

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1749-01  
Bill No.: SB 513  
Subject: Criminal Procedure; Court  
Type: Original  
Date: March 29, 2005

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would repeal provisions requiring prosecutors to pay certain court costs. CTS assumes there may be some fiscal impact on the courts in terms of loss of funds. CTS does not anticipate the loss to be in excess of \$100,000.

Officials from the **Office of Prosecution Services** assume the proposal would have no fiscal impact prosecuting attorneys.

**Oversight** assumes, based on information received from Office of Prosecution Services and Office of State Courts Administrator, that the provisions requiring prosecutors to pay certain court costs are not generally used. Therefore, Oversight assumes any loss of funds would be minimal and has reflected no fiscal impact.

<b><u>FISCAL IMPACT - State Government</u></b>	<b>FY 2006 (10 Mo.)</b>	<b>FY 2007</b>	<b>FY 2008</b>
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<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

The proposed legislation would remove the provision from Section 545.050, RSMo, which states that if a defendant is acquitted or the prosecution fails, judgement shall be entered against such prosecutor for the costs.

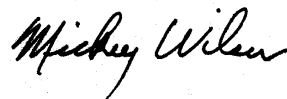
Currently, with most trials, if the defendant is acquitted, the costs shall be paid by the county except when the prosecutor is adjudged to pay them or it is otherwise provided by law. This proposal repeals the provision stating that the prosecutor can be adjudged to pay the costs. Thus, leaving the statute to state that the county shall pay the costs if the defendant is acquitted.

The proposal would also repeal Sections 550.050, 550.070, and 550.080, RSMo, which specify that the prosecutor is responsible for paying certain court costs.

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 State Courts Administrator  
Office of Prosecution Services



L.R. No. 1749-01  
Bill No. SB 513  
Page 4 of 4  
March 29, 2005

Mickey Wilson, CPA  
Director  
March 29, 2005

BLG:LR:OD (12/02)