

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0719-01
Bill No.: SB 198
Subject: Department of Corrections; Criminal Procedure; Evidence; Law Enforcement Officers and Agencies; Prisons and Jails; Public Records, Public Meetings; Sunshine Law
Type: Original
Date: March 17, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$1,983,986)	(\$1,539,075)	(\$725,926)
Total Estimated Net Effect on General Revenue Fund	(\$1,983,986)	(\$1,539,075)	(\$725,926)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** deferred to local prosecutors. The **Jackson County Prosecuting Attorney's Office** assume the impact on prosecutors for the first three years would be negligible.

Officials from the **Department of Corrections (DOC)** assume they will have to arrange for the testing of offenders and provide officers to be present during the testing in case of problems. The DOC assumes that a limited number of staff will be needed to arrange and be present during testing. Cost would be based on the cost of staff. The cost to the DOC is unknown, but expected to exceed \$100,000 each year.

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ASSUMPTION (continued)

Oversight assumes the Department of Corrections would experience some additional costs for inmate movement, etc. in order to facilitate the testing. Oversight assumes the DOC could absorb the costs within existing resources. If the DOC experiences an increase that would require additional funding, the DOC could request the funding through the appropriation process.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposed legislation would revise the DNA profiling system to include all types of pleas and convictions and all felony offenses. It makes these records closed records with certain exceptions and restricts use.

According to the MHP's Criminal Laboratory Division, the proposed legislation would increase current annual collections from 2,000 to at least 17,000 after the initial start-up. In the first year, it is expected that 60,000 new individuals currently under supervision of the Department of Corrections will become eligible for DNA collection. 30,000 of these new collections would be done in the first year and 30,000 in the second year. This would be in addition to the 17,000 new collections that are expected, which brings the total DNA collections done for the first two years at 47,000 and 17,000 each year thereafter. This would require new equipment and 2 FTE Criminalists (each at \$27,444 per year) and 3 FTE Lab Evidence Technicians (each at \$21,720 per year). The Criminalists would be responsible for analyzing samples. The Lab Evidence Technicians would be responsible for performing collections. These FTE would have to maintain certain accreditation requirements such as proficiency tests, training, and membership in scientific organizations. They would require standard office equipment as well as some specialized equipment that is needed for the duties they perform, including 3 new cars for the FTE to travel to locations and collect samples. At this time, there is no accurate way to determine the amount of total "suspended imposition of sentence" cases and misdemeanors, so that cost is unknown to the MHP. However, based on the number of felony convictions, the MHP estimates the cost of the proposal to be \$1,983,986 in FY 04; \$1,539,075 in FY 05; and \$725,926 in FY 06. The MHP assumes the majority of the felonies included in the proposed legislation would not be highway related. Although there may be some that are highway related, MHP believes the impact on the Highway Fund would be minimal, and assumes all fiscal impact to the General Revenue Fund.

Officials from the **Greene County Sheriff's Office, Cole County Sheriff's Office, St. Louis County Department of Justice Services, and the Jackson County Sheriff's Office** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs – Missouri State Highway Patrol</u>			
Personal Service (5 FTE)	(\$102,541)	(\$126,125)	(\$129,279)
Fringe Benefits	(\$51,670)	(\$63,554)	(\$65,144)
Equipment and Expense	<u>(\$1,829,775)</u>	<u>(\$1,349,396)</u>	<u>(\$531,503)</u>
<u>Total Costs – MHP</u>	<u>(\$1,983,986)</u>	<u>(\$1,539,075)</u>	<u>(\$725,926)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$1,983,986)</u>	<u>(\$1,539,075)</u>	<u>(\$725,926)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<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.

DESCRIPTION

Currently, individuals who are convicted in Missouri of a violent felony offense or of a sex offense are required to submit a biological sample for DNA analysis. This bill would require individuals convicted of any felony offense to submit a sample for DNA analysis and would add individuals who plead guilty and nolo contendere to the list of those required to submit a sample.

The proposal would also make DNA records closed records under the Sunshine Law. It would allow the records to be released to listed individuals and would specify purposes for which the records can be used.

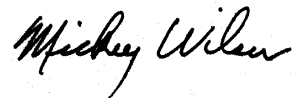
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
Office of Prosecution Services
Jackson County Prosecuting Attorney's Office

NOT RESPONDING

Greene County Sheriff's Office
Cole County Sheriff's Office
St. Louis County Department of Justice Services
Jackson County Sheriff's Office



Mickey Wilson, CPA
Director
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