

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4698S.03C
 Bill No.: SCS for SB 1266
 Subject: Law Enforcement Officers and Agencies; Attorneys; Victims of Crime; Criminal Procedure; Crimes and Punishment
 Type: Original
 Date: March 8, 2024

Bill Summary: This proposal modifies provisions relating to pretrial witness protection programs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Pretrial Witness Protection*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

*Reimbursements to law enforcement agencies and/or prosecuting or circuit attorney’s offices is assumed to be less than \$250,000 annually based on past disbursements.

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
Total Estimated Net Effect on FTE	0	0	0

- 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	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

§491.641 – Pretrial witness protection programs

Officials from the **Department of Public Safety (DPS) – Director’s Office (DO)** believe that by adding back in statutory requirements for application, overall spending from the fund will be reduced. It is assumed that approximately \$50,000 - \$75,000 in reimbursements will be requested by law enforcement, county prosecutors and the circuit attorney for FY 2025; between \$75,000 and \$100,000 for FY 2026; and between \$100,000 - \$125,000 for FY 2027.

Oversight notes the Pretrial Witness Protection Fund was enacted by HB 66 during the 2020 Special session and became effective September 21, 2020. One million dollars was transferred into the fund and on June 30, 2021, the fund balance was \$1,000,497. During FY 2022, another \$1 million was transferred into the fund, as well as interest income, but only slightly over \$14,400 was disbursed from the fund. The ending fund balance was just under \$2 million. During FY 2023, distributions were approximately \$39,300 and the year-end fund balance was \$2,012,135. The fund balance as of February 29, 2024 was \$2,035,456.

Oversight contacted DPS-DO officials to determine how DPS came up with the estimates provided above. Officials said this was a best guess as they have no way to calculate how much might be requested by law enforcement, county prosecutors and the circuit attorney in witness protection costs. Therefore, Oversight will assume an unknown impact to the Pretrial Witness Protection Fund (0868). Based on previous disbursements, Oversight assumes disbursements will be less than \$250,000 annually.

Officials from the **DPS - Missouri Highway Patrol** defer to the DPS – Director’s Office for response relating to the fiscal impact of this proposal on their organization; however, the MHP anticipates no additional fiscal impact.

Officials from the **Department of Natural Resources, the Department of Social Services, the Missouri Department of Conservation, the Office of the State Treasurer, the Phelps County Sheriff’s Department, the Branson Police Department, the Kansas City Police Department, the St. Louis County Police Department, the Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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.

Officials from the **Attorney General’s Office** did not respond to **Oversight’s** request for a statement of fiscal impact.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other sheriffs and police departments, circuit clerks and county prosecutors were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
PRETRIAL WITNESS PROTECTION FUND (0868)			
<u>Costs</u> – DPS (\$491.641) – reimbursement of pretrial witness protection costs p. 3	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE PRETRIAL WITNESS PROTECTION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL GOVERNMENTS – COUNTY PROSECUTORS AND LAW ENFORCEMENT			
<u>Income</u> – County Prosecutors/Law Enforcement (\$491.641) – reimbursement of pretrial witness protection costs p.3	Unknown	Unknown	Unknown
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

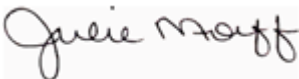
Under current law, any law enforcement agency may use funds from the "Pretrial Witness Protection Services Fund" to provide for the security of witnesses and immediate family members during criminal proceedings. This act adds that prosecuting and circuit attorney offices may also use such funds.

This act requires certain application requirements be met for reimbursement of costs for witness protection and provides that law enforcement agencies and prosecuting and circuit attorney offices shall submit an application to the Department of Public Safety. (§491.641)

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

Department of Natural Resources
Department of Public Safety –
 Director's Office
 Missouri Highway Patrol
Department of Social Services
Missouri Department of Conservation
Office of the State Treasurer
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Missouri Office of Prosecution Services
Office of the State Courts Administrator



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March 8, 2024



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