

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5918-01
Bill No.: HB 66
Subject: Department of Public Safety; Law Enforcement Officers and Agencies; Courts
Type: Original
Date: August 13, 2020

Bill Summary: This proposal creates the “Pretrial Witness Protection Services Fund”.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$1,064,200)	(\$1,074,511)	(\$1,075,154)
Total Estimated Net Effect on General Revenue	(\$1,064,200)	(\$1,074,511)	(\$1,075,154)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Pretrial Witness Protection Services Fund*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

* Revenue and expenditures net to zero.

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 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
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

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	\$1,000,000	\$1,000,000	\$1,000,000

FISCAL ANALYSIS

ASSUMPTION

§491.641 - Pretrial Witness Protection Services Fund

Officials from the **Department of Public Safety (DPS)** state this proposal creates a new fund in the state treasury to be used solely by the DPS for the purposes of witness protection services. It does not establish a specific source from which monies will be collected by the fund. It also does not specify if fund monies can be spent on administration of the fund.

The DPS believes it will require one (1) FTE Public Safety Program Specialist to administer the fund.

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

Oversight notes this proposed legislation creates the Pretrial Witness Protection Services Fund. The legislation authorizes the Department of Public Safety to reimburse expenditures by law enforcement agencies to provide for the security, health, safety and welfare of witnesses, potential witnesses, victims, and members of their families and households, if they are in danger of bodily injury or their life is in jeopardy as a result of giving testimony or being willing to testify in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. This includes authority for local law enforcement agencies to purchase, rent or modify protected housing facilities and to contract with federal or state government agencies to obtain or provide the facilities or services necessary for such housing. In the FY 2021 budget, the Governor's Recommendation approved the funding for this program at \$1,000,000. Oversight will utilize this amount for the anticipated funding level.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

Oversight notes the **Attorney General's Office**, the **Department of Natural Resources**, the **Department of Public Safety - (Capitol Police and the Missouri State Highway Patrol)**, the **Department of Social Services**, the **Department of Conservation**, the **Office of State Courts Administrator**, the **State Public Defender's Office**, the **State Treasurer's Office**, the **St. Louis County Police Department**, and the **St. Louis County Department of Justice Services** have each 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	FY 2022	FY 2023
 GENERAL REVENUE FUND			
<u>Costs - DPS (\$491.641) Administer</u>			
<u>Pretrial Witness Protection Services Fund</u>			
Personal Services	(\$38,476)	(\$46,633)	(\$47,099)
Fringe Benefits	(\$22,378)	(\$27,007)	(\$27,162)
Equipment and Expense	(\$3,346)	(\$871)	(\$893)
<u>Total Costs - DPS</u>	<u>(\$64,200)</u>	<u>(\$74,511)</u>	<u>(\$75,154)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE
 <u>Transfer Out - To Pretrial Witness</u>			
<u>Protection Services Fund</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>
 ESTIMATED NET EFFECT ON THE			
GENERAL REVENUE FUND	<u>(\$1,064,200)</u>	<u>(\$1,074,511)</u>	<u>(\$1,075,154)</u>
 Estimated Net FTE Change for the			
General Revenue Fund	1 FTE	1 FTE	1 FTE
 PRETRIAL WITNESS			
PROTECTION SERVICES FUND			
 <u>Transfer In - From General Revenue Fund</u>			
	\$1,000,000	\$1,000,000	\$1,000,000
 <u>Transfer Out - Local Political</u>			
<u>Subdivisions (Police and Sheriff's</u>			
<u>Departments)</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>	<u>(\$1,000,000)</u>
 ESTIMATED NET EFFECT ON THE			
PRETRIAL WITNESS			
PROTECTION SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021	FY 2022	FY 2023
LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS			
<u>Transfer In</u> - From the state's Witness Protection Services Fund	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act creates the "Pretrial Witness Protection Services Fund". Under this act, the Department of Public Safety may disburse money from the Pretrial Witness Protection Services Fund to law enforcement agencies for the purposes of providing for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings or investigations. Funds shall be subject to appropriations from the General Assembly.

A law enforcement agency must submit an application to the Department of Public Safety which shall include, but is not limited to, the following information:

- A statement of conditions which qualify persons for protection;
- Precise methods the agency will use to provide protection;
- A statement of projected costs over a specified period of time; and
- If the requesting agency expects the person to provide evidence in any court of competent jurisdiction.

The application submitted to the Department of Public Safety shall be a closed record and not subject to disclosure. Any information contained in the application shall not be disclosed by any entity.

FISCAL DESCRIPTION (continued)

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 Natural Resources
Department of Public Safety
Department of Social Services
Department of Conservation
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
State Treasurer's Office
St. Louis County Police Department
St. Louis County Department of Justice Services



Julie Morff
Director
August 13, 2020



Ross Strope
Assistant Director
August 13, 2020