

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1005H.01I
 Bill No.: HB 77
 Subject: Attorneys; Counties; Attorney General; Crimes and Punishment
 Type: Original
 Date: February 2, 2021

Bill Summary: This proposal provides that cases a prosecuting attorney determines not to commence may be forwarded to the Attorney General's office for review.

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 the fiscal impact could exceed \$250,000 if the Attorney General's Office prosecutes enough of these cases. Oversight notes to reach the \$250,000 threshold, an additional (or reduction of) 32 prisoners would be required or an additional 3 FTE (plus fringe benefits and prosecution expenses) or a combination thereof, depending on the number of cases law enforcement may forward to the Attorney General's Office for review and, ultimately, prosecuted.

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| 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 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.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2022 | FY 2023 | FY 2024 |
| | | | |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

§56.071 – Prosecuting Attorneys

Officials from the **Attorney General's Office (AGO)** assume a negative fiscal impact of \$0 to Unknown.

Oversight assumes some level of additional litigation costs arising from this proposal will not be able to be absorbed with existing personnel and resources, and the AGO may seek additional appropriations if the proposal results in a significant increase in litigation. Therefore, the impact to the AGO will be presented as \$0 to (Unknown).

Officials from the **Department of Corrections (DOC)** state this bill allows the Attorney General to review cases referred to them by law enforcement officers after the prosecuting attorney determines not to commence prosecution.

The DOC is unable to estimate a fiscal impact for this legislation as it is unknown how many cases will be turned over to the Attorney General's Office for review and how many of those cases will be prosecuted. Therefore, the DOC assumes an estimated impact of \$0 to (Unknown).

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's \$0 to (Unknown) impact for fiscal note purposes.

Officials from the **St. Louis County Police Department** state the proposed legislation would require the department to update policy. Policy creation and updating would require eight hours of policy research and four hours of policy authorizing. The average hourly wage of the policy development position is \$46.69. Therefore, the total cost of policy development would be approximately \$560.

Officials from the **Crestwood Police Department** state costs could be incurred if officers/detectives have to travel outside of St. Louis County to testify in court proceedings should the AGO's office issue charges the local prosecutor initially refuses.

Oversight assumes the St. Louis County Police Department and Crestwood Police Department are provided with core funding to handle a certain amount of activity each year. Oversight assumes the police departments could absorb the costs related to this proposal.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Ellisville Police Department**, and the **Kansas City Police**

Department 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments and county prosecutors 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.

| <u>FISCAL IMPACT – State Government</u> | FY 2022 (10 Mo.) | FY 2023 | FY 2024 |
|---|--------------------------------|--------------------------------|--------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Costs - AGO</u> (\$56.071) Potential increase in the number of cases to prosecute, may include additional personnel | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| <u>Costs – DOC</u> (\$56.071) Potential increase in incarceration costs | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |
| ESTIMATED NET EFFECT ON GENERAL REVENUE 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 |
|---|---------------------|-------------------|-------------------|
| | <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.

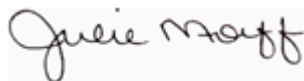
FISCAL DESCRIPTION

This bill specifies that law enforcement may forward a case to the Attorney General's office for review if, after law enforcement notifies the prosecuting attorney of a violation of state law for which there is probable cause of such violation, the prosecuting attorney decides not to commence a case against the person. After review, if the Attorney General determines there was probable cause of a violation of state law, the Attorney General may prosecute such case.

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 Highway Patrol
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department



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February 2, 2021



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