

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4346-01  
Bill No.: HB 1301  
Subject: Victims of Crime; Criminal Procedure; Funerals and Funeral Directors  
Type: Original  
Date: March 12, 2018

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Bill Summary: This proposal modifies provisions relating to the distribution of moneys from the Crime Victims' Compensation Fund to the state forensic laboratory account.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Crime Victims' Compensation Fund	Less than (\$375,000) to Unknown	Less than (\$375,000) to Unknown	Less than (\$375,000) to Unknown
Services to Victims' Fund	\$0 or (Up to \$375,000)	\$0 or (Up to \$375,000)	\$0 or (Up to \$375,000)
State Forensic Lab Fund	\$0 or Up to \$750,000	\$0 or Up to \$750,000	\$0 or Up to \$750,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state while assisting the state crime labs with additional funds, this increase affects the Crime Victims Compensation Fund (0681), and particularly the Service to Victims Fund (0592) which is used for State Services to Victim Funds (SSVF) grant awards.

In response to a similar proposal from 2017 (HB 743), DPS stated the current deduction (\$250,000) is taken from county funds only. The Department of Revenue deposits all of these certain county funds to the Crime Lab Fund (0591) at the beginning of the fiscal until the \$250,000 requirement is met, which takes most of county funds deposited the first month of the fiscal year (July). They then proceed to their normal split for depositing these court fees, which is 50/50 between fund 0681 and fund 0592. Increasing the required state lab funds to \$1,000,000 could mean that deposits don't register in these funds, for the county portion, until the 2nd quarter, probably November, of the fiscal year.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state the proposal would not have a fiscal impact to their agency.

In response to a similar proposal from 2017 (HB 743), the MHP stated pursuant to 595.045, RSMo, \$250,000 is deposited annually from the Crime Victim's Compensation Fund into the State Forensic Laboratory Fund to provide financial assistance to crime laboratories in the State of Missouri. The State Forensic Laboratory Fund is administered by the Department of Public Safety, who distributes it to participating laboratories via annual grants. Currently, the Highway Patrol's share of this grant is \$117,222 per year. This legislation changes the amount deposited into the State Forensic Laboratory Fund from at least \$250,000 to no more than \$1,000,000 annually.

This would have a positive impact on the Patrol laboratory operations and could increase our share as much as \$468,888 if the higher range of \$1,000,000 is transferred.

If this bill were to pass, the Patrol would request increased spending authority through the annual legislative budget process to be able to spend the additional monies and to be able to benefit from the extra funding.

ASSUMPTION (continued)

MHP also stated for FY 2017, this \$250,000 was distributed as follows:

Missouri Highway Patrol crime labs	\$117,222
St. Louis Metropolitan P.D. crime lab	\$ 39,444
Kansas City P.D. crime lab	\$ 39,444
St. Louis County	\$ 39,444
St. Charles County	<u>\$ 14,444</u>
Total	\$250,000

Increasing the distribution to \$1,000,000, and using the same ratios would result in distributions of:

Missouri Highway Patrol crime labs	\$ 468,888
St. Louis Metropolitan P.D. crime lab	\$ 157,777
Kansas City P.D. crime lab	\$ 157,777
St. Louis County	\$ 157,777
St. Charles County	<u>\$ 57,777</u>
Total	\$1,000,000

For simplicity in the fiscal note, **Oversight** will not reflect the potential additional \$750,000 in funds being distributed out of the State Forensic Lab Fund to the various crime labs.

Officials from then **Office of Administration - Budget and Planning (B&P)** state the proposed legislation directly impacts Total State Revenue by creating an additional fee, payable to the Crime Victims' Compensation Fund. The fee would increase the current \$46 fine for a class C felony to \$55 dollars. In addition, class E felonies would be fined forty-six dollars. In FY17, the Crime Victims' Compensation Fund received \$1,405,187 from judgement fines. There is no estimate on the possible increase to this fund since the fines are collected based on court judgements.

The proposed legislation increases the \$250,000 transfer from the Crime Victims' Compensation Fund to the State Forensic Laboratory Fund to a minimum of \$250,000, but no more than \$1,000,000. In FY17, \$250,000 was transferred in the first two months of the fiscal year. This will not impact Total State Revenue. It will allow Department of Public Safety to provide more financial assistance for crime laboratory expenses. Less financial assistance would be available to the victims; however, claims have dropped in recent years due to decreasing medical claims and a decrease in eligible crimes.

