

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5256-03  
Bill No.: HCS for HB 1448  
Subject: Courts; Judges; Criminal Procedure  
Type: Original  
Date: April 11, 2014

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Bill Summary: This proposal changes the laws regarding judicial procedures.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$1,400,000)</b>	<b>(\$1,400,000)</b>	<b>(\$1,400,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Cyber Crime Investigation	\$0	\$0	\$0
<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 11 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Local Government</b>	<b>Up to \$1,400,000</b>	<b>Up to \$1,400,000</b>	<b>Up to \$1,400,000</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§§56.110, 478.240 and 478.610 - Changes the laws of Judicial Procedures**

Officials at the **Office of the State Courts Administrator (CTS)** assume costs due to this proposal would not be in excess of \$100,000.

**Oversight** assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

Officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

In response to a previous version, officials at the **Office of Prosecution Service**, the **Office of the State Public Defender** and the **Office of Administration** each assumed no fiscal impact to their respective agencies from this proposal.

#### **§650.120 - Internet Cyber Crime**

Officials at the **Department of Public Safety's Missouri Highway Patrol** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (HB 1906), officials from the **Department of Social Services** stated their State Technical Assistance Team (STAT) is a recipient of a grant under the Cyber Crime Investigative Fund Grant Program, for which in FY 2014, we received \$76,420.28, which is used to train employees in advanced high technology forensic investigative techniques, as well as purchase software, equipment and supplies for conducting high tech children's events investigations. Loss of this grant funding would have a negative impact in the above listed areas, which could also be reflected in the ability to protect Missouri children from high tech predators. As the grant funds are above and beyond STAT's budget, there is no fiscal impact.

In response to similar legislation (HB 1906), officials from the **Columbia Police Department** assumed the proposal would not fiscally impact their agency.

In a previous version, officials at the **Cole County Sheriff's Department** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

In response to a similar bill from 2013 (HB 299), officials from the **Springfield Police Department** stated the proposal would result in savings of roughly \$39,000 to their agency for proceeds spent on overtime, training, license renewals, covert internet service and internet aircard.

In response to a similar proposal from 2012 (HB 1750), officials from the **Boone County Sheriff's Office** stated they currently receive funding for two detectives, equipment, training and overtime for their Cyber Crimes Unit. 2011's grant provided \$173,300. 2012's grant totals \$153,305 in funding. With these grants, the Sheriff's Office does not then have to come from the department's general budget. It is not known whether Boone County would be able to cover the loss of these funds to continue to employ two of the Cyber Crimes Unit detectives and/or keep the unit operational.

**Oversight** completed a sunset review of the program in 2011. Below is information Oversight compiled during that sunset review:

Beginning with fiscal year 2010 and each subsequent year, the General Assembly was to appropriate three million dollars to the Cyber Crime Investigation Fund to fund the program; however, this appropriation is removed in this bill. The Department of Public Safety administers the fund.

State funding of the Internet Cyber Crime Grant (ICCG) program began in Fiscal Year 2007 and lasted for three years. The program was funded through the state's General Revenue Fund and expenditures in the program for those three years were:

1. \$ 184,558 in FY 2007 (2007 ICCG);
2. \$1,025,285 in FY 2008 (2008 ICCG); and
3. \$1,357,748 in FY 2009 (2009 ICCG).

ASSUMPTION (continued)

In 2009, the American Recovery and Reinvestment Act (ARRA), commonly known as the federal stimulus program, was signed into law which provided additional funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) for state and local law enforcement agencies. In 2010, DPS stopped funding the ICCG program and started a very similar program funded with federal stimulus funds and named the new program the Multi-Jurisdictional Cyber Crime Grant Program (MJCCG) to distinguish it from the ICCG. For the past five years, all Missouri cyber crime grants have been awarded under the MJCCG program. Federal funding of the MJCCG began in State Fiscal Year 2010 and lasted into FY 2014. Expenditures/awards in the program for those years are:

4. \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
5. \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
6. \$1,516,699 of awards in FY 2012 (2011 MJCCG).

Program Year	Program	Contract Period	Grantees	Award	Funding Source
2007	ICCG	7/1/06 - 6/30/07	11	\$242,388	General Revenue
2008	ICCG	7/1/07 - 5/31/08	15	\$1,208,527	General Revenue
2009	ICCG	6/1/08 - 5/31/09	15	\$1,455,398	General Revenue
2009	MJCCG	6/1/09 - 6/30/10	13	\$1,499,597	ARRA
2010	MJCCG	7/1/10 - 6/30/11	14	\$1,419,768	ARRA
2011	MJCCG	7/1/11 - 6/30/12	14	\$1,516,699	ARRA

**ASSUMPTION** (continued)

This table shows the various task forces throughout the state that received funding in a recent fiscal year (FY 2011) through the federal program (MJCCG).

