COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0951-02
Bill No.: Perfected SB 216
Subject: Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: March 31, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	**$0**	**$0**	**$0**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on Other State Funds	**$0**	**$0**	**$0**

Numbers within parentheses: ( ) indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	**$0**	**$0**	**$0**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	**$0**	**$0**	**$0**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of the Attorney General** assume costs which may arise from this proposal are unknown.

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** defers to county prosecutors for a response on this proposal.

Officials from the **Cape Girardeau County Prosecuting Attorney's Office** assume the proposal will have no impact on their office because they already follow Missouri Supreme Court Rule 25.12 (effective 7/1/04), which already requires that depositions of witnesses in criminal cases be taken in the county where the witness resides.

ASSUMPTION (continued)

Officials from the **Boone County Prosecuting Attorney's Office** assume they would experience additional costs in travel expenses to and from the lab.

Officials from the **St. Louis County Prosecuting Attorney's Office** assume they would incur slightly increased costs on rare occasions the office would incur travel expenses to go to Jefferson City for the deposition of Highway Patrol Lab Technicians. Since their office almost exclusively uses the St. Louis County Lab, and depositions of lab personnel is not a common occurrence, the depositions would be exceedingly rare.

Oversight assumes any additional costs incurred by county prosecutors would be minimal and could be absorbed within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising for indigent persons which requires any deposition taken of an employee of a crime laboratory located within the state, where the subject matter of the deposition concerns the official duties of the employee, to be taken in the county where the employee is employed by the laboratory. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Southeast Missouri Regional Crime Laboratory** assume the proposal would save down time and travel expenses.

Officials from the **Independence Police Crime Laboratory** responded to Oversight's request, but issued no fiscal impact statement.

Officials from the **Missouri Southern State College Police Academy** assume any fiscal savings would be from decreased mileage expense for traveling to more distant counties. This savings would be small. There would also be a time savings by Crime Lab staff as a result of not having to travel to distant counties for depositions.

Oversight assumes any savings to crime laboratories in the form of travel expenses and down time would be minimal. Therefore, Oversight has shown no fiscal impact.

FISCAL IMPACT - State Government	FY 2006 (10 Mo.)	FY 2007	FY 2008
	$0	**$0**	**$0**

FISCAL IMPACT - Local Government	FY 2006 (10 Mo.)	FY 2007	FY 2008
	$0	**$0**	**$0**

FISCAL IMPACT - Small Business

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

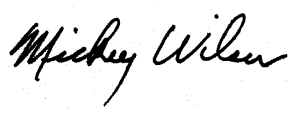
DESCRIPTION

The proposed legislation would require depositions of crime laboratory employees, where the subject matter of the deposition concerns the official duties of the employee, to be taken in the county where the employee is employed by the laboratory.

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 the Attorney General
Office of State Courts Administrator
Department of Public Safety
– Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Cape Girardeau County Prosecuting Attorney's Office
Boone County Prosecuting Attorney's Office
St. Louis County Prosecuting Attorney's Office
Southeast Missouri Regional Crime Laboratory
Independence Police Crime Laboratory
Missouri Southern State College Police Academy



Mickey Wilson, CPA
Director
March 31, 2005

BLG:LR:OD (12/02)