

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3226-02
Bill No.: HB 1331
Subject: Criminal Procedure; Courts; Crimes and Punishment
Type: Original
Date: January 25, 2020

Bill Summary: This proposal creates the Change of Venue for Capital Cases Fund to reimburse a county that receives a capital case from another county for costs associated with the sequestering of jurors.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on General Revenue	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Change of Venue for Capital Cases Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Counties	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume there may be some impact but there is no way to quantify that currently due to the unknown number of sequestered jury capital cases on a change of venue with applications submitted for reimbursement from the proposed fund. OSCA may be able to absorb with existing staff and resources but would reflect any actual needs in future budget requests.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Joint Committee on Administrative Rules** and the **Office of the State Treasurer** each assume no fiscal impact to their respective agencies from this proposal.

In response to a similar version, the **Office of the Attorney General** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar version, officials at the **Grundy County Circuit Clerk & Recorder's Office** stated they have not received any Change of Venue capital cases for their county.

In response to a similar version, officials at **Marion County** stated they have had one capital case in the past decade and are unaware of any capital cases that they have received a "Change of Venue".

ASSUMPTION (continued)

In response to a similar version, officials at the **Wright County Circuit Clerk** assumed no fiscal impact from this proposal.

Oversight inquired the Office of the State Courts Administrator regarding this proposal. Information regarding a capital case can be found in the following sections of statute: §§546.720, 552.060, 565.020, 565.032, 562.051 and 576.070. Oversight notes that murder in the first or treason, both Class A Felonies, would be considered capital cases. According to the FY19 Charge Code Report from OSCA, a total of 48 guilty verdicts were charged as follows:

Jury Verdict Guilty(Class A/Unclassified)	33
Alford, Guilty, Guilty Written	8
Tried/Court Guilty	7
Treason	<u>0</u>
Total	48

Oversight notes that the new fund would be subject to appropriation by the General Assembly and that counties who apply for a reimbursement for a change of venue on a capital case could then receive reimbursement of costs associated with the sequestering of jurors. Oversight is unclear on how many change of venues occur for capital cases in the State of Missouri each year. Oversight notes that OSCA will disburse the money to the county if they are eligible for reimbursement. Oversight notes not all funds may be reimbursed to the county. Therefore, Oversight will reflect appropriations going to the new fund from general revenue as a \$0 to unknown and potential reimbursements to counties as a \$0 to unknown from the new fund for this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE			
Costs - Appropriated funds to the Change of Venue for Capital Cases Fund	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>

<u>FISCAL IMPACT - State Government</u> (cont'd)	FY 2021 (10 Mo.)	FY 2022	FY 2023
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**CHANGE OF VENUE FOR CAPITAL
CASES FUND**

<u>Transfer in</u> - appropriated funds from General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
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<u>Costs</u> - OSCA - reimbursements to a county that has a change in venue on a capital case from another county that sequestered jurors	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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COUNTIES

<u>Reimbursement of Costs</u> - payments for a change of venue for a capital case held in counties	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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ESTIMATED NET EFFECT ON COUNTY FUNDS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</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

This bill creates the "Change of Venue for Capital Cases Fund", which will consist of money appropriated by the General Assembly. Money in the fund is to be used solely for reimbursement to a county that receives a capital case from another county. At the conclusion of a capital case for which the venue was changed from one county to another, the county that received the case may apply to the Office of State Courts Administrator (OSCA) for reimbursement of any costs associated with sequestering jurors. If a county is eligible for reimbursement, OSCA shall disburse the money to the county. If OSCA determines that a county is not eligible for reimbursement, the county in which the capital case originated shall be responsible for reimbursement.

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 Secretary of State
Joint Committee on Administrative Rules
Office of the State Treasurer
Office of the Attorney General
Office of the State Public Defender
Grundy County Circuit Clerk & Recorder's Office
Marion County
Wright County Circuit Clerk



Julie Morff
Director
January 25, 2020



Ross Strobe
Assistant Director
January 25, 2020