

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4828H.011
 Bill No.: HB 2137
 Subject: Courts; Department of Public Safety; Attorneys; Law Enforcement Officers and Agencies; Evidence
 Type: Original
 Date: February 28, 2024

Bill Summary: Modifies provisions relating to the "pretrial witness protection services fund".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Pretrial Witness Protection*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

*Reimbursements to law enforcement agencies and/or prosecuting or circuit attorney's offices is assumed to be less than \$250,000 annually based on past disbursements.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

§491.641 – Pretrial Witness Protection Services Fund

Officials from the **Department of Public Safety (DPS) – Director’s Office** state this legislation will make it easier for entities to spend funding from the Witness Protection Fund. This fund has been stagnate in spending since its creation. It is assumed that approximately \$100,000 - \$150,000 in reimbursements will be requested by law enforcement, county prosecutors and the circuit attorney for FY 2025; between \$125,000 - \$175,000 for FY 2026; and between \$150,000 - \$200,000 for FY 2027.

Oversight notes the Pretrial Witness Protection Fund was enacted by HB 66 during the 2020 Special session and became effective September 21, 2020. One million dollars was transferred into the fund and on June 30, 2021, the fund balance was \$1,000,497. During FY 2022, another \$1 million was transferred into the fund, as well as interest income, but only slightly over \$14,400 was disbursed from the fund. The ending fund balance was just under \$2 million. During FY 2023, distributions were approximately \$39,300 and the year-end fund balance was \$2,012,135. The fund balance as of January 31, 2024 was \$2,029,154.

Oversight contacted DPS-DO officials to determine how DPS came up with the estimates provided above. Officials said this was a best guess as they have no way to calculate how much might be requested by law enforcement, county prosecutors and the circuit attorney in witness protection costs. Therefore, Oversight will assume an unknown impact to the Pretrial Witness Protection Fund (0868). Based on previous disbursements, Oversight assumes disbursements will be less than \$250,000 annually.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from the **Department of Natural Resources, the DPS – Capital Police and Missouri Highway Patrol, the Department of Social Services, the Missouri Department of Conservation, the Office of the State Public Defender, the Office of the State Treasurer, the Phelps County Sheriff’s Department, Office of the State Courts Administrator and the Missouri Office of Prosecution Services** 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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note 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 its 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 only reflects the responses received from state agencies and political subdivisions; however, other sheriffs' departments and county prosecutors were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
PRETRIAL WITNESS PROTECTION FUND (0868)			
<u>Costs</u> – DPS (\$491.641) – reimbursement of pretrial witness protection costs p. 3	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE PRETRIAL WITNESS PROTECTION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL GOVERNMENTS – COUNTY PROSECUTORS AND LAW ENFORCEMENT			
<u>Income</u> – County Prosecutors/Law Enforcement (§491.641) – reimbursement of pretrial witness protection costs p.3	Unknown	Unknown	Unknown
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Currently, any law enforcement agency may provide for the security of witnesses and others in criminal proceedings or investigations. This bill allows any prosecuting attorney's office to provide such security as well. The Department of Public Safety may authorize funds to be disbursed to prosecuting attorneys' offices for such offices to be able to provide security. (§491.641)

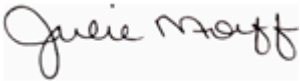
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

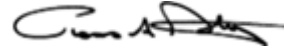
Attorney General's Office
 Department of Natural Resources
 Department of Public Safety –
 Capitol Police
 Director's Office
 Missouri Highway Patrol
 Department of Social Services
 Missouri Department of Conservation
 Office of the Secretary of State
 Office of the State Public Defender

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Office of the State Treasurer
Phelps County Sheriff's Department
Joint Committee on Administrative Rules
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
February 28, 2024



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February 28, 2024