

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5005-01
Bill No.: HB 1422
Subject: Highway Patrol; Crimes and Punishment; Fees
Type: Original
Date: February 27, 2012

Bill Summary: This proposal revises laws regarding DNA profiling analysis.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0 or (\$1,166,666)	\$0 or (\$233,333)	\$0
Total Estimated Net Effect on General Revenue Fund	\$0 or (\$1,166,666)	\$0 or (\$233,333)	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
DNA Profiling Analysis Fund	\$0 or \$1,166,666	\$1,166,666 or \$1,400,000	\$1,400,000
Total Estimated Net Effect on Other State Funds	\$0 or \$1,166,666	\$1,166,666 or \$1,400,000	\$1,400,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Department of Corrections**, and the **Office of the State Treasurer** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of Administration - Budget and Planning (BAP)** state this proposal would remove the stipulation that the General Revenue Fund must grow by two percent or more before proceeds from the court fee are deposited in the DNA Profiling Analysis Fund. For fiscal years 2012 and 2013, the General Revenue Fund is projected to grow by more than two percent, allowing for the transfer into the DNA Profiling Analysis Fund. The DNA Profiling Analysis Fund is estimated to receive \$1.3 million for fiscal years 2012 and 2013.

Officials from the **Department of Public Safety - Missouri Highway Patrol** state their Crime Laboratory Division states that in FY10 and FY11, all the funding intended for the DNA Profiling Fund, approximately \$1.4 million annually, was redirected to the General Revenue Fund along with all associated expenses. This funding originates from court fees assessed on individuals convicted of a felony or misdemeanor. This legislation would redirect the funding and all associated expenses currently diverted to General Revenue back to the DNA Profiling Fund.

The receipts into the DNA Profiling Analysis Fund (0772) for the past five years have been:

FY 2011	\$	0
FY 2010	\$	5,098
FY 2009	\$	1,464,814
FY 2008	\$	1,477,609
FY 2007	\$	1,434,384
FY 2006	\$	1,324,125

With the removal of the August 28, 2013 sunset on the surcharges in Section 488.5050, **Oversight** will reflect an annual revenue of \$1.4 million into the DNA Profiling Analysis Fund based upon responses from the Missouri Highway Patrol and Budget and Planning. Without this proposal, the sunset would remove these surcharges; therefore, Oversight assumes this proposal

ASSUMPTION (continued)

will result in the continuance of proceeds into the fund. Oversight will reflect ten months of continued income in FY 2014.

Oversight will reflect a potential loss to the General Revenue Fund in FY 2013 and FY 2014 from the removal of subsection 4 of 488.5050. With this removal, all proceeds from the surcharges in this section will go to the DNA Profiling Analysis Fund instead of potentially the General Revenue Fund. Since it is unknown if General Revenue will grow by 2% or more, Oversight will reflect this potential as \$0 or (\$1,400,000) per year. The surcharges are set to sunset in August 2013; therefore, Oversight will reflect 2 months in FY 2014.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE FUND			
<u>Loss</u> - removal of stipulation that if the General Revenue Fund does not grow by 2%, the State Treasurer shall deposit revenue from the surcharges listed in 488.5050 into it instead of the DNA Profiling Analysis Fund	\$0 or <u>(\$1,166,666)</u>	\$0 or <u>(\$233,333)</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or <u>(\$1,166,666)</u>	\$0 or <u>(\$233,333)</u>	<u>\$0</u>
DNA PROFILING ANALYSIS FUND			
<u>Income</u> - removal of sunset date for surcharges listed in Section 488.5050	\$0	\$1,166,666	\$1,400,000
<u>Income</u> - removal of stipulation that General Revenue must grow by 2% for this fund to get surcharges listed in 488.5050	\$0 or <u>\$1,166,666</u>	\$0 or <u>\$233,333</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE DNA PROFILING ANALYSIS FUND	\$0 or <u>\$1,166,666</u>	\$1,166,666 or <u>\$1,400,000</u>	<u>\$1,400,000</u>

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<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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 proposal changes the laws regarding DNA profiling analysis. In its main provisions, the bill:

- (1) Changes when a surcharge is assessed for deposit into the DNA Profiling Analysis Fund to include all criminal cases, except traffic violations, in which the defendant pleads guilty, is found guilty, or is convicted. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted of a felony;
- (2) Removes the provision requiring the moneys collected by the surcharge to be deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more and removes the expiration date of August 28, 2013, regarding the assessment of the surcharge;
- (3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System;

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

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SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the State Treasurer
Office of Administration - Budget and Planning
Department of Public Safety
Department of Corrections
Attorney General's Office



Mickey Wilson, CPA
Director
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