

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0746-01
Bill No.: HB 742
Subject: Crimes and Punishment
Type: Original
Date: April 5, 2007

Bill Summary: The proposal relates to the sealing of certain criminal records.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(\$712,630)	(\$880,810)	(\$907,234)
Total Estimated Net Effect on General Revenue Fund	(\$712,630)	(\$880,810)	(\$907,234)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Criminal Records	(\$99,789)	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$99,789)	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	22	22	22
Total Estimated Net Effect on FTE	22	22	22

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	(More than \$47,894)	(More than \$6,798)	(More than \$7,002)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation, Department of Corrections, Department of Revenue, Department of Public Safety – Director’s Office, and the Office of the State Public Defender** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General (AGO)** assume any additional costs of this proposal could be absorbed within existing resources. However, if this proposal results in a large increase in the number of actions seeking an expungement, the AGO will seek additional appropriations to handle those matters.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would expand the number of criminal records eligible for expungement and allows the court to charge a fee equivalent to the cost associated with the expungement.

CTS assumes this would cause a significant workload and fiscal impact on the courts. As a result of the proposed legislation, CTS estimates approximately 9,000 records (10% the annual 90,000 guilty dispositions) would be eligible for expungement. Based upon their clerical weighted workload statistics, it takes approximately 266 minutes or 4.4 hours of clerical time to process a case. The increase in workload would require 22 additional FTE court clerks (each at \$25,980 per year).

In FY 2008, CTS estimates the cost will be \$712,630 and 22 FTE court clerks.

Oversight assumes counties will incur the equipment and expense costs for the court clerks. Oversight assumes the statewide costs to counties will be approximately \$48,000 in FY 08 and \$7,000 in subsequent years.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume the proposal would require modifications and new functionality to the current criminal history procedures and transactions. MSHP assumes this would require 1073 consultant hours. This is based on the estimated function point count that was performed for “sealed records” in 2003 (810 hours) and adding additional function points for the “caution” procedure and other interfaces.

MSHP assumes outside consultants will be utilized. MSHP assumes the cost to be 1073 hours x \$93 per hour = \$99,789 in FY 08.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** state they are unable to determine if the proposal would have a significant direct fiscal impact on county prosecutors or the OPS. If “sealing” of records is the same as “expungement” of records, there would be a significant direct fiscal impact on county prosecutors. Since “sealing” is not defined, the fiscal impact is impossible to determine.

Officials from the **St. Louis City Circuit Clerk’s Office** concur with the estimates provided by the Office of State Courts Administrator.

Officials from the Jackson County Circuit Clerk’s Office and the Phelps County Circuit Clerk’s Office did not respond to Oversight’s request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Costs – Office of State Courts Administrator (CTS)</u>			
Personal Service	(\$490,589)	(\$606,368)	(\$624,559)
Fringe Benefits	<u>(\$222,041)</u>	<u>(\$274,442)</u>	<u>(\$282,675)</u>
<u>Total Costs – CTS</u>	<u>(\$712,630)</u>	<u>(\$880,810)</u>	<u>(\$907,234)</u>
FTE Change – CTS	22 FTE	22 FTE	22 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$712,630)</u>	<u>(\$880,810)</u>	<u>(\$907,234)</u>
Estimated Net FTE Change for General Revenue Fund	22 FTE	22 FTE	22 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2008 (10 Mo.)	FY 2009	FY 2010
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CRIMINAL RECORDS FUND

Costs – Missouri State Highway Patrol

Consultant fees for computer programming changes	<u>(\$99,789)</u>	<u>\$0</u>	<u>\$0</u>
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**ESTIMATED NET EFFECT ON
CRIMINAL RECORDS FUND**

<u>(\$99,789)</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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POLITICAL SUBDIVISIONS

Costs – Counties

Equipment and Expense for court clerks	(\$47,894)	(\$6,798)	(\$7,002)
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Costs – County Prosecutors

Sealing of records proceedings	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
POLITICAL SUBDIVISIONS**

<u>(More than \$47,894)</u>	<u>(More than \$6,798)</u>	<u>(More than \$7,002)</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation authorizes the sealing of certain criminal records of adults and minors prosecuted as adults.

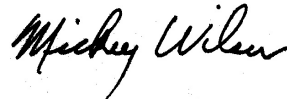
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Transportation
Department of Corrections
Department of Revenue
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of Prosecution Services
Office of the State Public Defender
City of St. Louis Circuit Clerk's Office

NOT RESPONDING

Jackson County Circuit Clerk's Office
Phelps County Circuit Clerk's Office



Mickey Wilson, CPA
Director
April 5, 2007