

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5800-08
Bill No.: SS for HCS for HB 2
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: September 3, 2020

Bill Summary: This proposal establishes provisions relating to criminal procedure.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§27.120 - Authorizes the Attorney General's Office to prosecute in St. Louis City

In response to similar language, officials from the **Attorney General's Office (AGO)** assumed a negative fiscal impact of \$0 to Unknown.

Oversight notes upon receiving a written request by the chief law enforcement officer of the investigative agency for the alleged criminal offense or offenses, 90 days or more have passed since the alleged commission of a violation of sections 565.020 or 565.021, and a complaint, information, or indictment charging a violation of sections 565.020 or 565.021 has not been filed or has been filed and dismissed, the attorney general may commence and prosecute any alleged violation of section 565.020 or 565.021 by filing a complaint, information, or indictment. Oversight assumes because the potential for prosecution is unknown and that the AGO may or may not incur significant costs related to this proposal. If a fiscal impact were to result, the AGO may require additional resources. Therefore, Oversight will reflect the AGO's impact as \$0 to (Unknown) to General Revenue.

In response to similar language, **Oversight** notes the **State Public Defender's Office** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

In response to similar language, officials from the **Department of Corrections** stated it is unknown how many convictions will occur or how many cases the Attorney General will prosecute based on the changes within this legislation; therefore, the DOC is unable to determine a fiscal impact at this time.

Oversight notes the provisions of this section expire on August 31, 2023.

ASSUMPTION (continued)

§491.016 - Admissibility of certain witness statements

In response to a previous version, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS.

In response to a previous version, Oversight notes the **Office of the Attorney General**, the **Department of Corrections**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Office of State Courts Administrator**, and the **State Public Defender's Office** have each have stated the proposal would not have a direct 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.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Cost</u> - AGO (§27.120) Authorizes the AGO to prosecute in St. Louis City	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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

ATTORNEY GENERAL CONCURRENT JURISDICTION (Section 27.120) - This section authorizes the Attorney General to prosecute certain crimes in the City of St. Louis.

There is an emergency clause for this bill.

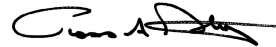
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office



Julie Morff
Director
September 3, 2020



Ross Strobe
Assistant Director
September 3, 2020