	Task Force	Project Title	Requested Funding	Award
1	Boone County, Cyber Task Force	Boone County Sheriff's Department Cyber Crimes Task Force	\$204,378	\$152,305
2	Clayton, RCCEEG	Regional Computer Crime Education & Enforcement Group	\$139,655	\$138,802
3	Dent County, Cyber Task Force	South Central Missouri Computer Crime Task Force	\$44,186	\$44,186
4	Independence, Cyber Unit	Northeastern Jackson County Cyber Crimes Working Group Against Internet Crime	\$138,851	\$121,092
5	Joplin, Cyber Task Force	Southwestern Missouri Cyber Crime Task Force	\$177,586	\$177,182
6	Kirksville, Cyber Task Force	Kirksville Regional Computer Crimes Unit	\$59,742	\$59,742
7	Missouri Department of Social Services, STAT	Operation Cyber-Safe	\$97,362	\$84,512
8	Missouri State Highway Patrol, Cyber Crime Unit	Computer Forensic Unit	\$42,057	\$31,989
9	Platte County, PCMEG	Western Missouri Cyber Crimes Task Force	\$423,006	\$202,677
10	Poplar Bluff, SEMO Cyber Unit	SEMO Cyber Crimes Task Force	\$129,215	\$105,206
11	Springfield, Cyber Crime Task Force	2012 Internet Cyber Crime Initiative	\$237,582	\$73,748
12	St Charles County, Cyber Task Force	St. Charles County Internet Crimes Against Children	\$191,584	\$190,864
13	St. Louis County, Cyber Task Force	2011 MJCCG - Special Investigations Personnel Upgrade	\$181,622	\$63,746
14	Stone County, Tri-Lakes Cyber Task Force	Tri-Lakes Regional Internet Crimes Task Force	\$93,490	\$70,646
	<b>Total Funding</b>		<b>\$2,160,318</b>	<b>\$1,516,698</b>

ASSUMPTION (continued)

**Oversight** assumes the federal stimulus funding for this program is exhausted. Therefore, Oversight will assume an annual cost to the General Revenue Fund to continue this program in FY 2015 and beyond. The Department of Public Safety is allowed to retain up to three percent of the funding for administrative expenses.

This proposal removes the sunset provision and extends the expiration date to 2024. It also removes the \$3 million appropriation from the section. Therefore, Oversight will assume an annual appropriation of roughly \$1.4 million (average of Fiscal Years 2008 - 2011) will be used to fund this program.

Two state agencies (Missouri Highway Patrol and the Department of Social Services) have previously received funding through this program. Therefore, Oversight will show potentially not all of the appropriation being distributed to local political subdivisions (some of the money could be granted to state agencies that work in this field and Department of Public Safety - Director's Office could retain a percentage for administrative expenses).

Officials from the Buchanan County Sheriff's Department and the St. Louis County Department of Justice did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>GENERAL REVENUE</b>			
<u>Transfer Out</u> - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>	<u>(\$1,400,000)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$1,400,000)</u></b>	<b><u>(\$1,400,000)</u></b>	<b><u>(\$1,400,000)</u></b>
<b>CYBER CRIME INVESTIGATION</b>			
<u>Transfer In</u> - from the General Revenue Fund	\$1,400,000	\$1,400,000	\$1,400,000
<u>Costs</u> - Department of Public Safety is allowed to retain up to 3% of funding for administrative expenses	(Up to \$42,000)	(Up to \$42,000)	(Up to \$42,000)
<u>Costs</u> - grants to multi jurisdictional internet cyber crime law enforcement task forces	(At least <u>\$1,358,000</u> )	(At least <u>\$1,358,000</u> )	(At least <u>\$1,358,000</u> )
<b>ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>



FISCAL IMPACT - Local Government

FY 2015  
(10 Mo.)

FY 2016

FY 2017

**LOCAL POLICE DEPARTMENTS  
AND SHERIFF'S OFFICES**

Income - grants from the Missouri  
Department of Public Safety for the  
Internet Cyber Crime Grant program

Up to  
\$1,400,000

Up to  
\$1,400,000

Up to  
\$1,400,000

**ESTIMATED NET EFFECT TO  
LOCAL POLICE DEPARTMENTS  
AND SHERIFF'S OFFICES**

Up to  
\$1,400,000

Up to  
\$1,400,000

Up to  
\$1,400,000

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill specifies that when a special prosecutor is appointed in any case, he or she may not be otherwise employed by a party other than the State of Missouri in any criminal case or proceeding in that circuit for the duration of that appointment and must be considered an appointed prosecutor for purposes of Section 56.360, RSMo. The presiding judge is authorized to assign a judge to hear the trial of a felony case when he or she has previously conducted the preliminary hearing in that case if the defendant has signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial. The bill authorizes the 13th Judicial Circuit to appoint or retain a commissioner pursuant to Section 478.003. The bill adds the executive director of the Missouri office of prosecution services, or his or her designee, to those individuals on the panel in the Department of Public Safety that awards grants to law enforcement agencies that are investigating internet sex crimes against children. The bill adds assistant prosecuting and circuit attorneys to the list of individuals who are eligible to have their salaries paid through the grant. In any case in which the defendant is acquitted or in which a person must be committed or recognized to answer for a felony and no indictment is issued against the person, the costs must be paid by the state. The bill repeals the provision that requires the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person and prohibits the state or county from paying the costs in that type of case.

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FISCAL DESCRIPTION (continued)

The provisions regarding Internet cyber crime law enforcement task forces and the Cyber Crime Investigation Fund expired on June 5, 2012. This bill extends these provisions to August 28, 2024 and removes appropriations for the fund.

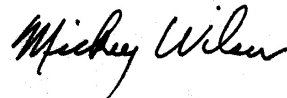
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of the Attorney General  
Office of Administration  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Social Services  
Department of Public Safety's Missouri Highway Patrol  
Springfield Police Department  
Cole County Sheriff's Department  
Columbia Police Department  
Boone County Sheriff's Department

**Not Responding**

Buchanan County Sheriff's Department  
St. Louis County Department of Justice



Mickey Wilson, CPA  
Director  
April 11, 2014

Ross Strobe

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Assistant Director  
April 11, 2014

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