

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0269S.01I  
 Bill No.: SB 446  
 Subject: Crimes and Punishment; Courts; Attorneys; Department of Corrections; Prisons and Jails; Appropriations; State Treasurer  
 Type: Original  
 Date: March 3, 2023

Bill Summary: This proposal modifies provisions relating to restitution for individuals who are actually innocent.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\***Oversight** notes the provisions of this bill create a course of action for individuals who are exonerated by any evidentiary method other than DNA evidence. An individual may receive up to \$100 per day for every day of post-conviction incarceration, up to \$36,500 per fiscal year. Oversight notes to reach the \$250,000 threshold, one individual would have to remain in prison approximately 7 years (\$250,000 / \$36,500). Oversight assumes the threshold could be met.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</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 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§490.800 and 650.058 – Restitution for individuals found actually innocent

Officials from the **Department of Corrections (DOC)** state this proposal modifies provisions relating to restitution for individuals who are actually innocent. This legislation allows individuals to petition for restitution when they are found innocent through any evidentiary method. In addition, it mandates the expungement of their records.

The fiscal impact to the department is an unknown cost, as there is no way to determine how many offenders will be found innocent of their crime and will further petition for restitution.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's (unknown) estimated impact for fiscal note purposes.

**Oversight** notes the Midwest Innocence Project 2021 Annual Report states they are reviewing 389 cases in 63 counties in Missouri [MIP April 2021 annual report](#). In November of 2021, the Death Penalty Information Center reported Governor Parsons citing a backlog of more than 3,000 clemency requests, [Kevin Strickland Exonerated 42 Years After Wrongful Capital Murder Conviction in Missouri](#).

Officials from the **Attorney General's Office**, the **Department of Revenue**, the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Office of Administration**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **City of Jefferson City**, the **City of Kansas City**, the **City of Springfield**, the **Kansas City Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department**, and the **Phelps County Sheriff's Department** each assume the proposal will have no 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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other police and sheriff's departments, cities, and county prosecutors were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE</b>			
<u>Cost – DOC (§§490.800 and 650.058)</u> Restitution to individuals wrongfully convicted p. 3	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<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

RESTITUTION FOR INDIVIDUALS FOUND ACTUALLY INNOCENT (Sections 490.800 and 650.058)

Under current law, only individuals who are exonerated based on DNA evidence may receive wrongful conviction restitution.

This act adds that any individual who was later determined to be innocent as a result of another evidentiary method other than DNA evidence may be paid restitution. Such individual may receive an amount of \$100 per day for each day of post-conviction incarceration for the offense the individual is found to be innocent, up to \$36,500 per fiscal year.

Any individual who receives restitution pursuant to this act may not receive additional restitution under another provision of law for the same offense such individual was determined to be actually innocent and shall be prohibited from seeking any civil redress from the state or a political subdivision.

Any individual found innocent pursuant to this act shall receive an automatic order of expungement from the court in which he or she pled guilty or was sentenced.

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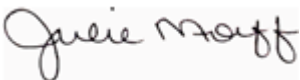
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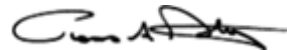
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Corrections  
Department of Revenue  
Department of Public Safety  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
City of Jefferson City  
City of Kansas City  
City of Springfield  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Phelps County Sheriff's Department



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