

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4300-01
Bill No.: HB 1312
Subject: Courts; Fees
Type: Original
Date: February 27, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government**	\$0	\$0	\$0

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol, Office of the State Public Defender, 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.

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.

ASSUMPTION (continued)

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.

Officials from the **Department of Corrections (DOC)** assume they cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

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 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.

Oversight assumes this proposed legislation extends an existing provision by removing or changing the expiration date. Oversight assumes removing or changing the expiration date will extend any fiscal impact associated with the existing provision. Therefore, Oversight has reflected the fiscal impact in the fiscal note.

This proposal would increase Total State Revenue.

ASSUMPTION (continued)

Officials from the 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, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
DNA PROFILING ANALYSIS FUND			
<u>Revenues</u> – State Treasurer's Office			
Court fees	\$576,922	\$702,124	\$702,124
<u>Costs</u> – Department of Public Safety			
Distributions to crime laboratories	<u>(\$576,922)</u>	<u>(\$702,124)</u>	<u>(\$702,124)</u>
ESTIMATED NET EFFECT ON DNA PROFILING ANALYSIS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – Crime Laboratories			
Distributions from DNA Profiling Analysis Fund	\$576,922	\$702,124	\$702,124
<u>Costs</u> – Crime Laboratories			
Implementation of DNA Profiling System	<u>(\$576,922)</u>	<u>(\$702,124)</u>	<u>(\$702,124)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<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

This bill defines central repository and forensic DNA analysis and requires the DNA profiling system to maintain and compare DNA profiles developed from lawfully obtained biological samples and assist with criminal investigations conducted by Missouri law enforcement agencies. The State Highway Patrol crime laboratory will perform the DNA sample collection for any person designated as a sexually violent predator. Database information or evidence of a DNA match will not be excluded from evidence in the trial of any case, nor will any identification, detention, arrest, or warrant be invalidated, suppressed, or excluded. Nor will any conviction of a person, based in whole or in part upon data basing information or a database match, be reversed or set aside if it is determined that an individual's DNA sample was obtained or placed in the database in error.

Tampering or attempting to tamper with any sample collected for the DNA profiling system or the collection container without lawful authority will be a class A misdemeanor.

The proposed legislation removes the August 28, 2006, expiration date for the \$30 surcharge on criminal cases in which the defendant pleads guilty to or is convicted of a felony and the \$15 surcharge for cases in which the defendant pleads guilty to or is convicted of a misdemeanor. This money is deposited into the DNA Profiling Analysis Fund and used only for the DNA profiling analysis of convicted offender samples.

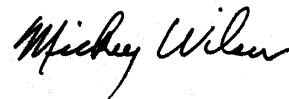
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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

NOT RESPONDING

**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
February 27, 2006