

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1682-01  
Bill No.: HB 1072  
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and  
Agencies; Science and Technology  
Type: Original  
Date: April 15, 2009

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Bill Summary: The proposal authorizes the court to order forfeiture of computers or laptop computers used by a defendant in the commission of a sexual offense.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<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 FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Local Government *</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\* Local Law Enforcement Agencies would incur offsetting revenues of an unknown amount from the sale of seized computers and labor costs of an unknown amount to clean the computer hard drives prior to sale, netting to \$0.**

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol, Office of the State Public Defender**, 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 **Boone County Sheriff's Department** assume revenues could be generated on the sale of seized computers forfeited to their agency, however they would have to invest time and money (officer salary) into wiping hard drives ensuring nothing inappropriate or illegal was still on them prior to sale. Officials assume it is likely more trouble than the revenues are worth. There is a possibility it would cost more in time (officer salary) spent wiping hard drives and ensuring nothing inappropriate or illegal was still on them prior to the time of sale, making the cost/benefit ratio a losing situation.

**Oversight** assumes any revenues generated by the sale of seized computers forfeited to law enforcement agencies would be offset by the cost of ensuring the computers are clean prior to the time of sale.

**Officials from the Office of Prosecution Services, Buchanan County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, Kansas City 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 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
<b>LOCAL GOVERNMENT</b>			
<u>Revenues</u> – Law Enforcement Agencies			
From sale of seized computers	Unknown	Unknown	Unknown
<u>Costs</u> – Law Enforcement Agencies			
Labor costs to clean computer hard drives	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT *</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

\* Local Law Enforcement Agencies would incur offsetting revenues of an unknown amount from the sale of seized computers and labor costs of an unknown amount to clean the computer hard drives prior to sale, netting to \$0.

#### 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 specifies that any computer or laptop seized in the investigation and prosecution of a sexual offense will not be returned to the offender upon a plea of guilt or a finding of guilt and a court finding if the prosecuting or circuit attorney believes the computer or laptop was used in the commission of the sexual offense. The computer or laptop will be retained by the law enforcement agency which seized the property for the agency's own use or sale. The offender may contest the forfeiture by presenting evidence and argument to the court that the computer or laptop was not used in the commission of the offense. If the court finds that the computer or laptop was not used in the commission of a sexual offense, the court must order that it be returned to the offender at the same time and in the same manner that is customary in criminal cases.

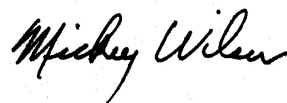
This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

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

**NOT RESPONDING**

**Office of Prosecution Services  
Buchanan County Sheriff's Department  
Jackson County Sheriff's Department  
St. Louis County Police Department  
Columbia Police Department  
Kansas City 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  
April 15, 2009