

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 8056

BILL NUMBER: SB 373

DATE PREPARED: Apr 16, 2001

BILL AMENDED: Apr 12, 2001

SUBJECT: Department of Correction Ombudsman.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It describes the duties of the Board of Correction. It voids bylaws adopted by the Board of Correction before October 1, 1980.

(B) It creates the Department of Correction Ombudsman Bureau in the Department of Administration. It provides that the Department of Administration shall determine salaries and other personnel matters of the Department of Correction Ombudsman Bureau. It establishes the Bureau for persons who allege that their health or safety has been endangered by the Department of Correction, or that the Department of Correction has violated a law, rule, or written policy. It prohibits the Ombudsman from investigating complaints related to labor relations. It provides that the Ombudsman and a person who provides records to the Ombudsman are immune from civil liability. It makes certain actions that impede the Ombudsman's investigation a Class A misdemeanor.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) Provision A would increase the amount of oversight that the Board of Correction would have over the Department of Correction. However, it is not likely to significantly affect the operating costs of the Department.

Provision B: This Bureau would be established as a separate entity within the Department of Administration.

For illustrative purposes, a comparable office and position of Long-Term Care Ombudsman exists within the Family and Social Services Administration. The annual costs to operate this office is \$135,000. The administrative budget for the Office of the Long-Term Care Ombudsman is provided in the table, below.

<u>ITEM</u>	<u>Budget</u>
Personnel Costs (Ombudsman)	\$56,700
Other Services (i.e. telephone, subscriptions)	\$4,820
Services by Contract	\$45,076
Supplies	\$14,806
Equipment	\$3,682
Indirect Costs	\$7,710
Out-of-State Travel	<u>\$2,500</u>
Total Costs	<u><u>\$135,294</u></u>

Explanation of State Revenues: This bill provides for a Class A misdemeanor for certain actions that impede the Ombudsman's investigation. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Board of Correction, Department of Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Family and Social Services Administration, Office of the Long-Term Care Ombudsman.