

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3697S.01I
Bill No.: SB 765
Subject: Attorney General; Attorneys; Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: January 21, 2024

Bill Summary: This proposal establishes a Conviction Review Unit.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	Up to (\$321,944)	Up to (\$393,159)	Up to (\$400,121)
Total Estimated Net Effect on General Revenue	Up to (\$321,944)	Up to (\$393,159)	Up to (\$400,121)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other State Funds</u>	\$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
General Revenue	3 FTE	3 FTE	3 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE

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

Officials from the **Missouri Office of Prosecution Services (MOPS)** state creating the conviction review unit as proposed in the bill will require MOPS to hire three additional staff—two attorneys and an investigator resulting in a total cost of \$256,000. At present MOPS believes they can use the paralegal received in FY 2023 to help the unit as needed. That assumption is based on consideration of the following: (1) Since only two counties (Jackson and St. Louis) and the circuit attorney currently have conviction review units, MOPS would be responsible for reviewing actual innocence claims from 112 counties and any handled by the Attorney General as conflict prosecutor; (2) looking at what other states' statewide units have, and using Jackson County in particular, MOPS will need two experienced attorneys (with backgrounds in prosecution and defense) and an investigator. This bill, recognizing the need for adequate and meaningful staffing, also specifically provides for those three positions. The PS includes maximum salary of \$80,000 for each attorney and \$60,000 for the investigator. Total PS of \$220,000 and E&E of \$36,000. (The E&E is based on E&E of the current resource prosecutors). The total cost adding PS and E&E is \$256,000. General revenue will need to fund these positions as current MOPS funding sources cannot absorb these positions.

Oversight notes that in their FY 2024 budget request, MOPS asked for these new FTE in a New Decision Item (DI#1282002) for the same amounts described above. Oversight has added to MOPS' estimate the cost of fringe benefits.

Oversight notes in HB 12 (2023), the Missouri Office of Prosecution Services (not to exceed 12 FTE) budget included four funds:

General Revenue (0101)	\$1,658,047
MOPS – Federal (0107)	\$1,198,871
MOPS Legal (0680)	\$2,237,913
MOPS Revolving (0844).	<u>\$ 172,417</u>
TOTAL	\$5,267,248

For simplicity, Oversight will assume the new conviction review unit will be paid for with by General Revenue funds (as requested in their NDI). Oversight notes the proposal requires MOPS to develop an application process, including fees (which shall be waived for indigence).

Officials from the Attorney General's Office (AGO) did not respond to **Oversight's** request for fiscal impact. Oversight assumes the AGO would not be materially impacted by the proposal.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Income</u> – application fees for review of a claim of actual innocence	Unknown	Unknown	Unknown
<u>Costs</u> – MOPS – new Conviction Review Unit (“may establish”)	\$0 or....	\$0 or...	\$0 or....
Personal Service (3 FTE)	(\$183,333)	(\$224,400)	(\$228,888)
Fringe Benefits	(\$108,611)	(\$132,039)	(\$133,779)
Expense & Equipment	(\$30,000)	(\$36,720)	(\$37,454)
Total Costs	(\$321,944)	(\$393,159)	(\$400,121)
FTE Change – MOPS	3 FTE	3 FTE	3 FTE
ESTIMATED NET FISCAL IMPACT TO THE GENERAL REVENUE FUND	Up to <u>(\$321,944)</u>	Up to <u>(\$393,159)</u>	Up to <u>(\$400,121)</u>
Estimated Net FTE Change on the General Revenue Fund	3 FTE	3 FTE	3 FTE

<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 this act, the Missouri Office of Prosecution Services may establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

The Missouri Office of Prosecution Services shall create an application process for defendants as provided in the act. The conviction review unit shall consist of two attorneys hired by the

executive director of the Missouri Office of Prosecution Services, an investigator, paralegal, and other administrative staff. The Director shall be an ex officio member of the unit.

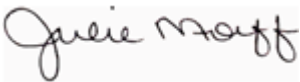
Once the review is complete, the conviction review unit shall present its findings either to the prosecuting attorney who prosecuted the case or, if the review was requested by the Attorney General, special prosecutor, or other prosecuting attorney's office, to the office who requested the review. Such prosecuting attorney's office is not required to accept or follow the findings and recommendations of the conviction review unit.

Any document produced by the conviction review unit shall be a closed record until after the finality of all proceedings.

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

Missouri Office of Prosecution Services



Julie Morff
Director
January 21, 2024



Ross Strobe
Assistant Director
January 21, 2024