

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0184H.011  
 Bill No.: HB 129  
 Subject: Courts; Counties  
 Type: Original  
 Date: February 10, 2025

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**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 appropriation (which is subject to appropriation) to the Change of Venue for Capital Cases Fund could exceed \$250,000 per year.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Change of Venue for Capital Cases Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*It is assumed transfers-in from the General Revenue Fund and payments made to Counties will net to \$0. Oversight assumes the appropriation transferred from GR could exceed \$250,000 per year.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Counties*</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Oversight assumes reimbursements for capital cases could exceed \$250,000 per year.

## FISCAL ANALYSIS

### ASSUMPTION

#### §550.125 – Change of venue for capital cases fund to reimburse jury sequestering costs when a county receives a capital case from another county

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

**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 **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.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Office of Administration - Budget and Planning** and the **Office of the State Treasurer** each assumed 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** notes below is the 5-year average of the occurrence of disposed felony cases that had change of venue in the State of Missouri:

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>5yr. Avg</u>
Total Circuit Felony Cases Disposed*	42,812	38,708	35,937	36,008	45,782	•40,517
Total Change of Venue Cases**	476	698	609	592	577	632
Percentage of Felony Cases with Change of Venue	1.1%	1.8%	1.7%	1.6%	1.3%	1.5%
*Table 1 of OSCA's Annual Judicial & Statistical Report Supplement						
**Table 50 of OSCA's Annual Judicial & Statistical Report Supplement						

Change of Venue cases for Felony Cases represent a small percentage of the overall Felony Cases. It is assumed that capital cases would be an even smaller percent.

**Oversight** notes that the new fund would be subject to appropriation by the General Assembly and that counties could receive reimbursement for cost associated with a change of venue on a capital case with the sequestering of jurors. Oversight also notes that OSCA will disburse the money to the county if they are eligible for reimbursement. 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. Oversight assumes transfers-in to the Change of Venue for Capital Cases Fund will equal reimbursements made to Counties and the net effect will be \$0.

**Oversight** only reflects the responses that have been received from state agencies and political subdivisions; however, other counties were requested to respond to this proposed legislation but did not. A general listing of political subdivisions is available upon request.

### 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.

<b>FISCAL IMPACT – State Government</b>	<b>FY 2026 (10 Mo.)</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>GENERAL REVENUE</b>			
<u>OSCA</u> – potential increase in costs related to change of venue reimbursement applications (§550.125) p.3	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer Out</u> – appropriated funds to the Change of Venue for Capital Cases Fund (§550.125) p.3-4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>
<b>CHANGE OF VENUE FOR CAPITAL CASES FUND</b>			
<u>Transfer In</u> – appropriated funds from General Revenue (§550.125) p.3-4	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – OSCA – reimbursement to counties that have a change of venue on a capital case from another county that sequestered jurors (§550.125) p.3-4	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>COUNTIES</b>			
<u>Reimbursement of Costs – state payments for a change of venue for a capital case held in counties (§550.125) p.3-4</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
<b>ESTIMATED NET EFFECT ON COUNTY FUNDS</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

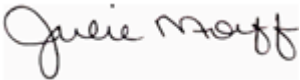
This bill creates the "Change of Venue for Capital Cases Fund", which will consist of money appropriated by the General Assembly. Money in the Fund is to be used solely for reimbursement to any county that receives a capital case from another county to cover the costs associated with the sequestering of jurors. At the conclusion of a capital case for which the venue was changed from one county to another, the initial county may apply to the Office of State Courts Administrator (OSCA) for reimbursement for the county that received the case. 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 or the actual costs are more than the amount dispersed, the county in which the capital case originated shall be responsible for all or the remaining reimbursement.

Applications for reimbursement must be submitted by May 1 of the current fiscal year, and reimbursements must be made by June 30 of the current fiscal year. Reimbursements for applications submitted after May 1 of the current fiscal year will be made in the following fiscal year. If there is not enough money in the Fund at the end of the fiscal year when reimbursements are made, reimbursements will be made on a pro rata basis.

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  
Office of Administration - Budget and Planning  
Office of the Secretary of State  
Office of the State Treasurer  
Joint Committee on Administrative Rules  
Office of the State Courts Administrator



Julie Morff  
Director  
February 10, 2025



Jessica Harris  
Assistant Director  
February 10, 2025