

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1703H.01I
Bill No.: HB 902
Subject: Public Records, Public Meetings; Crimes and Punishment
Type: Original
Date: March 31, 2021

Bill Summary: This proposal modifies provisions relating to expungement.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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

***Oversight** notes this legislation repeals the provision which states an arrest record is eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions and each entity will be required to destroy any record listed in the order. Oversight notes to meet the \$250,000 threshold, 1,000 petitions for expungement would be required (\$488.650 & §610.140 allow a \$250 surcharge for expungements payable to the General Revenue Fund). Oversight assumes the amount could reach that number.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

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

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

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after 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.

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

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 Department of Corrections.

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 department.

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 also notes that DOC could request additional resources should the workload require them.

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 Corder**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield**, the **Crestwood Police Department**, and the **Kansas City 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.

Officials from the **St. Louis County Police Department** state the proposed legislation would remove the requirement that a subject of arrest not have any prior or subsequent misdemeanor or felony convictions when filing for expungement. This, in turn, would likely increase the number of expungement petitions received by the Bureau of Central Police Records.

Currently, the bureau receives on average 20 petitions a month or 240 annually. It is estimated that the change in legislation would double the number of petitions received each month; therefore, the Department would be receiving 480 petitions annually. A single petition with a municipal only arrest takes on average 30 minutes to process. The average hourly wage of a record clerk who is responsible for processing the petition is \$17 per hour x 480 petitions x 30 minutes per petition will cost \$4,080 annually.

Each processed petition must be reviewed by the Commander of the Bureau of Central Police Records. Each petition review will take approximately 15 minutes. The Commander's hourly wage is \$44.30 x 480 petitions x 15 minutes per petition review will cost \$5,316 annually.

The projected estimates do not take into consideration petitions that contain St. Louis County arrests. These petitions often take longer to process due to the need for more documentation and a signed affidavit from the Commander of the Bureau of Central Police Records. Additionally, if the petitioner requested several charges be expunged, processing time would also significantly increase. Therefore, the lowest estimated total annual cost is at least \$9,396.

Oversight assumes the St. Louis County Police Department could absorb the costs related to this proposal.

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
GENERAL REVENUE FUND			
<u>Revenue</u> – (\$488.650 & \$610.140) Surcharge on petitions for expungement	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

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

Currently, an arrest record is eligible for expungement if the subject of the arrest has no prior or subsequent misdemeanor or felony convictions. This bill repeals that provision. Additionally, currently, when a court issues an order of expungement, each entity possessing records listed in the order is required to close any relevant record in its possession. Under this bill, each entity will be required to destroy any record listed in the order.

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 Corder
 City of Kansas City
 City of O'Fallon
 City of Springfield

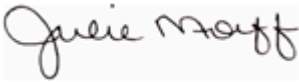
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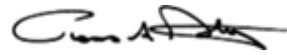
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Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
Springfield Police Department
St. Louis County Police Department



Julie Morff
Director
March 31, 2021



Ross Strobe
Assistant Director
March 31, 2021