

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3836-01
Bill No.: HB 1447
Subject: Bail Bonds; Crimes and Punishment; Criminal Procedure; Judges
Type: Original
Date: February 13, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections, Office of State Public Defender, Boone County Sheriff's Department, and the Department of Public Safety – State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Prosecution Services** deferred to local prosecuting attorneys. The local prosecuting attorneys were unable to quantify the costs.

Oversight assumes prosecutors can request funds from county commissions through decision items, if necessary.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would allow recognizance bonds only when the defendant is a local resident, has no prior convictions for failure to appear, and specifies when bonds can be forfeited and remitted to the surety.

Because of numerous difficulties interpreting the consequences of this legislation, CTS is not able to provide an estimate of its possible fiscal impact at this time. CTS does not have reliable data on the number of bail bonds. This bill may cause more work on the part of the clerk to mail out the notice by certified mail. A much bigger issue is the return of the bond forfeiture to surety. The courts turn that money over to the county treasury, and they in turn distribute the money to the schools. The courts will not have money two years later to refund back to the surety. That money would have to be taken out of the schools' budget. There is no mechanism in the legislation to effect that transfer. An other issue is that most of the individuals who have failed to appear are only convicted on the original charge, not on the failure to appear.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<u>Income</u> – Schools			
Bond forfeitures	Unknown	Unknown	Unknown
Costs – Schools			
Bond forfeiture repayments	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT - Small Business

The proposed legislation could have a fiscal impact on small businesses.

DESCRIPTION

The proposed legislation would allow persons charged with misdemeanors or felonies that are bailable offenses to be released on their own recognizance if the person is a local and has not previously pled guilty or been found guilty of failure to appear. For purposes of the proposal, a local is a person of legal age who resides in the jurisdiction where charges are pending, has lived at a verifiable address for five years, and has had verifiable employment for five years. Individuals who are not locals or who have previously pled or been found guilty of failure to appear would only be released with a bail bond or cash, and the judge would also be able to make additional requirements or conditions to assure the individual's appearance.

The proposal also specifies situations when bonds can be forfeited and remitted to the surety. The proposal specifies when a defendant must be surrendered without the return of premium for the bond.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Department of Corrections
Office of State Public Defender
Department of Public Safety
 – State Highway Patrol
Office of State Courts Administrator
Boone County Sheriff's Department
Office of State Courts Administrator



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Acting Director

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