

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1072-02
Bill No.: SCS for HB 361 & HB 684
Subject: Circuit Clerk; Courts; Crimes and Punishment
Type: Original
Date: April 13, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General, Department of Mental Health, Department of Social Services**, and the **State Treasurer's Office** assume the proposal would have no fiscal impact on their agencies.

In response to a similar proposal from the current session (SB 423, LR # 1586-02), officials from the **Department of Corrections** assumed the proposal would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume, based on information obtained from Office of State Courts Administrator, there would be a minimal impact because the courts are not supposed to be assessing fees for misdemeanor traffic convictions. Based on this information, MHP assumes the proposal would have no fiscal impact on their agency.

ASSUMPTION (continued)

Oversight received information from Office of State Courts Administrator that the proposed legislation is to clarify the language, that all criminal cases in Section 488.5050 would not include traffic violations cases. Therefore, Oversight assumes no fiscal impact.

Officials from the **Boone County Sheriff's Department** assume they would incur costs of training approximately 6 employees in collection of the samples. These employees earn \$14.88 per hour. Approximately 1 hour of training time would be involved per employee for a total cost of approximately \$89.28. Officials would also incur an additional cost for each sample collected. Each sample collected would take approximately 5 minutes to collect and document. Boone County Sheriff's Department estimates the cost to be \$1.24 per sample collected. It is unknown how many samples might be collected.

Oversight assumes Boone County Sheriff's Department could absorb the cost of the proposal within existing resources.

Officials from the **Office of the Secretary of State (SOS)** assume the proposal would create new provisions and make modifications to certain statutes relating to the DNA profiling system. The Department of Public Safety could adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 8 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$492 in FY 06 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the Greene County Sheriff's Office, Jackson County Sheriff's Office, and the St. Louis County Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would exempt traffic violation cases from the \$15 surcharge assessed as court costs and deposited into the DNA Profiling Analysis Fund. This fund pays for the collection and analysis of DNA profiles of persons convicted of a felony or sex crime. Currently, a \$30 surcharge is assessed upon all felony convictions and a \$15 surcharge upon all misdemeanor convictions. (§488.5050)

The proposal would require that the sheriff of the county assigned to an offender perform the DNA sample collection when such qualified offender is under the custody and control of a company contracted by the county or court to perform supervision or treatment. Currently, the statute only provides for who will conduct the DNA sample collection when an offender is under the custody of the Department of Corrections or a county jail. (§650.052)

Currently, every individual who pleads guilty or is convicted of a felony or sexual offense, under Chapter 566, RSMo, or has been determined to be a sexually violent predator, must have a sample collected for purposes of DNA profiling analysis. The proposed legislation would clarify that the sample is collected upon entering or before release from a Department of Corrections reception or diagnostic center, county jail, detention facility, state correctional facility, or other institution. Such institutions would include those that are operated by a private, local, or state agency. (§650.055)

DESCRIPTION (continued)

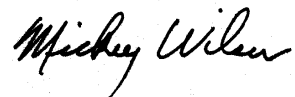
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Mental Health
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
Office of the Secretary of State
State Treasurer's Office
Boone County Sheriff

NOT RESPONDING

Greene County Sheriff
Jackson County Sheriff
St. Louis County Police Department



Mickey Wilson, CPA
Director
April 13, 2005