

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4759-01
Bill No.: SB 857
Subject: Victims of Crime; Department of Public Safety; State Treasurer; Law Enforcement Officers and Agencies
Type: Original
Date: February 28, 2020

Bill Summary: This proposal creates the “Pretrial Witness Protection Services Fund.”

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(\$1,053,825)	(\$526,913)	\$0
Total Estimated Net Effect on General Revenue	(\$1,053,825)	(\$526,913)	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Pretrial Witness Protection Services Fund*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

* Revenue and expenditures net to zero.

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE			

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 2021	FY 2022	FY 2023
Local Government	\$1,000,000	\$500,000	\$0

FISCAL ANALYSIS

ASSUMPTION

§491.641 - Pretrial Witness Protection Services Fund

Officials from the **Department of Public Safety (DPS)** state this proposal creates a new fund in the state treasury to be used solely by the DPS for the purposes of witness protection services. It does not establish a specific source from which monies will be collected by the fund. It also does not specify if fund monies can be spent on administration of the fund.

The DPS believes it will require one (1) Public Safety Program Specialist to administer the fund.

In the proposed Governor's Budget, DPS is receiving additional FTE to work on grant programs. It is our anticipation that those FTE would cover administering this program. However, if those FTE are cut from the budget, DPS would require an additional one (1) FTE to administer this program.

It should also be noted that §491.641.5 specifies that the provisions of this section shall terminate on December 31, 2021.

Oversight notes the provisions of this bill terminate on December 31, 2021. Therefore, Oversight assumes DPS will, instead of hiring FTE, be able to implement the provisions of this bill with two (2) 1,000 hour employees at a cost of \$25 per hour per employee. Oversight assumes these positions would not be provided fringe benefits and the state would only pay Social Security and Medicare benefits of 7.65 percent.

Oversight notes this proposed legislation creates the Pretrial Witness Protection Services Fund. The legislation authorizes the department of public safety to disperse to and authorize expenditures by law enforcement agencies to provide for the security, health, safety and welfare of witnesses, potential witnesses, victims, and members of their families and households, if they are in danger of bodily injury or their life is in jeopardy as a result of giving testimony or being willing to testify in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. This includes authority for local law enforcement agencies to purchase, rent or modify protected housing facilities and to contract with federal or state government agencies to obtain or provide the facilities or services necessary for such housing. In the FY 2021 budget, the Governor's Recommendation approved the funding for this program at \$1,000,000. Oversight assumes all moneys allocated to police and sheriff's departments will be utilized each year.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (OSCA)** state this proposal may have some impact, but there is no way to quantify that impact at the present time. Any significant changes will be reflected in future budget requests.

Oversight notes the **Department of Natural Resources**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Social Services**, the **Department of Conservation**, the **State Treasurer's Office**, the **Springfield Police Department**, the **St. Louis County Police Department**, and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Since this program terminates on December 31, 2021, **Oversight** will assume one-half of the anticipated FY 2021 appropriation, or \$500,000 for FY 2022.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022 (6 Mo.)	FY 2023
GENERAL REVENUE FUND			
<u>Transfer Out - To Pretrial Witness Protection Services Fund</u>	(\$1,000,000)	(\$500,000)	\$0
<u>Cost - DPS (\$491.641) Administer Pretrial Witness Protection Services Fund</u>			
Personal Services (\$25 x 1,000 hr) x 2	(\$50,000)	(\$25,000)	\$0
Fringe Benefits (7.65%)	<u>(\$3,825)</u>	<u>(\$1,913)</u>	<u>\$0</u>
<u>Total Cost - DPS</u>	<u>(\$53,825)</u>	<u>(\$26,913)</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$1,053,825)</u>	<u>(\$526,913)</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022 (6 Mo.)	FY 2023
PRETRIAL WITNESS PROTECTION SERVICES FUND			
<u>Transfer In</u> - From General Revenue Fund	\$1,000,000	\$500,000	\$0
<u>Transfer Out</u> - Local Political Subdivisions (Police and Sheriff's Departments)	(\$1,000,000)	(\$500,000)	\$0
ESTIMATED NET EFFECT ON THE PRETRIAL WITNESS PROTECTION SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022 (6 Mo.)	FY 2023
LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS			
<u>Transfer In</u> - From Witness Protection Services Fund	\$1,000,000	\$500,000	\$0
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS	<u>\$1,000,000</u>	<u>\$500,000</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

This act creates the "Pretrial Witness Protection Services Fund". Under this act, the Department of Public Safety may disperse money from the Pretrial Witness Protection Services Fund to law enforcement agencies for the purposes of providing for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings or investigations. Funds shall be subject to appropriations from the General Assembly.

FISCAL DESCRIPTION (continued)

The law enforcement agencies must submit an application to the Department of Public Safety which shall include, but is not limited to, the following information:

- A statement of conditions which qualify persons for protection;
- Precise methods the agency will use to provide protection; and
- A statement of projected costs over a specified period of time.

Provisions of this act shall terminate on December 31, 2021.

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 Natural Resources
Department of Public Safety
Department of Public Safety - Missouri State Highway Patrol
Department of Social Services
Department of Conservation
Office of State Courts Administrator
State Treasurer's Office
St. Louis County Police Department
St. Louis County Department of Justice Services
Springfield Police Department



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February 28, 2020



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