ASSUMPTION (continued)

The proposed legislation allows funeral homes or relatives of a deceased victim to claim compensation from the Crime Victims' Compensation Fund. This will not impact Total State Revenue.

Officials from the **Department of Revenue** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

**Oversight** notes the current balances in the impacted funds as of February 28, 2018 were:

Crime Victims' Compensation Fund (0681)	\$7,880,484
State Forensic Laboratory Fund (0591)	\$ 705,020
Service to Victims Fund (0592)	\$1,034,933

As the proceeds are split evenly between the Crime Victims' Compensation Fund and the Services to Victims Fund (per §595.045.4(2)), **Oversight** will reflect the additional Up to \$750,000 being transferred evenly (\$375,000) from both funds into the State Forensic Lab Fund.

§595.030 - Crime Victims Compensation Fund changes:

According to the **Department of Public Safety**, DPS paid the following amounts for funeral expenses (Oversight could not find more recent information):

FY 2013	\$1,014,392,
FY 2014	\$ 758,822; and
FY 2015	\$ 961,474

**Oversight** assumes this change will make it easier for applicants to request compensation for funeral expenses; however, Oversight assumes this change will not increase the number of persons eligible for compensation from the fund and will not reflect an impact from this section of the proposal.

**This proposal could increase Total State Revenues.**

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>CRIME VICTIMS COMPENSATION FUND</b>			
<u>Revenue</u> - Fee increase from \$46 to \$55 for pleas of guilty or finding of guilt for class C felonies	Unknown	Unknown	Unknown
<u>Transfer Out</u> - \$595.045 increase in annual transfer to the State Forensic Lab Fund (0591)	<u>\$0 or (Up to \$375,000)</u>	<u>\$0 or (Up to \$375,000)</u>	<u>\$0 or (Up to \$375,000)</u>
<b>ESTIMATED NET EFFECT TO THE CRIME VICTIMS COMPENSATION FUND</b>	<b><u>Less than (\$375,000) to Unknown</u></b>	<b><u>Less than (\$375,000) to Unknown</u></b>	<b><u>Less than (\$375,000) to Unknown</u></b>
<b>SERVICES TO VICTIMS' FUND</b>			
<u>Transfer Out</u> - increase in annual transfer to the State Forensic Lab Fund (0591)	<u>\$0 or (Up to \$375,000)</u>	<u>\$0 or (Up to \$375,000)</u>	<u>\$0 or (Up to \$375,000)</u>
<b>ESTIMATED NET EFFECT TO THE SERVICES TO VICTIMS' FUND</b>	<b><u>\$0 or (Up to \$375,000)</u></b>	<b><u>\$0 or (Up to \$375,000)</u></b>	<b><u>\$0 or (Up to \$375,000)</u></b>
<b>STATE FORENSIC LAB FUND</b>			
<u>Transfer In</u> - increase in annual transfer from \$250,000 to \$1,000,000	<u>\$0 or Up to \$750,000</u>	<u>\$0 or Up to \$750,000</u>	<u>\$0 or Up to \$750,000</u>
<b>ESTIMATED NET EFFECT TO THE CRIME VICTIMS COMPENSATION FUND</b>	<b><u>\$0 or Up to \$750,000</u></b>	<b><u>\$0 or Up to \$750,000</u></b>	<b><u>\$0 or Up to \$750,000</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

This bill allows a claim for compensation paid for burial for the death of a crime victim to be made by the funeral home or a relative of the victim.

Currently, the Director of the Department of Revenue is required to deposit \$250,000 annually to the state forensic laboratory account administered by the Department of Public Safety to defray expenses of crime laboratories if such laboratories are registered with the federal Drug Enforcement Agency or the Missouri Department of Health and Senior Services. This bill changes the required deposit amount to be at least \$250,000 but no more than \$1 million.

The bill changes two of the compensation judgments collected by the court to be deposited into the Crime Victims' Compensation Fund. A class C felony will now pay \$55 and a class D or E felony will pay \$46.

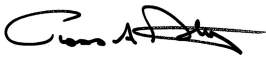
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Public Safety  
Missouri Highway Patrol  
Department of Revenue  
Office of the State Courts Administrator  
Office of Administration - Budget and Planning

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe".

Acting Director  
March 12, 2018