

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5832-02
Bill No.: SCS for SB 789
Subject: Courts; Crimes and Punishment; Fees; Highway Patrol; Law Enforcement
 Officers and Agencies; Public Safety Department
Type: Original
Date: March 23, 2012

Bill Summary: This proposal modifies provisions relating to DNA profiling by the Missouri State Highway Patrol crime lab and the DNA Profiling Analysis Fund.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|-----------------------------|---------------------------|------------|
| FUND AFFECTED | FY 2013 | FY 2014 | FY 2015 |
| General Revenue | \$0 or (\$1,166,666) | \$0 or (\$233,333) | \$0 |
| Total Estimated Net Effect on General Revenue Fund | \$0 or (\$1,166,666) | \$0 or (\$233,333) | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|---------------------------|---------------------------------------|--------------------|
| FUND AFFECTED | FY 2013 | FY 2014 | FY 2015 |
| DNA Profiling Analysis Fund | \$0 or \$1,166,666 | \$1,166,666 or \$1,400,000 | \$1,400,000 |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 or \$1,166,666 | \$1,166,666 or \$1,400,000 | \$1,400,000 |

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

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2013 | FY 2014 | FY 2015 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2013 | FY 2014 | FY 2015 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2013 | FY 2014 | FY 2015 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Budget and Planning (BAP)** state this proposal would remove the stipulation that General Revenue must grow by two percent or more before proceeds from the court fee are deposited in the DNA Profiling Analysis Fund. For fiscal years 2012 and 2013, General Revenue is projected to grow by more than two percent, allowing for the transfer into the DNA Profiling Analysis Fund. The DNA Profiling Analysis Fund is estimated to receive \$1.3 million for fiscal years 2012 and 2013. The provisions for this fund shall not expire until August 28, 2019.

Officials from the **Department of Public Safety - Missouri Highway Patrol's Crime Laboratory Division** state that in FY10 and FY11, all the funding intended for the DNA Profiling Fund, approximately \$1.4 million annually, was redirected to General Revenue along with all associated expenses. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor. This legislation would redirect the funding and all associated expenses currently diverted to General Revenue back to the DNA Profiling Fund.

In response to a previous version of the proposal, officials from the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Office of Prosecution Services, Office of the State Courts Administrator** and the **Department of Corrections** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of the proposal, officials from the **Office of the State Treasurer** assumed the proposal would not fiscally impact their agency.

With the removal of the August 28, 2013 sunset on the surcharges in Section 488.5050, **Oversight** will reflect an annual revenue of \$1.4 million into the DNA Profiling Analysis Fund based upon responses from the Missouri Highway Patrol and Budget and Planning. Without this proposal, the sunset would remove these surcharges; therefore, Oversight assumes this proposal will result in the continuance of proceeds into the fund. Oversight will reflect ten months of continued income in FY 2014.

Oversight will reflect a potential loss to the General Revenue Fund in FY 2013 and FY 2014 from the removal of subsection 4 of 488.5050. With this removal, all proceeds from the

ASSUMPTION (continued)

surcharges in this section will go to the DNA Profiling Analysis Fund instead of potentially the General Revenue Fund. Since it is unknown if General Revenue will grow by 2% or more, Oversight will reflect this potential as \$0 or (\$1,400,000) per year. The surcharges are set to sunset in August 2013; therefore, Oversight will reflect 2 months in FY 2014.

| <u>FISCAL IMPACT - State Government</u> | FY 2013 (10 Mo.) | FY 2014 | FY 2015 |
|--|------------------------------------|--|---------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Loss</u> - removal of stipulation that if the General Revenue Fund does not grow by 2%, the State Treasurer shall deposit revenue from the surcharges listed in 488.5050 into it instead of the DNA Profiling Analysis Fund | \$0 or <u>(\$1,166,666)</u> | \$0 or <u>(\$233,333)</u> | <u>\$0</u> |
| ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND | <u>\$0 or (\$1,166,666)</u> | <u>\$0 or (\$233,333)</u> | <u>\$0</u> |
| DNA PROFILING ANALYSIS FUND | | | |
| <u>Income</u> - removal of sunset date for surcharges listed in Section 488.5050 | \$0 | \$1,166,666 | \$1,400,000 |
| <u>Income</u> - removal of stipulation that General Revenue must grow by 2% for this fund to get surcharges listed in 488.5050 | \$0 or <u>\$1,166,666</u> | \$0 or <u>\$233,333</u> | \$0 |
| ESTIMATED NET EFFECT TO THE DNA PROFILING ANALYSIS FUND | <u>\$0 or \$1,166,666</u> | <u>\$1,166,666 or \$1,400,000</u> | <u>\$1,400,000</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2013 (10 Mo.) | FY 2014 | FY 2015 |
|---|---------------------|------------|------------|
| | <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

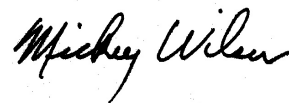
Under current law, a surcharge of \$30 is assessed in criminal cases in which a defendant is found guilty of a felony, a surcharge of \$60 is assessed if the defendant is found guilty of a Class A or B felony or an unclassified felony under Chapter 195, and \$15 is assessed if the defendant is found guilty of a misdemeanor. The money goes into the "DNA Profiling Analysis Fund". The surcharge was set to expire on August, 28, 2013. This act repeals the expiration date.

In addition, this act repeals a provision that redirects the funds to the state's General Revenue Fund if such revenue did not increase by two percent or more from the previous fiscal year.

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 State Courts Administrator
Office of the State Treasurer
Office of Administration - Budget and Planning
Department of Public Safety
Department of Corrections
Attorney General's Office
Office of Prosecution Services



Mickey Wilson, CPA
Director

L.R. No. 5832-02
Bill No. SCS for SB 789
Page 6 of 6
March 23, 2012

March 23, 2012

RS:LR:OD