

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4116-02
Bill No.: HB 1869
Subject: Courts; Criminal Procedure; Civil Procedure
Type: Original
Date: March 23, 2010

Bill Summary: The proposal revises the law concerning surcharges in criminal cases for the DNA Profiling Analysis Fund.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
Total Estimated Net Effect on General Revenue Fund	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
DNA Profiling Analysis	\$1,400,000	\$1,400,000	\$1,400,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$1,400,000	\$1,400,000	\$1,400,000

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ 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 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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 Administration – Division of Budget and Planning** assume the proposal would have no fiscal impact on their agency. Officials state, prior to implementation of Section 488.5050.4, RSMo, certain court fees were deposited in the DNA Profiling Analysis Fund. In Fiscal Year 2009, \$1,464,814 was deposited in the DNA Profiling Analysis Fund. Because the state's general revenue did not increase by two percent or more in 2008, the revenues previously deposited in the DNA Profiling Analysis Fund are currently being deposited into the General Revenue Fund.

Officials from the **Department of Public Safety – Missouri State Highway Patrol**, Crime Laboratory Division state that at the beginning of the 2010 fiscal year, all the funding intended for the DNA profiling fund was redirected to general revenue. This amounted to approximately \$1.4 million. If this bill is enacted, the court fees received will be deposited in the DNA Profiling Analysis Fund. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor. The funding portion of this bill includes an emergency clause.

<u>FISCAL IMPACT - State Government</u>	FY 2011	FY 2012	FY 2013
---	---------	---------	---------

GENERAL REVENUE FUND

Losses – Missouri State Highway Patrol

Court fees	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
------------	----------------------	----------------------	----------------------

**ESTIMATED NET EFFECT ON
GENERAL REVENUE FUND**

<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
-----------------------------	-----------------------------	-----------------------------

<u>FISCAL IMPACT - State Government</u>	FY 2011	FY 2012	FY 2013
---	---------	---------	---------

DNA PROFILING ANALYSIS FUND

Revenues – Missouri State Highway
 Patrol

Court fees	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>
------------	--------------------	--------------------	--------------------

**ESTIMATED NET EFFECT ON DNA
 ANALYSIS PROFILING FUND**

<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>
---------------------------	---------------------------	---------------------------

<u>FISCAL IMPACT - Local Government</u>	FY 2011	FY 2012	FY 2013
---	---------	---------	---------

<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.

FISCAL DESCRIPTION

The proposed legislation requires an individual who is found guilty in any criminal case in a circuit court to be assessed a \$30 surcharge and removes the provision assessing the surcharge to an individual who pled nolo contendere in these cases. Currently, these funds are deposited into general revenue if the state's general revenue did not increase by 2% in the previous fiscal year. This provision is removed and instead directs these moneys to be deposited into the DNA Profiling Analysis Fund to be used only by the State Highway Patrol Crime Lab. The proposal contains an emergency clause, and shall be in full force and effect upon passage and approval.

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 Administration
– Division of Budget and Planning
Office of State Courts Administrator
Department of Public Safety
– Missouri State Highway Patrol

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

Mickey Wilson, CPA
Director
March 23, 2010