

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0535-06
Bill No.: CCS for HCS for SS for SCS for SB 67
Subject: Courts
Type: Original
Date: May 6, 2015

Bill Summary: This proposal modifies provisions related to court costs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Up to \$81,399)	(Up to \$81,399)	(Up to \$81,399)
Total Estimated Net Effect on General Revenue	(Up to \$81,399)	(Up to \$81,399)	(Up to \$81,399)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Jasper County Judicial Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

* Revenue and Transfers Out to Jasper County assumed to net to zero.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any Of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	Up to \$178,945	Up to \$188,945	Up to \$188,945

FISCAL ANALYSIS

ASSUMPTION

§67.320

Officials at the **Office of the State Courts Administrator** assume the proposed legislation specifies that Buchanan County may have a municipal court division. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§476.083:

Officials at the **Office of the State Courts Administrator (OSCA)** assume this proposed legislation allows the presiding judge of certain circuits to appoint a circuit court marshal. Callaway County (Circuit 13), qualifies for the appointment of a state paid circuit court marshal and St. Francois County (Circuit 24) currently has a state paid circuit court marshal. Section 476.083.2 states "the salary of a circuit court marshal shall be established by the presiding judge of the circuit..., such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit."

Circuit Court Marshall	\$51,372
Fringes	<u>\$30,027</u>
Total	\$81,399

Officials at the **Department of Corrections** assume no fiscal impact from this proposal.

In response to similar legislation this year, SCS for HB 799, officials at the **Department of Mental Health** assumed no fiscal impact from this proposal.

§479.155

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation requires each municipal court to report its existence to the Clerk of the Supreme Court by December 31, 2015. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation this year, SCS for HB 799, officials at the **City of Kansas City** and the **City of Columbia** each assumed no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

In response to similar legislation this year, SCS for HB 799, officials at the **City of O'Fallon** assumed no fiscal impact from this proposal.

In response to similar legislation this year, SCS for HB 799, officials at the **City of Jefferson** responded but did not provide **Oversight** with a response on fiscal impact.

Oversight assumes from this proposal that reporting requirements regarding municipal divisions are being updated and will reflect no impact on this fiscal note.

§§488.2244, 488.2257, 488.2258

Officials from the **Office of the State Courts Administrator (OSCA)** assume §488.2244 of the proposal provides Jasper County shall collect a surcharge of ten dollars for civil cases filed, twenty-five dollars for misdemeanor cases filed and fifty dollars for felony criminal cases filed.

Based on FY 2014 there were 501 filed civil cases, 3,226 filed associate civil – small claims, 1,515 probate and simple probate cases, 1,331 filed misdemeanor criminal cases and 865 filed felony criminal cases. We anticipate the surcharge would be approximately \$5,010 filed civil cases (501(\$10)=\$5,010), \$32,260 filed associate civil – small claims (3,226(\$10)=\$32,260); \$15,150 probate and simple probate cases (1,515(\$10)=\$15,150), \$33,275 filed misdemeanor criminal cases (1,331(\$25)=\$33,275) and \$43,250 felony criminal cases (865(\$50)=\$43,250).

§488.2257 provides that Howell County shall collect a ten dollar surcharge in criminal cases to be used for a criminal justice center. Based on the average data from FY 2010 through FY 2014, there were approximately 3,949 filed guilty pleas. We anticipate the surcharge would be approximately \$39,490 in any given year.

Oversight assumes the surcharges from both sections are being paid by the defendant and will therefore have no fiscal impact to the state from this legislation.

In response to similar legislation this year for §488.2257, SCS for HB 799, officials at **Howell County** assumed a projected income of \$60,000 with no or nominal expense to the county.

Oversight assumes that once §488.2257 has passed, collection of the additional court costs can take place immediately. An action by the governing authorities in Howell County will need to approve a plan for the justice center and then begin the process of construction. Oversight assumes there will be several years of collection of the additional court costs that will take place

ASSUMPTION (continued)

before the expenditures will start to show for the justice center. Therefore, Oversight will reflect a \$0 cost for Howell County since the expenditures will be outside of this fiscal note period. Once the expenditures take place, the distribution of income and cost should net to zero.

