



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

**Bill information:**

SB0229 - Reimburse counties for actual witness costs (Usher, Barry )

**Status:** As Amended in House Appropriations Committee

- Significant Local Gov Impact     
  Needs to be included in HB 2     
  Technical Concerns  
 Included in the Executive Budget     
  Significant Long-Term Impacts     
  Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>
<b>Expenditures:</b>				
General Fund	\$150,000*	\$150,000*	\$152,250*	\$154,534*
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>(\$150,000*)</u>	<u>(\$150,000*)</u>	<u>(\$152,250*)</u>	<u>(\$154,534*)</u>

**Description of fiscal impact:** SB 229 will increase annual reimbursement of witness expenses currently being paid for by the county. The Department of Justice (DoJ) will be required to make the payments.

\*There is an appropriation in the bill for \$150,000. Per Section 2(2), for any costs related to death penalty cases, the department may seek a supplemental appropriation from the legislature. Any costs above the appropriation in the bill and not related to a death penalty case would need to be covered by the department's appropriations for other programs.

### FISCAL ANALYSIS

**Assumptions:****Department of Justice (DoJ)**

1. SB 229 changes statute for DoJ from "may" reimburse to "shall" reimburse.
2. Based on current trends, the Department of Justice assumes that county reimbursement requests will be approximately \$250,000 per year.
3. Since the law would require payment, and the appropriation in the bill is \$150,000, the department would be required to pay for all submitted requests.

4. This legislation would encourage the use of expert witnesses without limitation.
5. There is an appropriation in the bill for \$150,000 each year of the biennium. The appropriation will become a part of the agency’s base budget in the 2027 biennium.
6. The bill authorizes the department to seek a supplemental appropriation for costs related to death penalty cases. Any costs over and above that amount, not related to death penalty cases, will have to come out of the DoJ’s operating budget.
7. There is a 1.5% inflation factor applied to FY 2026 and FY 2027.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<b><u>Fiscal Impact:</u></b>				
<b><u>Expenditures:</u></b>				
Operating Expenses	\$150,000	\$150,000	\$152,250	\$154,534
<b>TOTAL Expenditures</b>	<u>\$150,000</u>	<u>\$150,000</u>	<u>\$152,250</u>	<u>\$154,534</u>
<b><u>Funding of Expenditures:</u></b>				
General Fund (01)	\$150,000	\$150,000	\$152,250	\$154,534
<b>TOTAL Funding of Exp.</b>	<u>\$150,000</u>	<u>\$150,000</u>	<u>\$152,250</u>	<u>\$154,534</u>
<b><u>Revenues:</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>TOTAL Revenues</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	(\$150,000)	(\$150,000)	(\$152,250)	(\$154,534)

NO SPONSOR SIGNATURE  
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Sponsor’s Initials

4.17.23  
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Date

  
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Budget Director’s Initials

4-17-23  
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Date