

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4202H.011
Bill No.: HB 1783
Subject: Crimes and Punishment; Courts; Evidence; Prisons and Jails
Type: Original
Date: January 17, 2024

Bill Summary: This proposal establishes provisions relating to information or evidence of innocence of a convicted person.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	(\$301,685)	(\$350,578)	(\$356,688)
Total Estimated Net Effect on General Revenue	(\$301,685)	(\$350,578)	(\$356,688)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	3 FTE	3 FTE	3 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§547.031 and 547.034 – Information or evidence of innocence of a convicted person

Officials from the **Attorney General’s Office (AGO)** state this proposal will increase caseloads because expanding free-standing actual innocence claims to all offenders will increase the number of claims the AGO receives. Further, if passed, the proposal would result in significant additional time to investigate the factual allegations of innocence claims. Two (2) additional Assistant Attorneys General (each at \$70,000 annually) are necessary to review and manage the additional cases. One (1) additional Investigator (at \$55,000 annually) is also required.

Oversight does not have any information contrary to that provided by AGO. Therefore, Oversight will reflect AGO’s impact for fiscal note purposes.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Corrections, the Missouri Office of Prosecution Services,** and the **Office of the State Public Defender** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Cost – AGO (§547.034)</u>			
Personal Service (3 FTE)	(\$162,500)	(\$198,900)	(\$202,878)
Fringe Benefits	(\$100,536)	(\$122,155)	(\$123,697)
Expense & Equipment	(\$38,649)	(\$29,523)	(\$30,113)
<u>Total Cost - AGO</u>	<u>(\$301,685)</u>	<u>(\$350,578)</u>	<u>(\$356,688)</u>
FTE Change - AGO	3 FTE	3 FTE	3 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$301,685)</u>	<u>(\$350,578)</u>	<u>(\$356,688)</u>
Estimated Net FTE Change on General Revenue	3 FTE	3 FTE	3 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<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

CLAIMS OF INNOCENCE (Sections 547.031 and 547.034)

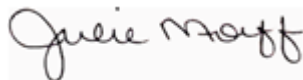
Currently, a prosecuting or circuit attorney in the jurisdiction where a person was convicted may file a motion to vacate or set aside a judgment if the attorney has information that the convicted person is innocent or was erroneously convicted. This bill amends the provision to allow the prosecuting or circuit attorney in the jurisdiction where the charges were filed to file the motion.

Currently, only those who allege police or prosecutorial misconduct at their trial can file claims for wrongful conviction. This bill allows a person in the custody of the Department of Corrections to file a freestanding claim of actual innocence in any post-conviction action or proceeding challenging the validity of the conviction. The court must vacate or set aside the judgment if it finds there is clear and convincing evidence that undermines the validity of the conviction.


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

Attorney General's Office
Department of Corrections
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
January 17, 2024



Ross Strope
Assistant Director
January 17, 2024