

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5840-05
Bill No.: SCS for SB 824
Subject: Counties; County Officials; Criminal Procedure; Law Enforcement Officers and Agencies
Type: Original
Date: April 2, 2014

Bill Summary: This proposal modifies provisions relating to county prosecuting attorneys.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| General Revenue* | \$0 | \$0 | \$0 |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

* Revenues and Transfers-Out net to zero.

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| Office of Prosecution Services Fund* | \$0 | \$0 | \$0 |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

*Revenues and Cost net to zero.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

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

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2015 | FY 2016 | FY 2017 |
| | | | |
| | | | |
| 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 2015 | FY 2016 | FY 2017 |
| Local Government* | \$0 | \$0 | \$0 to Unknown |

*Revenues and costs net to zero in FY 2015 and FY 2016.

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version, officials at the **Office of the State Public Defender (MSPD)** assumed the proposed legislation would provide for prosecuting attorneys to collect MSPD debt at a cost of 20% to the Public Defender System. MSPD has recently sought out private collection agencies to collect outstanding Public Defender fees. It was determined that the population of public defender clients as a whole are paying what can be paid. Private collection agencies declined to take on MSPD debt as they believed MSPD would not see any increase in the total amounts collected. If collections would not increase, the cost would be 20% of the collections or approximately \$300,000 to MSPD. In addition, in many instances the prosecutor would have a conflict of interest in trying to collect fees on one public defender case, while the same client may have other cases pending where the prosecutor is prosecuting the client.

Oversight assumes the additional revenue in any given year is unknown for MSPD. This revenue is then transferred out and will eventually net to zero. Therefore, Oversight will show a \$0 net impact overall for this proposal.

Officials at the **Office of Prosecution Services** assume an unknown positive fiscal impact for those county offices choosing to join a prosecutorial district.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions relating to county prosecuting attorneys. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Department of Social Services**, the **Department of Revenue** and the **Office of the Secretary of State** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **City of Kansas City**, the **City of Columbia**, **St. Louis County**, the **Platte County Board of Election Commission** and the **City of Jefferson** each assume no fiscal impact to their respective organizations from this proposal.

In response to a previous version, officials at the **St. Louis County Board of Election Commission** and the **Kansas City Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

ASSUMPTION (continued)

In response to similar legislation (SB 672), officials at **Cole County** assumed no fiscal impact from this proposal.

The proposal is permissive in nature. If counties decide to have such a proposition submitted to their voters, they would incur election costs. If approved, the county could realize savings by going to a part-time county prosecutor position. For fiscal note purposes, **Oversight** will assume the proposal is permissive and show no direct impact.

Officials at the following boards of election commissions: St. Louis City Board of Election Commission, Clay County Board of Election Commission and the Jackson County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Audrain, Barry, Bates, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cooper, DeKalb, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|---|---------------------|-------------------|-------------------|
| GENERAL REVENUE | | | |
| <u>Additional Revenue</u> - Office of the State Public Defender - additional revenue from collection fees | Unknown | Unknown | Unknown |
| <u>Transfer Out</u> - 50% of additional revenue to Office of Prosecution Services fund | (Unknown) | (Unknown) | (Unknown) |
| <u>Transfer Out</u> - 50% of additional revenue to County Treasurers | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| OFFICE OF PROSECUTION SERVICES FUND | | | |
| <u>Transfer In</u> - from Office of the State Public Defender - 50% of collection fees | Unknown | Unknown | Unknown |
| <u>Costs</u> - Office of Prosecution Services - county expenses and reimbursement of supplies | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON OFFICE OF PROSECUTION SERVICES FUND | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2015 (10 Mo.) | FY 2016 | FY 2017 |
|--|-----------------------|-----------------------|----------------------------------|
| LOCAL POLITICAL SUBDIVISIONS | | | |
| <u>Savings</u> - Counties - Cost sharing of DA costs between multiple counties | \$0 | \$0 | \$0 to Unknown |
| <u>Transfer In</u> - from the Office of the State Public Defender - 50% of collection fees | Unknown | Unknown | Unknown |
| <u>Costs</u> - County Treasurers - reimbursement of personnel costs | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS | <u>\$0</u> | <u>\$0</u> | <u>\$0 to Unknown</u> |

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act provides a method for the governing bodies of two or more contiguous counties in a judicial circuit to join together to form a prosecutorial district and share a district attorney upon the adoption of a resolution or charter amendment and the approval of a joint agreement. Additional counties in the judicial circuit may join a prosecutorial district by the consent of each county participating in the district. The election to join a prosecutorial district is irrevocable. The district attorney for a multi-county prosecutorial district is to be elected to an initial two-year term at the 2016 general election, and to four-year terms starting in 2018.

The governing body of a county in a single-county judicial circuit may convert the office of prosecuting attorney to a district attorney office by resolution or charter amendment. In a single-county circuit, the prosecuting attorney must immediately begin performing the additional duties required of a district attorney upon approval of the resolution or the amendment, but the election for the new district attorney position will not occur until the next regular election. This act repeals a provision of law requiring prosecuting attorneys to represent the state in appeals of misdemeanor cases and a provision allowing counties to make their part-time prosecutor position a full-time position.

FISCAL DESCRIPTION (continued)

In addition to the duties required by current law for prosecuting attorneys, district attorneys must prosecute all juvenile cases in the district, represent state agencies in debt collection cases, and provide at least six hours of continuing education to police officers. Unless there is a different agreement, the district attorney retains 20 percent of all debt collected on behalf of state agencies with one-half of the fee to go to the Missouri Office of Prosecution Services Fund and one-half to go to the county treasurer of each county in the district on a pro rata basis.

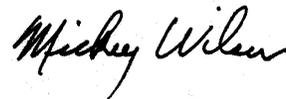
Under this act, district attorneys must receive compensation equal to that of a circuit judge, which is prorated among the counties. This act provides that part-time prosecuting attorneys can be compensated according to the assessed valuation scale provided under current law or they may receive half the compensation of a full-time district attorney if the part-time prosecutor represents the juvenile officer in all juvenile court cases.

Current law provides that \$2,000 of a prosecuting attorney's salary is payable only if the prosecutor has completed at least 20 hours of classroom instruction each calendar year. This act provides that \$10,000 of the salary is payable only if the prosecutor has completed at least 30 hours of instruction.

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 Public Defender
Office of the State Courts Administrator
Office of the Secretary of State
Department of Revenue
City of Columbia
St. Louis County
St. Louis County Board of Election Commission
Kansas City Board of Election Commission
City of Jefferson
Platte County Board of Election Commission
Office of Prosecution Services
City of Kansas City
Cole County
Department of Social Services



Mickey Wilson, CPA
Director
April 2, 2014

Ross Strobe
Assistant Director
April 2, 2014