COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0368-02
Bill No.: Perfected HCS for HBs 49 & 50
Subject: Courts; Criminal Procedure
Type: Original
Date: April 20, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	Less than $100,000	Less than $100,000	Less than $100,000
Total Estimated Net Effect on General Revenue Fund	**Less than $100,000**	**Less than $100,000**	**Less than $100,000**

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on Other 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 2006	FY 2007	FY 2008
Total Estimated Net Effect on All Federal Funds	**$0**	**$0**	**$0**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	**$0**	**$0**	**$0**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health, Department of Corrections,** and the **Department of Social Services** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the Attorney General (AGO)** assume there would be some cost savings in that the AGO would no longer have to handle appeals from offenders whose petitions are denied by the judge pursuant to current §558.016.8. AGO anticipates the cost savings would be less than $100,000 for the fiscal year after the proposal takes effect.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume the proposal requires the state to be notified when a petition for a 120 day callback is granted a hearing by the sentencing court. Neither existing law nor this proposed legislation requires the appointment of counsel at these hearings. Nevertheless, some courts appoint the SPD on their own. The SPD assumes the proposal would have an uncertain impact on their office as a result of the uncertainty of some courts who appoint the SPD frequently.

Oversight assumes the proposal would have no impact on the Office of the State Public Defender because the legislation does not require the appointment of a Public Defender.

FISCAL IMPACT - State Government	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
Savings – Office of the Attorney General			
Decreased appeals	Less than $100,000	Less than $100,000	Less than $100,000
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	**Less than $100,000**	**Less than $100,000**	**Less than $100,000**

FISCAL IMPACT - Local Government	FY 2006 (10 Mo.)	FY 2007	FY 2008
	$0	**$0**	**$0**

FISCAL IMPACT - Small Business

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

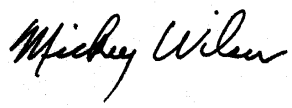
DESCRIPTION

The proposed legislation would repeal a provision that allows first-time, nonviolent class C or class D felony offenders to petition the court for early release after serving 120 days of their sentence. Currently, crime victims and witnesses are required to be notified when a parole or release hearing is scheduled and when the Board of Probation and Parole makes a decision to release an offender. The proposal specifies that notice must also be given to crime victims and witnesses when an offender petitions for early release after the completion of a drug and alcohol treatment program, as well as when the circuit court releases an offender after the completion of a treatment program.

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
Department of Mental Health
Department of Corrections
Department of Social Services
Office of Prosecution Services
Office of the State Public Defender



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