

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3823-02  
Bill No.: HCS for HB 1322  
Subject: Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: March 27, 2006

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
DNA Profiling Analysis*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\*Offsetting Revenues and Costs in the DNA Profiling Analysis Fund of up to approximately \$700,000 per fiscal year.**

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</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 LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government**</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\*\*Offsetting Revenues and Costs to Crime Laboratories of up to approximately \$700,000 per fiscal year.**

### **FISCAL ANALYSIS**

#### **ASSUMPTION**

Officials from the **Department of Public Safety – Director’s Office, Boone County Sheriff’s Department**, and the **Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

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

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the Attorney General (AGO)** did not respond to Oversight’s request for fiscal impact. However, in response to a previous version of the proposal (HB 1322, LR # 3823-01), officials assumed the cost of the proposal can be absorbed. However, it is possible that the AGO would seek additional resources depending on the number of new claims filed.

ASSUMPTION (continued)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume there are three individuals who may qualify for restitution. MHP estimates the total payments to total \$875,000. MHP assumes payments of \$36,500 per person per year would reach \$109,500 per year. Since MHP cannot estimate how many individuals will receive restitution, officials assume the impact may be from \$0 to \$109,500 per year.

Officials from the **Department of Corrections (DOC)** assume the fiscal impact due to passage of this proposal is unknown because the number of offenders in the future who may be exonerated by DNA profiling cannot be estimated.

**Oversight** assumes the restitution payments will be paid by the Department of Corrections from the General Revenue Fund, and could range from \$0 to Unknown per fiscal year.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this proposal for Administrative Rules is less than \$1,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

In response to a similar proposal from the current session (SB 587, LR # 3347-01), officials from the **Office of State Courts Administrator (CTS)** assumed the proposed legislation would remove the August 28, 2006 expiration date for the \$30 and \$15 surcharges on certain criminal cases. In the first eleven months of 2005, \$643,614 was deposited into the DNA Profiling Analysis Fund. With the deletion of the expiration date, CTS would anticipate that approximately this amount would be deposited into the fund in any given year.

**Oversight** assumes funds deposited into the DNA Profiling Analysis Fund would be distributed by the Department of Public Safety to crime laboratories for the implementation of the DNA Profiling System.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> – Department of Corrections			
Restitution (\$650.058)	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<u><b>\$0 to (Unknown)</b></u>	<u><b>\$0 to (Unknown)</b></u>	<u><b>\$0 to (Unknown)</b></u>
<b>DNA PROFILING ANALYSIS FUND</b>			
<u>Revenues</u> – State Treasurer’s Office			
Court fees (\$488.5050)	\$576,922	\$702,124	\$702,124
<u>Costs</u> – Department of Public Safety			
Distributions to crime laboratories (\$488.5050)	<u>(\$576,922)</u>	<u>(\$702,124)</u>	<u>(\$702,124)</u>
<b>ESTIMATED NET EFFECT ON DNA PROFILING ANALYSIS FUND</b>	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>POLITICAL SUBDIVISIONS</b>			
<u>Revenues</u> – Crime Laboratories			
Distributions from DNA Profiling Analysis Fund (§488.5050)	\$576,922	\$702,124	\$702,124
<u>Costs</u> – Crime Laboratories			
Implementation of DNA Profiling System (§488.5050)	<u>(\$576,922)</u>	<u>(\$702,124)</u>	<u>(\$702,124)</u>
<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<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.

DESCRIPTION

The proposed legislation extends the expiration date on criminal court surcharges from August 28, 2006, to August 28, 2013. (§488.5050)

The proposal requires DNA evidence to be preserved by the investigating law enforcement agency. Currently, DNA evidence is preserved by the Missouri State Highway Patrol. (§650.056)

The proposal allows a person determined to be actually innocent of a crime, based on DNA profiling analysis, to receive \$50 for each day of post-conviction incarceration and an automatic expungement of any records concerning the crime for which the person was innocent. (§§650.055, 650.058)

The proposal defines “central repository” and “forensic DNA analysis.” (§650.100)

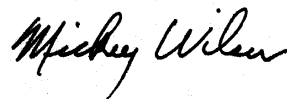
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

Office of the Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
    – Director's Office  
Office of Prosecution Services  
Office of the Secretary of State  
Boone County Sheriff's Department  
Springfield Police Department

**NOT RESPONDING**

Office of the State Public Defender  
Clark County Sheriff's Department  
Columbia Police Department  
Greene County Sheriff's Department  
Independence Police Department  
Jackson County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department  
St. Louis Metropolitan Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director

L.R. No. 3823-02  
Bill No. HCS for HB 1322  
Page 7 of 7  
March 27, 2006

March 27, 2006

BLG:LR:OD (12/02)