

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1956H.011
Bill No.: HB 731
Subject: Crimes and Punishment; Courts; Evidence; Prisons and Jails
Type: Original
Date: February 25, 2025

Bill Summary: This proposal establishes provisions relating to freestanding claims of actual innocence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	Unknown to (Could exceed \$326,790)	Unknown to (Could exceed \$344,570)	Unknown to (Could exceed \$350,513)
Total Estimated Net Effect on General Revenue	Unknown to (Could exceed \$326,790)	Unknown to (Could exceed \$344,570)	Unknown to (Could exceed \$350,513)

* Unknown savings to DOC if offenders serve shorter sentences. DOC assumes the savings could exceed \$250,000.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
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 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue	3 FTE	3 FTE	3 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE

☒ 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 2026	FY 2027	FY 2028
Local Government*	(Unknown)	(Unknown)	(Unknown)

*New post-conviction motions.

FISCAL ANALYSIS

ASSUMPTION

§547.033 – Freestanding claims of actual innocence

Officials from the **Department of Corrections (DOC)** state this proposal establishes provisions relating to a freestanding claim of actual innocence.

Section 547.033 allows a person in the custody or supervision of the Department of Corrections to raise a freestanding claim of actual innocence. There is no way to determine how many offenders will be found innocent of their crime, if any. Therefore, the department is unable to estimate a fiscal impact from this legislation. It is believed this legislation would result in offenders serving shorter sentences, which would create an unknown cost savings. DOC assumes this savings could be over the \$250,000 threshold.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact as \$0 (no offenders found innocent) to an Unknown, Greater than \$250,000 savings to the General Revenue Fund.

Officials from the **Attorney General's Office (AGO)** state this proposal will increase caseloads because expanding free-standing actual innocence claims to all offenders will increase the number of claims the AGO receives. Further, if passed, the proposal would result in significant additional time to investigate the factual allegations of innocence claims. Two (2) additional Assistant Attorneys General (each at \$75,000 annually) are necessary to review and manage the additional cases. One (1) additional Investigator (at \$58,000 annually) is also required.

Oversight does not have any information contrary to that provided by AGO. Therefore, Oversight will reflect AGO's impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of this new post-conviction motion without funding will have a negative impact on local prosecutors' offices although the cost is difficult to determine. The increased costs will arise from prosecutors having to intervene in, evaluate, and oppose such motions they deem lack merit.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected 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 the State Public Defender** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE			
<u>Savings</u> – DOC (§547.033) Decreased incarceration costs	\$0 to Unknown, Greater than \$250,000	\$0 to Unknown, Greater than \$250,000	\$0 to Unknown, Greater than \$250,000
<u>Cost</u> – AGO (§547.033)			
Personal Service	(\$173,333)	(\$212,160)	(\$216,403)
Fringe Benefits	(\$108,952)	(\$132,410)	(\$134,110)
Expense & Equipment	(\$44,505)	\$0	\$0
Total Cost - AGO	(\$326,790)	(\$344,570)	(\$350,513)
FTE Change - AGO	3 FTE	3 FTE	3 FTE
<u>Cost</u> – OSCA (§547.033) New post-conviction proceeding	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	Unknown to (Could exceed \$326,790)	Unknown to (Could exceed \$344,570)	Unknown to (Could exceed \$350,513)
Estimated Net FTE Change on General Revenue	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – County Prosecutors (§547.033)</u> New post-conviction motion	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<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.

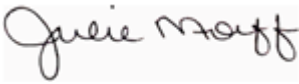
FISCAL DESCRIPTIONACTUAL INNOCENCE (Section 547.033)

This bill allows a person in the custody of the Department of Corrections to raise a freestanding claim of actual innocence in any post-conviction proceeding, challenging the validity of the court's findings in the original criminal case. The court has the authority to review, decide, and issue an order on the claim if there is clear and convincing evidence supporting the claim. The court must consider evidence as provided in the bill, including evidence not presented at the original trial or during a plea, post-conviction hearing, or direct appeal. If the court determines the burden of proof has been met, the court must vacate or set aside the judgment.

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
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
February 25, 2025



Jessica Harris
Assistant Director
February 25, 2025