

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1074H.01I  
Bill No.: HB 251  
Subject: Crimes and Punishment; Firearms; Courts  
Type: Original  
Date: March 23, 2021

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Bill Summary: This proposal modifies provisions relating to offenses that may be expunged.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\***Oversight** assumes the fiscal impact would not exceed the \$250,000 threshold. Oversight notes this bill adds when a person exhibits any weapon readily capable of lethal use in an angry or threatening manner, to the offenses eligible for expungement. In order to meet the \$250,000 threshold, 1,000 petitions for expungement would be required. Oversight assumes fewer than that number.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§610.140 – Expungement of records**

Officials from the **Department of Corrections (DOC)** state this bill modifies provisions relating to offenses that may be expunged.

This legislation may cause an increase in workload for Institutional Records Office staff, as it expands the list of offenses for which an individual can request expungement. Expunging these records for the specified offenses through destruction, redacting or removal (electronic) will result in an increase in workload for our Institutional Records Officers, as they are the custodian of records for our offender files. This could also affect records kept at Probation and Parole Offices. While it represents an increase in workload, it is not anticipated that petitions for expungement will occur often enough to significantly impact the DOC.

While the department assumes a \$0 impact, the use of expungement by offenders is unknown. There is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the DOC.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the DOC will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the DOC for fiscal note purposes.

**Oversight** notes current law requires a \$250 surcharge to be paid for petitions for expungement of criminal records and provides that the judge may waive the surcharge if the petitioner is indigent. The funds for this surcharge go to the General Revenue Fund. As the exact number of expungement requests is unknown, Oversight will reflect a \$0 to Unknown impact to the General Revenue Fund.

Officials from the **Attorney General’s Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Revenue**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **City of Ballwin**, the **City of Claycomo**, the **City of Hale**, the **City of Kansas City**, the **City of O’Fallon**, the **City of Springfield**, the **City of St. Louis**, the **City of Sugar Creek**, the

**Crestwood Police Department, the Ellisville Police Department, the Kansas City Police Department, the Springfield Police Department, and the St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other county prosecutors, cities, and 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 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Revenue – (\$610.140) Surcharge on petitions for expungement</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

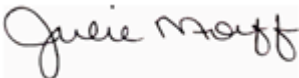
#### FISCAL DESCRIPTION

This bill adds Subdivision (4) of Subsection 1 of Section 571.030, RSMo, which is when a person exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner, to the offenses eligible for expungement.

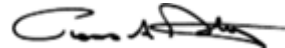
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Public Safety  
Department of Revenue  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
City of Ballwin  
City of Claycomo  
City of Hale  
City of Kansas City  
City of O'Fallon  
City of Springfield  
City of St. Louis  
City of Sugar Creek  
Crestwood Police Department  
Ellisville Police Department  
Kansas City Police Department  
Springfield Police Department  
St. Louis County Police Department



Julie Morff  
Director  
March 23, 2021



Ross Strobe  
Assistant Director  
March 23, 2021