

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3347-03  
Bill No.: Perfected SCS for SB 587  
Subject: Courts; Criminal Procedure  
Type: Original  
Date: February 1, 2006

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	\$0 to More than \$576,922	\$0 to More than \$702,124	\$0 to More than \$702,124
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 to More than \$576,922</b>	<b>\$0 to More than \$702,124</b>	<b>\$0 to More than \$702,124</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
DNA Profiling Analysis*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds*</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\*Offsetting Revenues and Costs in the DNA Profiling Analysis Fund of up to approximately \$700,000 per fiscal year.**

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</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 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government**</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**\*\*Offsetting Revenues and Costs to Crime Laboratories of up to approximately \$700,000 per fiscal year.**

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office, – Missouri State Highway Patrol**, and the **State Treasurer’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would remove the August 28, 2006 expiration date for the \$30 and \$15 surcharges on certain criminal cases. In the first eleven months of 2005, \$643,614 was deposited into the DNA Profiling Analysis Fund. With the extension of the expiration date, CTS would anticipate that approximately this amount would be deposited into the fund in any given year.

SA #2 would revise the amount assessed to provide that the \$30 will be assessed except when the defendant pleads guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195, RSMo, in which case, the surcharge shall be sixty dollars. For only A and B felony cases, the collection amount would be \$2,360 per year. 2,300 cases (568 – A + 1,768 – B = 2336) X \$60 proposed cost X 20% collection. For all cases, the collection amount would be \$101,616 per year. 8,468 cases X \$60 proposed cost X 20% collection.

ASSUMPTION (continued)

SA #3 appears to provide that all of these funds might be deposited to general revenue if certain state revenue increases do not occur. In that instance, the “DNA Profiling Analysis Fund” would receive no moneys for that fiscal year.

**Oversight** assumes funds deposited into the DNA Profiling Analysis Fund would be distributed by the Department of Public Safety to crime laboratories for the implementation of the DNA Profiling System.

**Oversight** assumes the provisions in SA #3 could result in no funds deposited into the DNA Profiling Analysis Fund in certain years where the state general revenues did not increase by two percent or more in the immediate previous fiscal year. Oversight cannot obtain projections on the state’s general revenue growth beyond one fiscal year. Therefore, Oversight has ranged the fiscal impact from \$0 to more than approximately \$700,000 per fiscal year.

**Oversight** assumes this proposed legislation extends an existing provision by removing or changing the expiration date. Oversight assumes removing or changing the expiration date will extend any fiscal impact associated with the existing provision. Therefore, Oversight has reflected the fiscal impact in the fiscal note.

**This proposal would increase Total State Revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>GENERAL REVENUE FUND</b>			
<u>Revenues</u> – State Treasurer’s Office			
Court fees	<u>\$0 to More than \$576,922</u>	<u>\$0 to More than \$702,124</u>	<u>\$0 to More than \$702,124</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
	<u><b>\$0 to More than \$576,922</b></u>	<u><b>\$0 to More than \$702,124</b></u>	<u><b>\$0 to More than \$702,124</b></u>

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>DNA PROFILING ANALYSIS FUND</b>			
<u>Revenues</u> – State Treasurer’s Office			
Court fees	\$0 to More than \$576,922	\$0 to More than \$702,124	\$0 to More than \$702,124
<u>Costs</u> – Department of Public Safety			
Distributions to crime laboratories	<u>\$0 to (More than \$576,922)</u>	<u>\$0 to (More than \$702,124)</u>	<u>\$0 to (More than \$702,124)</u>
<b>ESTIMATED NET EFFECT ON DNA PROFILING ANALYSIS FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>POLITICAL SUBDIVISIONS</b>			
<u>Revenues</u> – Crime Laboratories			
Distributions from DNA Profiling Analysis Fund	\$0 to More than \$576,922	\$0 to More than \$702,124	\$0 to More than \$702,124
<u>Costs</u> – Crime Laboratories			
Implementation of DNA Profiling System	<u>\$0 to (More than \$576,922)</u>	<u>\$0 to (More than \$702,124)</u>	<u>\$0 to (More than \$702,124)</u>
<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

## DESCRIPTION

The proposed legislation extends the August 28, 2006 expiration date to August 28, 2013, for the \$30 surcharge on criminal cases in which the defendant pleads guilty to or is convicted of a felony and the \$15 surcharge for cases in which the defendant pleads guilty to or is convicted of a misdemeanor. If the defendant pleads guilty to or is found guilty of a class B felony, class A felony, or unclassified felony, under chapter 195 (Drug Regulations), the surcharge shall be \$60. This money is deposited into the DNA Profiling Analysis Fund and used only for the DNA profiling analysis of convicted offender samples, unless the state's general revenue in the previous fiscal year did not increase by two percent or more, in which case the state treasurer shall deposit moneys received into the state general revenue fund.

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

## SOURCES OF INFORMATION

Office of State Courts Administrator  
Department of Public Safety  
– Director's Office  
State Treasurer's Office



Mickey Wilson, CPA  
Director  
February 1, 2006