

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3605S.01I
 Bill No.: SB 886
 Subject: Crimes and Punishment; Courts; Attorneys; Department of Corrections; Prisons and Jails; Appropriations; State Treasurer
 Type: Original
 Date: January 16, 2024

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	(Unknown)	(Unknown)	(Unknown)

***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.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on FTE	0	0	0

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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

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. Section 490.800 allows individuals to petition for restitution when they are found innocent through an 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.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation or investigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Department of Revenue**, the **Missouri Office of Prosecution Services**, the **Missouri Department of Transportation**, the **Office of Administration**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **City of Kansas City**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, and the **St. Louis County Police 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 cities, county prosecutors, and local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Cost – DOC (§§490.800 and 650.058)</u> Restitution to individuals wrongfully convicted	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<u>\$0</u>	<u>\$0</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

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

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 postconviction incarceration for the offense the individual is found to be innocent, up to \$36,500 per fiscal year.

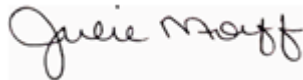
Any individual who receives restitution pursuant to this act may not receive additional restitution under another provision of law for the same offense such individual was determined to be actually innocent and shall be prohibited from seeking any civil redress from the state or a political subdivision.

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.

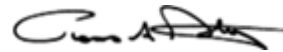
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety
Department of Revenue
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 Kansas City
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
January 16, 2024



Ross Strobe
Assistant Director
January 16, 2024