

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1066H.01I
Bill No.: HB 530
Subject: Crimes and Punishment; Criminal Procedure; Courts
Type: Original
Date: February 1, 2021

Bill Summary: This proposal modifies provisions relating to criminal offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
State Forensic Laboratory Fund (0591)	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to \$300,000	\$0 to \$300,000	\$0 to \$300,000

Oversight notes the change in §488.029 is necessary to prevent a significant loss to the State Forensic Lab Account. Since violations have all been moved to Chapter 579 (from chapter 195 - effective January 1, 2017). These are not new monies, but monies that may not continue to be collected unless this correction is made.

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

§§488.029 and 556.046 – Criminal offenses

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state Chapter 195 only contains definitions and administrative language, the drug offense charges have been moved to Chapter 579. If this legislation does not specifically state fees will be assessed for Chapter 579 violations rather than Chapter 195, it could result in fees not being assessed or collected at all. Because of this, it could result in a decrease to the Forensic Lab Fund.

Presently, if a defendant pleads or is found guilty of a drug charge (Chapter 579), the court assesses a \$150 surcharge against the defendant. These monies are deposited in a fund and distributed to Missouri crimes labs by the Department of Public Safety (DPS) through a Missouri Crime Lab Upgrade Program (MCLUP) grant. If the language is not changed from Chapter 195 to Chapter 579, it could result in a reduction of approximately \$300,000 in Patrol funding and funding to other state crime labs.

Oversight notes the change in §488.029 is necessary to prevent a significant loss to the State Forensic Lab Account. Since violations have all been moved to Chapter 579 (from chapter 195 - effective January 1, 2017), essentially by letter of the statute, a surcharge would not be applied for any violation under chapter 195 because no violations exist. Consequently, the Forensic Lab Account would lose upwards of \$300,000 without this change. Oversight assumes this change to this section will become effective August 28, 2021, and surcharges will continue to be assessed against defendants; therefore, Oversight will reflect the fiscal impact to the State Forensic Laboratory Fund as \$0 to \$300,000.

Officials from the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
STATE FORENSIC LABORATORY FUND (0591)			
<u>Revenue - MHP (\$488.029) Court- assessed surcharge</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>
ESTIMATED NET EFFECT ON STATE FORENSIC LABORATORY FUND	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</u>	<u>\$0 to \$300,000</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 a court shall be obligated to charge the jury with respect to an included offense only if it is established by proof of the same or less than all the elements required to establish the commission of the offense charged, there is a rational basis in the evidence for a verdict acquitting the person of the offense charged and convicting the person of the included offense, and either party requests the court to charge the jury with respect to a specific included offense.

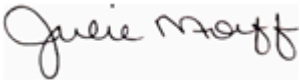
Failure of the defendant or defendant's counsel to request the court to charge the jury with respect to a specific included offense shall not be a basis for plain-error review on direct appeal or post-conviction relief. It shall be the trial court's duty to determine if a rational basis in the evidence for a verdict exists.

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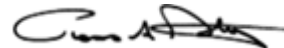
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety – Missouri Highway Patrol
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
February 1, 2021



Ross Strobe
Assistant Director
February 1, 2021