

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3771S.01I  
Bill No.: SB 755  
Subject: Courts; Crimes and Punishment; Criminal Procedure; Disabilities; Guardians;  
Health Care; Hospitals; Mental Health; Department of Mental Health; Nursing  
Homes and Long-Term Care Facilities  
Type: Original  
Date: February 2, 2022

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Bill Summary: This proposal modifies provisions relating to the discharge of certain  
committed persons.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
General Revenue	(\$2,400)	(\$19,317)	(\$51,513)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$2,400)</b>	<b>(\$19,317)</b>	<b>(\$51,513)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<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 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Income and expenses are estimated at \$150,000 annually and net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</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 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §552.020 - Provisions Relating to the Discharge of Certain Committed Persons

Officials from the **Department of Mental Health (DMH)** state this proposal states once charges are dismissed, the accused shall remain in the custody of DMH until such time as the department determines the accused is appropriate for placement in the community. The legislation requires DMH to provide monitoring to newly released Permanently Incompetent to Proceed (PIST) individuals.

DMH assumes the proposed language will apply from enactment forward and does not require monitoring for individuals who are already living in the community under guardian supervision.

Therefore, DMH will initially provide short-term monitoring of newly released PIST individuals using existing DMH Forensic Case Monitors and will need additional funding in the FY23 budget for long-term monitoring through contracted Certified Community Behavioral Health Organizations (CCBHO).

Without additional funding for long-term monitoring through contracted CCBHOs, monitoring of these PIST individuals by DMH Forensic Case Monitors is not sustainable given their existing caseloads of those clients that have been found Not Guilty by Reason of Insanity (NGRI). Continually adding PIST individuals would lead to an exponential increase of the caseloads for the Forensic Case Monitors. Ever growing caseloads would then jeopardize the Forensic Case Monitor's ability to properly oversee the psychiatric stability of NGRI clients who are conditionally released by court order to live in the community. NGRI clients that are unable to follow their court ordered conditions of release cannot safely remain in the community, which would result in their conditional release being revoked and the client having to be returned to a DMH inpatient hospital bed. As of December 21, 2021, there were 147 individuals with court orders awaiting admission to a DMH inpatient hospital bed. An increased need of DMH inpatient beds for revoked NGRI clients would further expand this waitlist.

DMH research shows that in the 5 years since January 1, 2016, there have been 95 PIST individuals discharged to the community that would require community monitoring; approximately 18 individuals annually. About half of the 95 are located in the St. Louis and Kansas City areas with the remainder dispersed across the state.

Trending forward, it is assumed that DMH will initially use existing Forensic Case Monitors for the short-term to monitor PIST discharges in FY23 with an additional total cost of \$2,400 due to increased travel.

For FY24, it is assumed there will be a sufficient number of PIST discharges to justify additional community monitoring time in each of the following regions: St. Louis region, Kansas City region, and the Southeast Region. This community monitoring would be provided by contracted CCBHOs, funding for the monitoring would total \$19,317 general revenue and \$59,433 federal funds.

For FY25, the number of community monitors needed will increase. Cost for additional community monitoring provided by contracted CCBHOs would be \$51,513 general revenue and \$158,487 federal funds. It is anticipated that additional funding for community monitors would need to be added every 2 years going forward due to individuals continually being discharged to the community.

Costs were based on the existing Community Mental Health Liaison program, which provides mental health professionals to assist law enforcement and courts with individuals in crisis. Monitoring can occur by a CCBHO which have a higher federal match.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DMH.

Officials from the **Attorney General's Office**, the **Department of Corrections**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator** and the **Office of the State Public Defender** 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 nursing homes were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DMH (§552.020) Additional Provider-Case Monitors pp. 3-4	<u>(\$2,400)</u>	<u>(\$19,317)</u>	<u>(\$51,513)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$2,400)</u></b>	<b><u>(\$19,317)</u></b>	<b><u>(\$51,513)</u></b>
<b>FEDERAL FUNDS</b>			
<u>Income</u> - DMH (§552.020) Reimbursement for Additional Provider-Case Monitors pp. 3-4	\$0	\$59,433	\$158,487
<u>Costs</u> - DMH (§552.020) Additional Expenditures for Provider-Case Monitors pp. 3-4	<u>\$0</u>	<u>(\$59,433)</u>	<u>(\$158,487)</u>
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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, the court shall dismiss criminal charges without prejudice against certain individuals accused of committing an offense who have been committed to the Director of the Department of Mental Health for lack of mental fitness to proceed and for whom a court finds that there is no substantial probability that the accused will be mentally fit to proceed in the reasonably foreseeable future. Under this act, once the charges have been dismissed, the accused shall remain in the custody of the Department until the Department determines it is appropriate that the accused be placed in the community, including that the accused is not likely to be dangerous

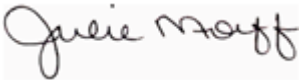
to others while living in the community. The guardian of the accused shall have access to the all risk assessments and patient files maintained by the Department for the accused.

The Department shall ensure that a discharge plan is developed and provided to the accused's guardian in advance of discharge with information relating to treatment and services provided in the plan as specified in the act. Prior to discharge, the Department shall notify the prosecuting or circuit attorney of the jurisdiction where the accused was found to lack mental fitness to proceed (§552.020).

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

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



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