

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0496-04
Bill No.: SCS for SB 22
Subject: Courts; Attorneys; Attorney General
Type: Original
Date: April 29, 2019

Bill Summary: This proposal modifies Missouri Supreme Court Rules relating to discovery process of criminal cases.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (SPD)** assume the proposed legislation moves when the defense receives discovery. The legislation would move discovery receipt from when the complaint is filed to after arraignment, a period of approximately 90 days. If discovery is turned over at the filing of the complaint, the defendant will often either waive preliminary hearing or send the case out for a plea quickly. Both of these two things save courts, prosecutors and defense counsel time and money.

Oversight inquired SPD regarding their response. In the original SB 22, there were restrictions on discovery rights and the proposal eliminated depositions. In the 04 version of the bill, the proposal leaves the depositions alone and it is less restrictive about discovery. SPD assumes any costs from this proposal can be absorbed.

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

Oversight notes that the Office of the State Courts Administrator, the Office of the Attorney General and the Office of Prosecution Services each has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for the Office of the State Courts Administrator, the Office of Prosecution Services and Office of the Attorney General. Oversight also assumes the SCS for SB 22 would have minimal (if any) impact on Prosecutors.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small law businesses could be impacted by this proposal.

FISCAL DESCRIPTION

This act modifies Missouri Supreme Court Rules regarding discovery in criminal cases. Discovery shall not commence before arraignment of the defendant. Responses to discovery requests shall be made within 15 days of service of the request or not less than 10 days prior to trial, whichever is earlier. The response time may be extended for good cause, but no more than one extension may be granted without notice to the opposing party. Any objection to a discovery request must be made within the time for responding to such request.

Under this act, prosecutors will have discretion to redact personal identifying information which is contained in materials and information that the state shall disclose to the defendant's counsel during the discovery process of a criminal proceeding.

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

Office of the State Public Defender
Office of the State Courts Administrator
Office of the Attorney General
Office of Prosecution Services



Kyle Rieman
Director
April 29, 2019

Ross Strobe
Assistant Director
April 29, 2019