

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5336-02
Bill No.: SB 874
Subject: Criminal Procedure; Judges; Juries; Courts
Type: Original
Date: February 23, 2018

Bill Summary: This proposal allows citizens to summon a grand jury by filing a petition with the court.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

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 2019	FY 2020	FY 2021
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at **St. Louis County** assume this bill provides a citizen petition Grand Jury. This Grand Jury will be allowed to hire special counsel and investigators. It appears the County will have to pay for these positions. Special counsel could run several hundred dollars an hour, as could investigators.

Officials at **Cole County** estimate that one person can process an 8-10 page petition daily. There are 10 signatures on each page. The last petition the County had was the Right-to-Work petition and it had 3018 signatures. If a person checks 10 pages @ 10 signature that would be 100 signatures a day. That would take 30 days to process 3000 signatures.

We pay our part time help \$10.00 per hour and they can work 25 hours a week, no benefits. Estimated FICA, SS TAX, ETC = \$.77 per hour.

\$10.77 Hourly wage
X 8 Hours a day
X 30 Days to process

\$2,584.80 Total cost to County to process 3000 signatures.

Oversight assumes there could be costs to counties from verifying signatures on petitions from this proposal. There could also be additional costs to counties should the grand jury, with the approval of the court, employ special counsel and investigators. Oversight will reflect a fiscal impact for this proposal of \$0 (no citizens grand jury) to an unknown cost for counties.

Officials at the **Office of the State Courts Administrator** assume 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 at the **Office of the Secretary of State** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **Boone County**, the **Callaway County Commission**, the **St. Louis County Board of Election Commission** and the **Platte County Board of Election Commission** each assume no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

Officials from the following **counties**: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Clinton, Cole, Cooper, Davies, Dekalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Platte, Pulaski, Scott, St. Charles, St. Louis, St. Francois, Taney, Wayne, and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the City of St. Louis did not respond to **Oversight's** request for fiscal impact.

Officials at the following **board of election commissions**: St. Louis City Board of Election Commission, Clay County Board of Election Commission and the Jackson County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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COUNTY FUNDS

<u>Cost</u> - summoning a grand jury by petition	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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ESTIMATED NET EFFECT ON COUNTY FUNDS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act allows citizens to summon a grand jury by filing a petition with the court. The petition must be signed by one hundred qualified voters in the county, plus two percent of the number of qualified voters who voted in the most recent gubernatorial election within the county. The petition must also include information about the subject matter to be investigated and general allegations that could warrant a finding that the inquiry may lead to the issuance of a bill of indictment.

Once the petition is filed, the presiding judge of the circuit has sixty days to summon the grand jury or deny the petition. The person who filed the petition may appeal a denial by the judge to summon a grand jury when the petition has been submitted in the proper form. Such person is also immune from liability for civil damages which arise out of conduct made in good faith pursuant to the act.

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

St. Louis County
Cole County
Office of the State Courts Administrator
Office of the Secretary of State
Office of Prosecution Services
Boone County
Callaway County Commission
St. Louis County Board of Election Commission
Platte County Board of Election Commission

Ross Strobe



Acting Director
February 23, 2018