, there may be incarceration costs for this, however, they are not included in this fiscal note.) Currently, SVP's are housed in a Treatment Center of DOC's, but the facility is operated by the DMH. Passage of this bill could result in more SVP's. However, the fiscal impact for the DOC is estimated to be of a minimal amount that could be absorbed within existing resources.

Officials from the **Office of State Public Defender (SPD)** stated the proposed legislation will increase the number of individuals requiring public defender counsel at their annual hearings to determine if they are a sexually violent predator. The new legislation includes acts directed towards family members. The SPD system has estimated that the sexually violent predator caseload will increase by 10%. Since January 1, 1999, the SPD has been assigned 45 sexually violent predators to present. Therefore, the SPD estimates 5 new cases in the first year, those 5 plus 5 additional cases in the second year, and those 10 plus 5 additional cases in the third year. Each sexually violent predator has a right to a trial each and every year he is detained. The SPD estimates an additional 1.5 FTE in year FY 02 at a cost of \$198,899 in salaries, fringe benefits, and equipment and expenses, 3 FTE in FY 03 at a cost of \$446,591, and 4.5 FTE in FY 04 at a cost of \$672,733.

ASSUMPTION (continued)

**Oversight** assumes the SPD can perform the duties associated with the proposed legislation with one additional attorney FTE and \$5,000 for expert witness fees beginning in FY 02.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>GENERAL REVENUE</b>			
<u>Costs - Department of Mental Health</u>			
Inpatient Treatment Costs	(\$41,063)	(\$50,753)	(\$52,276)
Total <u>Costs</u> -Department of Mental Health	(\$41,063)	(\$50,753)	(\$52,276)
<u>Costs - State Public Defender</u>			
Personal Service (1 FTE )	(\$28,495)	(\$35,049)	(\$35,925)
Fringe Benefits	(\$9,497)	(\$11,682)	(\$11,974)
Expense and Equipment	(\$12,181)	(\$8,652)	(\$8,912)
Total <u>Costs</u> - State Public Defender	(\$50,173)	(\$55,383)	(\$56,811)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$91,236)</u></b>	<b><u>(\$106,136)</u></b>	<b><u>(\$109,087)</u></b>
<u>FISCAL IMPACT - Local Government</u>			
	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<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.

DESCRIPTION

This bill modifies the court procedures relative to determining whether a person is a sexually violent predator for psychiatric treatment and detainment or commitment purposes. In its main provisions, the bill: (1) Clarifies the definition of "predatory" to ensure that predatory acts against all individuals are included; (2) Lessens the judicial burden upon the filing of any petition alleging that a person is a sexually violent predator. The judge is only required to determine if probable cause exists to believe that the individual may meet the definition of a

DESCRIPTION (continued)

predator, as opposed to the current burden of probable cause that the person is a predator; (3) Allows the Attorney General to appeal any judge's refusal to find any person to be a sexually violent predator and allows the person to be held during the appeal; (4) Allows either party to request independent psychiatric evaluations following the court's determination that a person is a predator and allows the evaluator in the cases to determine who may or may not be present at the evaluation; and (5) Requires courts to be open when a judicial determination of a sexually violent predator is being made, except in child victim cases.

This legislation is not federally mandated and would not duplicate any other program. It may require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Mental Health  
Department of Social Services  
Office of Prosecution Services  
Office of State Public Defender  
St. Louis City Metropolitan Police Department  
Department of Corrections

**NOT RESPONDING: Kansas City Police Department; Greene County Sheriff's Office; St. Louis County Sheriff's Office; and Jackson County Sheriff's Office.**



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Director

March 6, 2001