

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0564-04
Bill No.: Truly Agreed To and Finally Passed SCS for SB 1
Subject: Courts; Crimes and Punishment; Public Records
Type: Original
Date: May 30, 2019

Bill Summary: This proposal modifies a provision relating to the expungement of certain criminal records.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§610.140 - Expungement of criminal records

Officials from the **Department of Corrections (DOC)** state this legislation may cause an increase in workload for Institutional Records Office staff as it expands the list of offenses for which an individual can request expungement. Expunging these records for the specified offenses through destruction, redacting or removal (electronic) will result in an increase in workload for our Institutional Records Officers, as they are the custodian of records for our offender files. This could also affect records kept at Probation and Parole Offices. While it represents an increase in workload, it is not anticipated that petitions for expungement will occur often enough to significantly impact the DOC .

While the department assumes a \$0 impact, the use of expungement by offenders is unknown. There is some concern for tracking previous medical, mental health, substance use treatment, and education records should the offender return to supervision by the department.

If there should be a significant number of additional requests for expungement or a significant expansion in the number of offenses that could be expunged, it could result in additional costs to the DOC.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's assumption that the additional work could be absorbed for fiscal note purposes.

Officials from the **Office of State Courts Administrator** state the provisions of this bill may result in some fiscal impact but there is currently no way to quantify that amount. Any significant changes as a result of this proposal will be reflected in future budget requests.

Oversight notes that the **Attorney General's Office, Department of Public Safety - Missouri State Highway Patrol, Department of Revenue, Missouri Office of Prosecution Services, Joplin Police Department, St. Louis County Department of Justice Services, City of Columbia** and the **City of Kansas City** each stated the proposal would not have a direct fiscal impact on their organizations.

In response to a previous version, **Oversight** notes the **Springfield Police Department, St. Louis County Police Department** and the **Boone County Sheriff's Department** each stated the proposal would not have a direct fiscal impact on their organizations.

ASSUMPTION (continued)

In response to a previous version, **Oversight** notes the **City of Keytesville** stated this proposal may have a minimal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes current law (§488.650) requires a \$250 surcharge to be paid for petitions for expungement of criminal records filed under §610.140 and provides that the judge may waive the surcharge if the petitioner is indigent. The funds for this surcharge go to the General Revenue Fund. As the exact number of expungement requests is unknown, Oversight will reflect a \$0 to Unknown impact to the General Revenue Fund.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, police and sheriff's departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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GENERAL REVENUE

Revenue- (§610.140) \$250 surcharge per petition for expungement	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE

	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act removes the following crimes from the list of crimes where expungement is not currently available: property damage in the first degree, stealing, possession of a forging instrumentality, and fraudulent use of a credit device or debit device.

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

Attorney General's Office
Department of Corrections
Department of Public Safety - Missouri State Highway Patrol
Department of Revenue
Missouri Office of Prosecution Services
Office of State Courts Administrator
City of Columbia
City of Kansas City
City of Keytesville
Joplin Police Department
Springfield Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department
Boone County Sheriff's Department



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May 30, 2019

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May 30, 2019