

Fiscal Estimate Narratives

DOC 3/11/2016

LRB Number	15-0860/1	Introduction Number	AB-0959	Estimate Type	Original
Description Elimination of a provision that excepts spiritual treatment of a child in the law criminalizing physical abuse of a child and in the laws governing the practice of medicine or surgery, the investigation of child abuse or neglect, the administration of psychotropic medication to juveniles in correctional custody, and the election of Christian Science treatment in lieu of medical or surgical treatment					

Assumptions Used in Arriving at Fiscal Estimate

Under current legislation, physical abuse of a child is a felony, however a person is not guilty of criminal abuse solely because they provide certain forms of spiritual versus medical or surgical treatment. The proposed legislation eliminates this provision.

Under current legislation, a county that receives a report of suspected abuse or neglect of a child must investigate and determine if the child, their family, guardian, or legal custodian is in need of services. Current legislation provides that an abuse or neglect determination may not be based solely on the fact the child's parent, guardian, or legal custodian relies on prayer or other religious means to treat or care for the child. The proposed legislation eliminates this provision and instead provides that a county may not base a determination that a child, a member of the child's family, or a child's guardian or legal custodian is in need of services solely because of religious child-rearing beliefs and provides practices that differ from community norms, unless those beliefs present a danger to the physical or emotional well-being of a child.

Under current legislation, the juvenile courts may grant permission for the Department or county to administer psychotropic medication to a juvenile 14-years-old or over who is under Department or county supervision and who wishes for such medication if their parent or guardian's consent is unreasonably withheld, a physician has determined a need, and the juvenile is competent to consent. Current legislation provides that juvenile court may not determine that a parent or guardian's consent is unreasonably withheld solely because they rely on treatment by spiritual means. The proposed legislation eliminates this provision.

Current legislation provides that a person electing Christian Science treatment in lieu of medical or surgical treatment for the cure of disease may not be compelled to submit to medical or surgical treatment. This proposed legislation limits this provision to apply only to the election of Christian Science treatment by an adult patient.

It is not clear to what extent, or whether, these provisions would affect the outcomes of criminal proceedings pertaining to these crimes. If the provisions of this bill increase or decrease felony convictions, the Department's costs will similarly increase or decrease.

The average FY15 annual cost for an inmate in a DOC institution is approximately \$32,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,600 based on FY15 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could change if an increased or decreased number of offenders are convicted of these crimes and placed on probation. The average FY15 annual cost to supervise one offender is approximately \$2,800. County jails could also experience increased or decreased costs, as offenders may be sentenced to jail as a condition of probation. Since the Department doesn't have any data that would assist us in predicting how many offenders will be convicted under the provisions of the bill, it is not possible to estimate the fiscal impact.

Long-Range Fiscal Implications