

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4677S.01I  
Bill No.: SB 1271  
Subject: Courts; Attorneys; Victims of Crime; Criminal Procedure; Crimes and Punishment  
Type: Original  
Date: January 31, 2024

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Bill Summary: This proposal creates provisions relating to informants in criminal proceedings.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	(\$537,161)	(\$347,565)	(\$354,166)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$537,161)</b>	<b>(\$347,565)</b>	<b>(\$354,166)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<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 2025</b>	<b>FY 2026</b>	<b>FY 2027</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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>	<b>2 FTE</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 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §491.065 – Informants

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state there will be a one-time cost associated with creating this database, along with a cost for ongoing maintenance for the system. The creation and testing of this database will require the ability for over 100 agencies from across the state to access and input data. Due to the complexity of this system, the Patrol would outsource the creation of this database.

To create this database, the MHP estimates it would take approximately 1,500 hours for a build time. At the current contractor rate of \$175 per hour, the total cost would be approximately \$262,500, with an estimated ongoing cost of \$17,500 for maintenance. In addition, two (2) FTE Computer Information Technology Specialist would be required to manage access and security to this database.

**Oversight** does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's 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 the proposal results in 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 **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Corrections, the Department of Labor and Industrial Relations, the Department of Mental Health, the Department of Public Safety – (Division of Alcohol and Tobacco Control and Office of the Director), the Department of Social Services, the Missouri Department of Conservation, the Missouri Department of Transportation, the Missouri Office of Prosecution Services, the Office of Administration, the Office of the State Public Defender, 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 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
<b>GENERAL REVENUE</b>			
<u>Costs – MHP (\$491.065)</u>			
Personal Service	(\$142,640)	(\$174,591)	(\$178,083)
Fringe Benefits	(\$127,021)	(\$155,474)	(\$158,583)
Expense & Equipment	(\$5,000)	\$0	\$0
To build and maintain website	(\$262,500)	(\$17,500)	(\$17,500)
<b>Total Costs - MHP</b>	<b>(\$537,161)</b>	<b>(\$347,565)</b>	<b>(\$354,166)</b>
FTE Change - MHP	2 FTE	2 FTE	2 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$537,161)</b>	<b>(\$347,565)</b>	<b>(\$354,166)</b>
Estimated Net FTE Change on General Revenue	2 FTE	2 FTE	2 FTE

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

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This act provides that each prosecuting or circuit attorney's office shall maintain a record of each case in which an informant was endorsed by the state to testify against the defendant, the substance of the testimony, and any benefit the informant was offered. The prosecuting or circuit attorney offices shall also send such record to the Highway Patrol on a monthly basis to maintain a centralized statewide record.

Additionally, this act provides that if the state endorses a witness to testify as an informant, certain materials and information shall be disclosed as provided in the act. Any failure to provide such information shall result in a waiver of absolute immunity and a report to the Missouri Office of Chief Disciplinary Counsel or to the POST Commission.

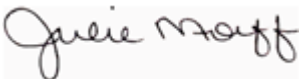
If the prosecution intends to use testimony from an informant, the court shall conduct a pretrial evidentiary hearing and the state shall show by a preponderance of the evidence that the informant's testimony is reliable based on factors as provided in the act.

Finally, this act adds that victims of crime shall have the right to be informed by law enforcement of any instance in which a person has been endorsed by the state as an informant and any benefit such informant may receive.

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 Labor and Industrial Relations  
Department of Mental Health  
Department of Public Safety  
Department of Social Services  
Missouri Department of Conservation  
Missouri Department of Transportation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Kansas City Police Department  
St. Louis County Police Department



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