

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3637H.011
 Bill No.: HB 1763
 Subject: Attorneys; Governor and Lt. Governor; General Assembly; Attorney General
 Type: Original
 Date: February 25, 2024

Bill Summary: This proposal establishes provisions relating to prosecuting and circuit attorneys.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	\$0 or (\$3,254,417)	\$0 or (\$3,787,216)	\$0 or (\$3,853,499)
Total Estimated Net Effect on General Revenue	\$0 or (\$3,254,417)	\$0 or (\$3,787,216)	\$0 or (\$3,853,499)

*The proposal allows (may) the Governor to “appoint qualified special prosecutors with concurrent authority to prosecute offenses or cases designated by the Governor in that county or municipality.” Oversight has reflected a cost to the Attorney General’s Office as “\$0” (no such action is taken) to the cost of an additional 31.5 FTE.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>Other</u> State Funds	\$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 (AGO) – if enacted by the Governor	0 or 31.5 FTE	0 or 31.5 FTE	0 or 31.5 FTE
Total Estimated Net Effect on FTE	0 or 31.5 FTE	0 or 31.5 FTE	0 or 31.5 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

Officials from the **Attorney General's Office (AGO)** assume that the duties set forth in section 27.110 would be a yearly requirement to compile a statewide report based on information submitted by each prosecuting or circuit attorney and would require .5 FTE in clerical support.

The AGO also assumes that if the Governor were to exercise discretion to appoint special prosecutors, such prosecutors would be employed and compensated by the AGO. The AGO further assumes the need for 15 special prosecutors, 1 chief prosecutor, and 15 support staff. The AGO assumes that if prosecutorial discretion were to be exercised under section 56.933 there would be a need for 15 special prosecutors, 1 chief prosecutor, and 15 support staff.

The AGO further assumes that either section 56.930 or section 56.933 would apply in a particular instance; therefore, the required personnel is fungible (i.e., 15 special prosecutors, 1 chief prosecutor, and 15 support staff total for sections 56.933 and 56.930).

Oversight notes the proposal allows (may) the Office of the Governor to “appoint qualified special prosecutors with concurrent authority to prosecute offenses or cases designated by the Governor in that county or municipality.” Oversight will reflect the fiscal impact of the bill as “\$0 or” the AGO’s estimates.

Officials from the **Office of the Governor** state this bill adds to the Governor’s current load of appointment duties. Individually, additional requirements should not fiscally impact the Office of the Governor. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the Office of the Governor.

Officials from the **Missouri Office of Prosecution Services** assume the proposal will not fiscally impact their agency.

Officials from the City of St. Louis did not respond to our request for fiscal impact.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Costs - AGO</u>	\$0 or....	\$0 or...	\$0 or...
Personal Service (0 to 31.5 FTE)	(\$1,768,750)	(\$2,164,950)	(\$2,208,249)
Fringe Benefits	(\$1,079,852)	(\$1,312,276)	(\$1,329,060)
Expense and Equipment	(\$405,815)	(\$309,990)	(\$316,190)
<u>Total Costs – AGO</u>	(\$3,254,417)	(\$3,787,216)	(\$3,853,499)
FTE Change – AGO	0 or 31.5 FTE	0 or 31.5 FTE	0 or 31.5 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or (\$3,254,417)	\$0 or (\$3,787,216)	\$0 or (\$3,853,499)
Estimated Net FTE Change on the General Revenue Fund	0 or 31.5 FTE	0 or 31.5 FTE	0 or 31.5 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

This bill allows the Governor to appoint a special prosecutor if the Governor finds that the prosecuting or circuit attorney in a county or municipality has failed to execute his or her assigned duty or is unable to faithfully or competently execute such duties. The special prosecutors will be employed by the Attorney General and will have concurrent jurisdiction to prosecute offenses or cases designated by the Governor. The Governor may also suspend from office any prosecuting or circuit attorney, or an assistant prosecuting attorney, for that attorney's neglect or failure to perform the duties of that office. If the Governor suspends a prosecuting or circuit attorney, the Governor will appoint an interim prosecuting or circuit attorney, who will serve until the next regularly scheduled election.

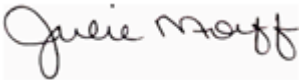
If a prosecuting or circuit attorney declines to file an indictment or information or fails to file an indictment or information within 30 days after an arrest, or if the Attorney General finds that the prosecuting or circuit attorney is not actively or properly investigating an offense, the Attorney General may assume authority to investigate or prosecute an offense.

The Attorney General will also compile a statewide report that includes information provided by each prosecuting or circuit attorney under this section, and the report will be available to the public and will be sortable by offense and jurisdiction. The report will also be submitted to the Governor, President Pro Tem of the Senate, and to the Speaker of the House of Representatives.

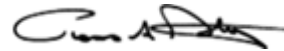
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of the Governor
Missouri Office of Prosecution Services



Julie Morff
Director
February 25, 2024



Ross Strobe
Assistant Director
February 25, 2024