

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4227-01
Bill No.: HB 1686
Subject: Crimes and Punishment; Public Records, Public Meetings; Courts
Type: Original
Date: February 10, 2020

Bill Summary: This proposal limits access to certain court records.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	Could exceed (\$125,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	Could exceed (\$125,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume no fiscal impact from this proposal.

Oversight notes the Office of the State Courts Administrator assumes the proposal would not fiscally impact the judiciary. However, Oversight assumes OSCA may incur some additional expenses modifying their systems to adhere to this proposal. Therefore, Oversight will reflect a possible unknown cost to OSCA in FY 2021.

Officials at the **Missouri Highway Patrol** assume the following changes would need to be made to the Missouri Criminal History System, the Missouri Automated Criminal History Site (MACHS), and the Uniform Charge Code System in order to comply:

1. Creation of a new Rap Sheet Dissemination Type that excludes non-violent misdemeanor offenses;
2. Modifications to the Uniform Charge Code system to identify those charges that would qualify as non-violent misdemeanor offenses;
3. Modifications to the Missouri Criminal History System to exclude those charge codes marked as non-violent misdemeanor offenses for rap-sheets identified with a Dissemination Type of Non-Public;
4. Modifications to the Department of Health and Senior Services Family Care Safety Registry Interface to remove non-violent misdemeanor offenses;
5. Modifications to the MACHS to be able to function correctly using the new Rap Sheet Dissemination Type that removes non-violent misdemeanor offenses;
6. Potential modifications to the Missouri Rap Back System to no longer report arrests for non-violent misdemeanor offenses (if it is deemed that Rap Back is covered under this bill)
7. Modifications to the criminal history interface that Missouri maintains with other states and the FBI's Interstate Identification Index (III) to ensure that non-violent misdemeanors are removed from any criminal history searches completed for noncriminal justice purposes by state and federal entities outside the State of Missouri.

ASSUMPTION (continued)

Since the Missouri Criminal History System, MACHS, the Uniform Charge Code System, and all associated interfaces are maintained by a vendor, the Computer Projects of Illinois (CPI), all of the above changes would require contract dollars to complete. Based on previous projects of similar scope, **\$125,000** is a conservative estimate for CPI to complete this project. These changes would all be application development changes performed by vendor staff. No additional hardware would be needed.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the number given by the Missouri Highway Patrol for this fiscal note.

Officials at the **Office of Prosecution Services** and the **Office of the State Public Defender** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **City of Kansas City**, the **City of Springfield**, the **St. Louis County Police Department**, the **Springfield Police Department** and the **St. Louis County Department of Justice Services** each assume no fiscal impact to their respective entities from this proposal.

Oversight notes the Office of Prosecution Services, the Office of the State Public Defender, the City of Kansas City, the City of Springfield, the St. Louis County Police Department, the Springfield Police Department and the St. Louis County Department of Justice Services have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation, but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE			
<u>Costs</u> - OSCA - changes to their systems	\$0 or (Unknown)	\$0	\$0
<u>Cost</u> - Missouri Highway Patrol - changes in application development by contractor	(\$125,000)	\$0	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Could exceed</u> <u>(\$125,000)</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2021 (10 Mo.)	 FY 2022	 FY 2023
	<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

This bill specifies that the record for any nonviolent misdemeanor or traffic offense must not be made available to the public but may be included in any state courts automated case management system accessible to certain individuals as specified in the bill.

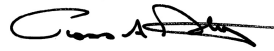
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Highway Patrol
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
City of Kansas City
City of Springfield
St. Louis County Police Department
Springfield Police Department
St. Louis County Department of Justice Services



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February 10, 2020



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