

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5268S.03I
Bill No.: SB 1201
Subject: Department of Corrections; Prisons and Jails; Judges; Criminal Procedure
Type: Original
Date: April 1, 2022

Bill Summary: This proposal creates provisions relating to post-conviction relief.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
General Revenue*	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on General Revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

*Oversight notes it would take approximately 30 released inmates to reach the \$250,000 threshold at the estimated incarceration rate of \$8,255 per year per offender (\$250,000 / \$8,255).

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§547.380 – Post-conviction relief

Officials from the **Department of Corrections (DOC)** state this proposal creates provisions relating to post-conviction relief.

DOC is unable to project the number of offenders who will petition to the courts and/or be found “actually innocent” in any given year. The legislation does not reference restitution for those who would be found innocent. Therefore, the DOC is unable to determine the impact of this legislation, which makes the department’s response an “unknown” savings.

Oversight notes the provisions of this proposal do not provide for restitution to the individual determined to be innocent. If an inmate is granted post-conviction relief, there would be a savings to the DOC for the estimated incarceration rate of \$8,255 per year per offender. Therefore, Oversight will range the impact from \$0 (no offenders granted post-conviction relief) to an unknown savings (post-conviction relief granted) for fiscal note purposes.

Officials from the **Office of the State Courts Administrator**, the **Missouri Office of Prosecution Services** and the **Office of the State Public Defender** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Savings</u> – DOC (§547.380) Post-conviction relief	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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

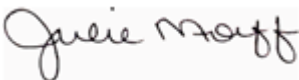
This act provides that a person in the custody of, or under the supervision of, the state may raise, and a court may decide, a freestanding claim of actual innocence in any post-conviction proceeding challenging the validity of the judgment.

Additionally, the court shall vacate or set aside the judgment where the court finds there is clear and convincing evidence that undermines confidence in the judgment. In considering the claim, the court shall take into consideration the evidence not presented to the original trier of fact, the evidence presented at the original trial or plea, and any evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions.


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

Department of Corrections
Missouri Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator



Julie Morff
Director
April 1, 2022



Ross Strobe
Assistant Director
April 1, 2022