

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5247S.01I  
 Bill No.: SB 1374  
 Subject: Children and Minors; Courts; Family Law; Drunk Driving/Boating; Victims of Crime  
 Type: Original  
 Date: March 12, 2024

Bill Summary: This proposal creates "Bentley and Mason's law" relating to restitution payments for certain persons convicted of the offense of driving while intoxicated.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\* Unknown fiscal impact potentially reaching the \$250,000 threshold annually for additional staff, resources and systems updates for the Department of Corrections.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §454.1050 - "Bentley's Law" – Adds child maintenance provisions for certain children

Officials from the **Department of Corrections (DOC)** state this bill establishes provisions regarding restitution payments for certain persons convicted of driving while intoxicated. Section 454.1050 stipulates that the court shall order a defendant convicted of the offense of driving while intoxicated to pay restitution for a child whose parent or guardian died as a result of such offense. The order of restitution under this section shall require the defendant to make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this section; or deliver payment for restitution to the division of probation and parole or to the Department of Corrections for transfer to the victim or person or state as appropriate.

Currently the division of probation and parole does not accept payment for any form of restitution. DOC collects restitution from incarcerated individuals when it receives an order from the prosecuting attorney and then remits payment to the prosecuting attorney in accordance with §559.105.

There would be an unknown fiscal impact to update the DOC offender management system in order to send payments directly to individual victims. It is unclear the amount of additional staff that would be necessary to process and remit these additional payments. It is also unclear if the Department of Corrections would be required to continue receiving and issuing payments to the victims after the defendant has been released from the department's supervision.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DOC as an unknown fiscal impact, potentially reaching the \$250,000 threshold annually for additional staff, resources and systems updates.

Officials from the **Department of Social Services**, the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Department of Revenue**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **University of Missouri System**, **Northwest Missouri State University** and the **University Of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other circuit clerks and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Costs</u> – DOC (§454.1050) Restitution payment program p. 3	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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

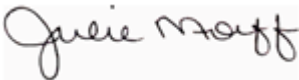
This bill establishes "Bentley's Law", which requires a person convicted of an offense of driving while intoxicated where the death of a parent or parents results to pay, upon petition by the surviving parent or the legal guardian, child maintenance to the child's or children's surviving parent or to the legal guardian until the child: dies; marries; enters active military duty; turns 18 or, if the child is 18 and enrolls in college, until completion of a degree or until the child reaches the age of 21, whichever occurs first.

The bill specifies how the amount of maintenance to be paid is determined and how the maintenance is to be paid. If the surviving parent or the guardian brings a civil action against the person prior to any maintenance being ordered and the parent or guardian receives a judgment in his or her favor, no maintenance will be ordered. Alternatively, if the court orders maintenance to be paid and the parent or guardian later brings a civil action and obtains a judgment in his or her favor, the amount awarded will be offset by the amount of maintenance ordered. (§454.1050)

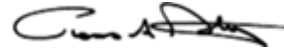
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Higher Education and Workforce Development  
Department of Revenue  
Department of Public Safety - Missouri Highway Patrol  
Department of Social Services  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
University of Missouri System  
Northwest Missouri State University  
University of Central Missouri



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