

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0259H.02C
 Bill No.: HCS for HB 157
 Subject: Courts
 Type: Original
 Date: February 15, 2021

Bill Summary: 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

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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)

*Oversight assumes this appropriation could exceed \$250,000 per year.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Change of Venue for Capital Cases Fund	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other State Funds</u>	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- 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 2022	FY 2023	FY 2024
Counties	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from **Cole County** state the County has a triple homicide capital case that has been transferred from Wayne County. The estimated cost to Cole County for juror sequestration and associated costs is at least \$120,000. If COVID-19 is still a factor when the trial is held, that amount is estimated to increase at least 25%. Creation of the fund in this bill will have a positive fiscal impact to Cole County.

Oversight does not have information to the contrary. Depending on when the trial will take place and when the outcome of the trial will occur, Oversight is unclear of when the reimbursement to Cole County will occur. Therefore, Oversight will reflect the estimates as \$0 to unknown as stated in the fiscal impact chart below.

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 does not have information to the contrary and therefore, Oversight will assume the assumption as provided by the OSCA.

Officials from the **Attorney General's Office**, the **Office of Administration - Budget and Planning** and the **Office of the State Public Defender** each assume 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.

In response to a previous version, officials from the **Office of the State Treasurer** 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 for this agency.

In response to similar legislation from 2020, Perfected HCS for HB 1331, officials at the **Grundy County Circuit Clerk & Recorder's Office** stated they have not received any Change of Venue capital cases for their county.

In response to similar legislation from 2020, Perfected HCS for HB 1331, officials at **Marion County** stated they have had one capital case in the past decade and are unaware of any capital cases that they have received a "Change of Venue".

In response to similar legislation from 2020, Perfected HCS for HB 1331, officials at the **Wright County Circuit Clerk** assumed no fiscal impact from this proposal.

Oversight notes the table below is a 5 year average of the occurrence of disposed felony cases that had change of venue in the State of Missouri:

	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	5 Year <u>Average</u>
Total Circuit Felony Cases Dipped*	45,782	46,148	45,132	42,659	42,918	44,528
Total Change of Venue Cases**	577	683	753	924	792	746
Percentage of Felony Cases with Change of Venue	1.3%	1.5%	1.7%	2.2%	1.8%	1.7%
*Table 1 of Courts Annual Report Supplement						
**Table 50 of Courts Annual Report Supplement						

Change of Venue cases for Felony Cases represent a small percentage of the overall Felony Cases. Oversight assumes 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 notes that OSCA will disburse the money to the county if they are eligible for reimbursement. Oversight notes not all funds may be reimbursed to the counties. 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 only reflects the responses that we have 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 included in our database 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** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve 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.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
<u>Transfer Out</u> – Appropriated funds to the Change of Venue for Capital Cases Fund	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT GENERAL REVENUE	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
CHANGE OF VENUE FOR CAPITAL CASES FUND			
<u>Transfer In</u> – appropriated funds from General Revenue	\$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	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON THE CHANGE OF VENUE FOR CAPITAL CASES FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
COUNTIES			
<u>Reimbursement of Costs</u> – payments for a change of venue for a capital case held in counties	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON COUNTY FUNDS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT – Small Business

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

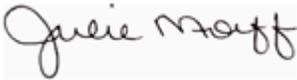
FISCAL DESCRIPTION

The proposed legislation 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.

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

Cole County
Joint Committee on Administrative Rules
Office of the Secretary of State
Office of the State Courts Administrator
Attorney General's Office
Office of Administration - Budget and Planning
Office of the State Public Defender
Office of the State Treasurer
Grundy County Circuit Clerk & Recorder's Office
Marion County
Wright County Circuit Clerk



Julie Morff
Director
February 15, 2021



Ross Strobe
Assistant Director
February 15, 2021