In response to similar legislation this year, SCS for HB 799, officials at the City of West Plains did not respond to **Oversight's** request for fiscal impact.

Officials at the **Office of the State Treasurer** assume no fiscal impact from this proposal.

Officials at the following counties: Bollinger, Cape Girardeau, Christian, Cole, Jasper, Maries, Montgomery, New Madrid, Ozark, Perry, Pulaski, St. Francois and Wayne did not respond to **Oversight's** request for fiscal impact.

§§534.350, 535.030, 535.110, 535.160

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

In response to similar legislation this year, HCS for HB 1006, officials at the **Cole County Sheriff's Department** and the **Boone County Sheriff's Department** each assumed no fiscal impact to their respective entities from this proposal.

Bill as a whole

Oversight assumes the surcharges will be paid by the defendant and will therefore have no fiscal impact to the state from this legislation.

Officials at the **Department of Revenue**, the **Department of Higher Education**, the **Office of the State Treasurer**, the **Department of Corrections**, the **Department of Social Services**, the **Department of Health and Senior Services**, the **Missouri State Employees Retirement System** and the **Office of Administration's Division of Accounting and Division of General Service** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the following counties: Bollinger, Cape Girardeau, Christian, Cole, Jasper, Maries, Montgomery, New Madrid, Ozark, Perry, Pulaski, St. Francois and Wayne did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Cost - OSCA - Circuit Court Marshall for Callaway County (§476.083)</u>	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>
FTE Change - OSCA	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>
Estimated Net FTE Change for General Revenue	1 FTE	1 FTE	1 FTE
JASPER COUNTY JUDICIAL FUND			
<u>Revenue - \$10 surcharge on cases in the 29th Judicial Circuit (§488.2244)</u>	Up to \$128,945	Up to \$128,945	Up to \$128,945
<u>Transfers Out - to Jasper County (§488.2244)</u>	<u>(Up to \$128,945)</u>	<u>(Up to \$128,945)</u>	<u>(Up to \$128,945)</u>
ESTIMATED NET EFFECT TO THE JASPER COUNTY JUDICIAL FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue - Jasper County - §488.2444 - surcharge on cases in judicial circuit</u>	Up to \$128,945	Up to \$128,945	Up to \$128,945
<u>Revenue - Howell County - §488.2257 surcharge for criminal justice center</u>	Less than \$50,000	Less than \$60,000	Less than \$60,000
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Up to \$178,945	Up to \$188,945	Up to \$188,945

FISCAL IMPACT - Small Business

§§534.350, 535.030, 535.110, 535.160

Small business landlords could be impacted by this proposal. Also, this legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

§67.320

This authorizes Buchanan County to prosecute and punish violations of its county orders in the circuit court.

§476.083

This allows the presiding judge of a circuit with a diagnostic and reception center or mental health facility which houses individuals found not guilty by reason of mental disease or defect and provides sex offender rehabilitation and treatment services to appoint a court marshal.

§479.155

This requires, by September 1, 2015, the presiding judge of each municipal division of a circuit court to report its name and address and any other requested information to the clerk of the supreme court. If a municipality elects to abolish or establish a municipal division, the presiding judge of the municipal division must report the dissolution or establishment to the clerk of the supreme court.

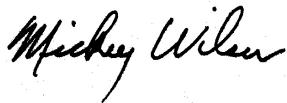
§§488.2244, 488.2257, 488.2258

This proposal creates in the state treasury the "Jasper County Judicial Fund". The moneys shall be used to pay for the costs associated with the purchase, lease, and operation of a county juvenile center and county judicial facility.

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

Office of the State Courts Administrator
Office of the State Treasurer
Department of Corrections
Department of Mental Health
City of Kansas City
City of Columbia
City of O'Fallon
Howell County
City of Jefferson
Cole County Sheriff's Department
Boone County Sheriff's Department
Missouri State Employees Retirement System
Office of Administration
 Division of Accounting
 Division of General Services
Department of Health and Senior Services
Department of Social Services
Department of Corrections
Department of Higher Education
Department of Revenue



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