

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1836-01  
Bill No.: SB 410  
Subject: Children and Minors; Courts; Crimes and Punishment; Criminal Procedure;  
 Highway Patrol; Public Records, Public Meetings; Social Services Department  
Type: Original  
Date: March 16, 2015

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Bill Summary: This proposal modifies provisions relating to criminal nonsupport and provides a method for expungement of a one-time offense of criminal nonsupport.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2016    | FY 2017    | FY 2018    |
|  |            |            |            |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |                   |                    |                    |
|---|-------------------|--------------------|--------------------|
| FUND AFFECTED   | FY 2016           | FY 2017            | FY 2018            |
| Criminal Records  | (\$90,025)        | (\$109,131)        | (\$110,240)        |
|   |                   |                    |                    |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>(\$90,025)</b> | <b>(\$109,131)</b> | <b>(\$110,240)</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 7 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2016</b> | <b>FY 2017</b> | <b>FY 2018</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 FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2016</b> | <b>FY 2017</b> | <b>FY 2018</b> |
| Criminal Records  | 2 FTE          | 2 FTE          | 2 FTE          |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>2 FTE</b>   | <b>2 FTE</b>   | <b>2 FTE</b>   |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                |                |                |
|--|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2016</b> | <b>FY 2017</b> | <b>FY 2018</b> |
| <b>Local Government</b>                    | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

## FISCAL ANALYSIS

### ASSUMPTION

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

In response to similar legislation from this year, HB 178, officials at the **Department of Public Safety's Missouri Highway Patrol (DPS/MHP)** assumed in the Criminal Justice Information Services Division (CJIS) there are currently 12,689 felony arrests with corresponding court actions for felony nonsupport in the Central Repository that would qualify for expungement under this provision. There are an additional 17,462 felony arrests with corresponding court actions that would become eligible over the next eight years, which averages 2,182 per year. The current expungement process, pursuant to Chapter 610, takes approximately 90 minutes to process. One FTE can handle 1,237 expungements per year. Conservatively, at least two FTE would be required to initially handle the expungements created by this legislation. Clearly, if a large number of these expungements were to be granted with even two FTE, the backlog would compound greatly to the point it may take several years to catch up.

1 FTE = 1,856 hours (average work hours per year) x 60 minutes per hour = 111,360 minutes per year. The current average time per petition to log, process, research, review, create related correspondences, and to expunge the information when the order is received is 90 minutes. Therefore, one FTE can handle 1,237 expungements per year =  $111,360 / 90$ . These FTE (CJIS Technicians) would be necessary to process all expungement requests, review criminal history records, contact any agency associated with the arrests or convictions, and collect the necessary data for the court orders.

Based on the average yearly salary and benefit rate per FTE at \$53,365 and the ability of that employee to process 1,237 expungements per year, the cost alone per expungement is  $\$53,365 \div 1,237 = \$43.14$ . It is suggested that a fee, similar to the criminal history background check fee, be implemented for the cost of researching and reviewing the criminal histories, as well as contacting of the various agencies associated with the arrests. In researching other states with similar expungement requirements, they all charge a fee to offset the cost of the time required to process the expungements. Their fees ranged from \$50 to \$450 per petition per arrest date.

ASSUMPTION (continued)

These FTE will most likely be 2nd and 3rd shift employees so they would not require any equipment. However, there would be recurring costs of \$650 per year per FTE for office supplies and phone charges. If any FTE were placed on the 1st shift, standard equipment would be required at a one-time cost of \$3,566 per FTE.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation changes the laws regarding arrearages and the expungement of certain records related to criminal nonsupport. During the past five years there has been an average of 5,234 criminal nonsupport convictions. This legislation should not have a significant impact on the judiciary.

| Fiscal Year | Number of Guilty Outcomes |
|-------------|---------------------------|
| 2008        | 4,919                     |
| 2009        | 5,133                     |
| 2010        | 4,947                     |
| 2011        | 4,276                     |
| 2012        | 6,894                     |
| Total       | 26,169                    |
| Average     | 5,234                     |

