

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2127-01  
Bill No.: SB 513  
Subject: Crimes and Punishment; Criminal Procedure; Courts  
Type: Original  
Date: April 7, 2017

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Bill Summary: This proposal modifies certain provisions relating to the testimony of victims and witnesses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue Fund	(\$424,894)	(\$496,286)	(\$503,055)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$424,894)</b>	<b>(\$496,286)</b>	<b>(\$503,055)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<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 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</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 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
General Revenue Fund	7 FTE	7 FTE	7 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>7 FTE</b>	<b>7 FTE</b>	<b>7 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 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials at the **Office of the Secretary of State (SOS)** assume this bill would expand a program, housed under the SOS that would require additional staffing and support. This program would model the existing address confidentiality program currently housed under the Secretary of State Business Services Division. This program's current expenses were used to estimate this expansion program.

The program serves approximately 750 households with 1,475 individuals. Current program costs average about \$100.00 per year per individual (\$67.50 for PS and \$32.50 for E&E). 2 FTE are used to operate the program currently.

Fiscal impact was based on the following assumptions

Each classification has the potential of being under the category of Victim.

<b>Participant Classification</b>	<b>Estimated number Active Members</b>	<b>Plus Families at a factor of 1.5</b>	<b>%</b>	<b>Estimated participants</b>
<b>Peace officer</b>	<b>14,775</b>	<b>22,163</b>	<b>1%</b>	<b>369</b>
<b>State Judges</b>	<b>415</b>	<b>623</b>	<b>5%</b>	<b>52</b>
<b>Federal Judges</b>	<b>145</b>	<b>218</b>	<b>1%</b>	<b>4</b>
<b>Victims – Felony/Misdemeanor</b>	<b>185,374</b>	<b>278,061</b>	<b>0.50%</b>	<b>2,317</b>
<b>Witnesses- Felony/Misdemeanor</b>	<b>185,374</b>	<b>278,061</b>	<b>0.50%</b>	<b>2,317</b>
<b>Total</b>	<b>386,083</b>	<b>579,126</b>		<b>5,059</b>

<b>2016 OSCA data</b>	<b>Estimated Witnesses</b>
<b>Associate Felony Cases</b>	<b>9,036</b>
<b>Circuit Felony Cases-By Jury</b>	<b>1,098</b>
<b>Circuit Felony Cases- By Bench Trial</b>	<b>362</b>
<b>Circuit Felony Cases-Without Trial</b>	<b>69,332</b>
<b>Misdemeanor Cases</b>	<b>105,546</b>
<b>Total</b>	<b>185,374</b>

ASSUMPTION (continued)

Additional staff needs for the expanded program would be 2 program specialist FTEs, 4 technician FTEs and 1 administrative aide/technician FTE, based on the current ratio of 1 staff member to approximately 750 individuals.

Additionally, to handle the volume of mail, there would be a purchase of 1 mailing machine in FY18, as well as ongoing E&E expenses. Currently, administration of the Safe at Home program costs approximately \$32.50 per participant for E&E.

In summary, an additional 7 FTE would be needed along with the following costs:

FY18

PS & Fringes - \$271,023

E&E - \$153,871

FY19

PS & Fringes - \$327,758

E&E - \$168,528

FY20

PS & Fringes - \$330,314

E&E - \$172,741

Officials at the **Office of the State Courts Administrator**, the **Department of Mental Health**, the **Department of Corrections**, the **Department of Social Services**, the **Department of Revenue**, 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.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE FUND</b>			
<u>Cost - SOS</u>			
Personal Service	(\$162,500)	(\$196,950)	(\$198,920)
Fringe Benefits	(\$108,523)	(\$130,808)	(\$131,394)
Equipment and Expense	(\$153,871)	(\$168,528)	(\$172,741)
<u>Total Cost - SOS</u>	<u>(\$424,894)</u>	<u>(\$496,286)</u>	<u>(\$503,055)</u>
FTE Change - SOS	7 FTE	7 FTE	7 FTE
 <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	 <b><u>(\$424,894)</u></b>	 <b><u>(\$496,286)</u></b>	 <b><u>(\$503,055)</u></b>
 Estimated Net FTE Change for General Revenue Fund	 7 FTE	 7 FTE	 7 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2018 (10 Mo.)	 FY 2019	 FY 2020
	 <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 modifies provisions relating to the competence of certain persons to testify at trial, and the testimony on which court findings will be made at preliminary hearings. The act expands the circumstances in which statements made by children or vulnerable persons, which would otherwise be inadmissible to prove the truth of the matter asserted by the statements, may be so admitted. The act also adds certain persons receiving care for mental health to the list of vulnerable persons, and adds vulnerable persons to certain exceptions relating to witness testimony.

The act requires that criminal courts issue certain orders, which had previously been issued on a discretionary basis, relating to witness intimidation. These orders are required, rather than discretionary, in every case involving a child victim or offenses under certain chapters. The courts retain the discretion to issue such orders in cases in which they are not required to, and to place additional conditions on such orders including, but not limited, to those conditions listed in the act. The act creates new provisions relating to the disclosure of certain personal information relating to alleged victims of crime and to witnesses which the state intends to call in the course of criminal prosecutions. The act makes victims and witnesses eligible for participation in the Address Confidentiality Program, which is a program by which certain persons may use a designated address rather than their actual living address for mailing purposes.

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

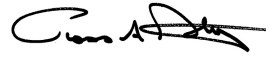
## SOURCES OF INFORMATION

Office of the Secretary of State  
Office of the State Courts Administrator  
Department of Mental Health  
Department of Corrections  
Department of Social Services  
Department of Revenue  
Office of the State Public Defender  
Office of Prosecution Services

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Mickey Wilson, CPA

Director  
April 7, 2017

A handwritten signature in black ink, appearing to read "Ross Strope".

Ross Strope  
Assistant Director  
April 7, 2017