

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 2446-01
BILL NO. SB 567
SUBJECT: Crimes and Punishment; Compensation for wrongful imprisonment.
TYPE: Original
DATE: January 10, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Unknown)	(Unknown)	(Unknown)
State Legal Expense	(\$0 to Unknown)	(\$0 to Unknown)	(\$0 to Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(Unknown)	(Unknown)	(Unknown)

*Could exceed \$100,000 in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(Exceeds \$150,000)	(Exceeds \$150,000)	(Exceeds \$150,000)

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

The **Office of Prosecution Services, Office of the Governor, Office of the Lieutenant Governor, Department of Public Safety - Missouri State Highway Patrol, and the Office of the State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

The **Office of the State Courts Administrator (CTS)** assumes the proposed legislation would provide for civil recovery for wrongful imprisonment. CTS would not expect very many suits on the new cause of action in any year. Therefore, CTS does not expect any appreciable increased costs to the judiciary.

Officials from the **Office of the Attorney General** assume the costs of the proposed legislation are indeterminable.

Officials from the **Office of Administration (COA)** assume the proposed legislation could result in a possible cost to the state legal expense fund appropriated to COA. The amount of the possible cost is unknown.

Officials from the **Office of the Cole County Prosecuting Attorney** assume the proposed legislation would allow every convicted defendant to bring a civil suit against all witnesses, law enforcement officers, prosecutors, and presumably the local county, while he or she also pursued their appeal in the criminal case. In a small county, such as Cole, additional lawyers would have to be hired to handle the increased litigation. Even if the county were to prevail on every lawsuit, this proposal would cost an additional \$50,000 per year just in increased personnel costs. The estimate does not include other litigation expenses, settlements, and the like.

Officials from the **Office of the Boone County Prosecuting Attorney** assume the proposed legislation could pose an adverse fiscal impact to their office; however, it is difficult to arrive at a dollar amount. They expect the costs to easily exceed \$100,000 annually.

FISCAL IMPACT - State Government FY 2001 FY 2002 FY 2003

GENERAL REVENUE FUND

Costs - Office of the Attorney General (Unknown) (Unknown) (Unknown)

LEGAL EXPENSE FUND

Costs - Legal Fees \$0 to
 (Unknown) \$0 to
 (Unknown) \$0 to
 (Unknown)

FISCAL IMPACT - Local Government FY 2001 FY 2002 FY 2003

LOCAL GOVERNMENT ENTITIES

Costs - Cole County Prosecuting Attorney (Exceeds
 \$50,000) (Exceeds
 \$50,000) (Exceeds
 \$50,000)

Costs - Boone County Prosecuting Attorney (Exceeds
 \$100,000) (Exceeds
 \$100,000) (Exceeds
 \$100,000)

**ESTIMATED NET EFFECT ON
 LOCAL GOVERNMENT ENTITIES** **(Exceeds
 \$150,000)** **(Exceeds
 \$150,000)** **(Exceeds
 \$150,000)**

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would provide for civil recovery for wrongful imprisonment.

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 Attorney General
- Office of State Courts Administrator
- Office of Prosecution Services
- Office of the State Public Defender
- Department of Public Safety - Missouri State Highway Patrol

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SOURCES OF INFORMATION (Continued)

Office of the Governor
Office of the Lieutenant Governor
Department of Corrections
Office of Administration
Cole County Prosecuting Attorney
Boone County Prosecuting Attorney
Greene County Prosecuting Attorney
St. Louis County Prosecuting Attorney
Jackson County Prosecuting Attorney

**NOT RESPONDING: Department of Corrections, Greene County Prosecuting Attorney,
St. Louis County Prosecuting Attorney, Jackson County Prosecuting Attorney**



Jeanne Jarrett, CPA
Director
January 10, 2000