In response to similar legislation from this year, HB 178, officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation filed this year, HB 178, officials at the **Department of Mental Health**, the **Department of Social Services** and the **Department of Corrections** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the **Cole County Sheriff's Office**, the **Boone County Sheriff's Department**, **St. Louis County**, the **Jackson County Board of Election Commission** and the **Platte County Board of Election Commission** each assume no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

In response to similar legislation filed this year, HB 178, officials at the **St. Louis County Police Department**, the **City of Kansas City**, the **St. Louis County Board of Election Commission**, the **City of Columbia**, the **Independence Police Department**, the **City of Jefferson** and the **Springfield Police Department** each assumed no fiscal impact to their respective organizations from this proposal.

| <u>FISCAL IMPACT - State Government</u>                  | FY 2016<br>(10 Mo.)      | FY 2017                   | FY 2018                   |
|--|--------------------------|---------------------------|---------------------------|
| <b>CRIMINAL RECORDS FUND</b>                             |                          |                           |                           |
| <u>Costs - DPS/MHP</u>                                   |                          |                           |                           |
| Personal Service   | (\$47,560)               | (\$57,643)                | (\$58,219)                |
| Fringe Benefits  | (\$41,382)               | (\$50,155)                | (\$50,656)                |
| Equipment and Expense                                    | <u>(\$1,083)</u>         | <u>(\$1,333)</u>          | <u>(\$1,365)</u>          |
| <u>Total Costs - DPS/MHP</u>                             | <u>(\$90,025)</u>        | <u>(\$109,131)</u>        | <u>(\$110,240)</u>        |
| FTE Change - DPS/MHP                                     | 2 FTE                    | 2 FTE                     | 2 FTE                     |
| <b>ESTIMATED NET EFFECT ON<br/>CRIMINAL RECORDS FUND</b> | <b><u>(\$90,025)</u></b> | <b><u>(\$109,131)</u></b> | <b><u>(\$110,240)</u></b> |
| Estimated Net FTE Change for Criminal<br>Records Fund    | 2 FTE                    | 2 FTE                     | 2 FTE                     |
| <br><u>FISCAL IMPACT - Local Government</u>              | <br>FY 2016<br>(10 Mo.)  | <br>FY 2017               | <br>FY 2018               |
|  | <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.

### FISCAL DESCRIPTION

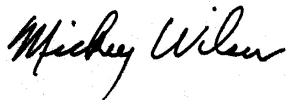
This act provides a definition for arrearage in the section of law that provides criminal penalties for failing to pay child support. Under current law, the crime of nonsupport becomes a Class D felony when the total arrearage exceeds an aggregate of 12 monthly payments. This act provides that the crime is a Class D felony when the arrearage exceeds the aggregate of 24 missed monthly payments.

Current law allows payment of all arrearage and current support to be a condition of probation or parole when a person is convicted of nonsupport. This act also allows the condition to be placed on a person who was found guilty of nonsupport. This act provides a process for a person who was found guilty of a first offense of criminal nonsupport to petition, after a period of at least eight years, for a one-time expungement of all official records of his or her arrest, plea, trial, or conviction. A person granted an expungement may also request expungement of his or her DNA sample and profile from the Missouri State Highway Patrol Crime 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

Department of Public Safety  
Missouri Highway Patrol  
Office of the State Courts Administrator  
Office of the Attorney General  
Department of Mental Health  
Department of Social Services  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Corrections  
St. Louis County Police Department  
City of Kansas City  
Boone County Sheriff's Department  
St. Louis County Board of Election Commission  
City of Columbia  
Independence Police Department  
City of Jefferson  
Platte County Board of Election Commission  
Springfield Police Department  
Cole County Sheriff's Office  
St. Louis County  
Jackson County Board of Election Commission



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