

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2277S.01I
Bill No.: SB 487
Subject: Attorneys; Bonds - Bail; Bonds - Surety; Courts; Crimes a Punishment; Judges
Type: Original
Date: March 18, 2021

Bill Summary: This proposal creates provisions relating to bail.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 2022	FY 2023	FY 2024
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, the **Department of Corrections**, the **Missouri Highway Patrol** and the **Missouri Office of Prosecution Services** 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.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where persons apply for and qualify for public defender services because they are unable to be released pretrial and as a result become indigent.

In addition, the inability of accused persons to assign bail funds to private counsel for legal services could result in additional cases being assigned to SPD.

The SPD system is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD 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 SPD for fiscal note purposes.

Officials from the **Kansas City Police Department**, the **St. Joseph 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 assumes this proposal establishes certain provisions specific to setting bail and the conditions of release in Missouri courts. Oversight is unclear on how the new provisions will be implemented and if this will result in a savings or additional cost to local jails. Therefore, Oversight will reflect a positive and negative unknown savings/costs to local jail funds for this proposal.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL JAIL FUNDS			
<u>Savings/Cost – implementing new provisions relating to setting bail in courts</u>	Unknown to (<u>Unknown</u>)	Unknown to (<u>Unknown</u>)	Unknown to (<u>Unknown</u>)
ESTIMATED NET EFFECT ON LOCAL JAIL FUNDS	Unknown to (<u>Unknown</u>)	Unknown to (<u>Unknown</u>)	Unknown to (<u>Unknown</u>)

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 the following shall apply when a judge or judicial officer sets bail in all courts in Missouri and shall be applicable to all offenses charged:

- When setting bail and conditions of release, consideration of public safety shall be the paramount consideration;
- There shall be no requirement that anything but probable cause be established for an arrest warrant to be sought and issued;
- A release on one's own recognizance shall consist of the defendant's signature and promise to appear in court and also to comply with all non-monetary conditions of release without having to post any cash, surety, or property as security;
- There shall be no presumptions in favor of release on one's own recognizance in any category of offenses, specific offenses, or gradations of offenses; and
- There shall be a presumption against release on one's own recognizance with or without non-monetary conditions of release that may be overcome by clear and convincing

evidence that a person is not a flight risk or danger to the community as provided in the act.

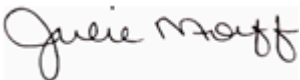
Additionally, partially secured bonds, bonds in the sum of 10% to the court, or unsecured bonds shall not be permitted in Missouri. A judge shall set bail in a single monetary amount, which shall be fully secured by the defendant in a method of the defendant's choosing.

Finally, attorneys shall not be permitted to recover, nor courts allowed to enforce, any lien or claim on bail proceeds deposited with the court. All proceeds shall be returned to the defendant upon release of the bond.


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
Attorney General's Office
Department of Corrections
Missouri Highway Patrol
Missouri Office of Prosecution Services
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department



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March 18, 2021



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