

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2835-02
BILL NO.: HB 1276
SUBJECT: Crimes and Punishment; Compensation for wrongful imprisonment
TYPE: Original
DATE: February 11, 2000

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

The **Office of the Governor (GOV)**, **Office of the Lieutenant Governor (MLT)**, **Department of Public Safety - Missouri Highway Patrol (DPS-MHP)**, **Office of the State Courts Administrator (CTS)**, and **Office of the State Public Defender (SPD)** assume the proposed legislation would have no fiscal impact on their agencies.

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

Officials from the **Office of Prosecution Services (OPS)** assume the costs of the proposed legislation are unknown.

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. **Oversight** assumes funds would be specifically appropriated for the damages and attorneys fees related to the type of suits permitted by this proposal and therefore would not be paid from the State Legal Expense Fund.

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. **Oversight** assumes funds would be specifically appropriated for the damages and attorneys fees related to the type of suits permitted by this proposal and therefore would not be the responsibility of the local prosecutors.

Officials from the **Office of the Greene County Prosecuting Attorney** assume the proposed legislation would increase the number of lawsuits against prosecutors and result in an increase in the amount currently spent by the Greene County Commission to defend prosecutors. Preliminary estimates of insurance premiums to provide coverage for these types of lawsuits were \$75,000 for the first year and \$38,000 for subsequent years. **Oversight** assumes funds would be specifically appropriated for the damages and attorneys fees related to the type of suits permitted by this proposal and therefore would not be the responsibility of the local prosecutors.

FISCAL IMPACT - State Government

FY 2001
(10 Mo.)

FY 2002

FY 2003

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

<u>Costs</u> - Office of the Attorney General	(Unknown)	(Unknown)	(Unknown)
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**OFFICE OF PROSECUTION
SERVICES FUND**

<u>Costs</u> - Damages and Attorneys' Fees	(Unknown)	(Unknown)	(Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation allows persons who are convicted and imprisoned for a crime that they did not commit to file an action against the state of Missouri. The claimants must establish by clear and convincing evidence that they were convicted, served at least part of a prison term for the conviction, did not commit the crime, did not bring about the conviction by their conduct, and were released by the state. Claimants must bring an action within 2 years of being released from prison or within 2 years of the bill's effective date if they have been released within 5 years prior to the bill's effective date. Claimants may be awarded attorneys' fees and damages which do not exceed the greater of twice the amount of the claimant's income in the year prior to his incarceration or \$20,000 for each year of incarceration. Persons who were mistakenly convicted and serving a concurrent sentence for another crime are not eligible for damages under the proposed legislation.

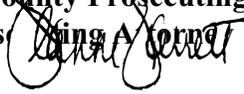
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

L.R. NO. 2835-02
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Office of the Attorney General
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Public Safety - Missouri Highway Patrol
Office of the Governor
Office of the Lieutenant Governor
Office of Administration
Office of the Boone County Prosecuting Attorney
Office of the Greene County Prosecuting Attorney

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


Jeanne Jarrett, CPA
Director
February 11, 2000