

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1527-03
Bill No.: HCS for SB 404
Subject: Courts; Judges; Fees; Criminal Procedure; Circuit Clerk
Type: Original
Date: April 18, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund*	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Crime Victims Compensation*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds*	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government* **	(Unknown)	(Unknown)	(Unknown)

***Aggregate loss to state and local funds from uncollected penalties, fines, restitution, sanctions, court costs, and judgments could exceed \$1,000,000 per fiscal year.**

** Local governments would have offsetting revenues and distributions to shelters for domestic assault victims.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make changes in some court cost collection procedures. These would have no fiscal impact on the courts.

CTS assumes the legislation would also restrict the use of cost collection activities to contracts with public agencies or private entities “operated by one or more public entities.” This provision would limit CTS ability to do debt connection, and would cost the state over \$1 million in uncollected costs, fees, and surcharges.

ASSUMPTION (continued)

In response to a previous version of the proposal (SB 404, LR # 1527-01), officials from the **St. Louis County Municipal Court** assumed they rarely, if ever receive underpayments or overpayments of court costs; therefore, no refunds are issued. The St. Louis County Municipal Court does not accept civil filings other than appeals and their filings of appeals to date have been less than three (3) annually. No appeals have been on alcohol related offenses.

Officials from the **City of Springfield** assume the proposal would have no fiscal impact.

Officials from **Boone County, Greene County, Jackson County, Columbia, Kansas City,** and the **City of St. Louis** did not respond to Oversight's request for fiscal impact.

Oversight assumes local governments could receive additional fee revenue to provide financial assistance to shelters for victims of domestic violence. Oversight assumes the amount is unknown. Oversight assumes any revenue would be distributed to shelters for domestic assault victims.

Oversight also assumes the loss in uncollected penalties, fines, restitution, sanctions, costs, and judgments would result in reduced income to the Crime Victims Compensation Fund, and various local funds. Oversight assumes the aggregate loss for affected state and local funds could exceed \$1,000,000 per fiscal year.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Losses</u> – Office of State Courts Administrator			
Uncollected penalties, fines, restitution, sanctions, costs, and judgments*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

CRIME VICTIMS COMPENSATION FUND

<u>Losses</u> – Uncollected surcharges*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON CRIME VICTIMS COMPENSATION FUND*

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Local Government

FY 2006 (10 Mo.)	FY 2007	FY 2008
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POLITICAL SUBDIVISIONS

Revenues – for shelters for victims of domestic violence

Unknown	Unknown	Unknown
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Costs – distributions to shelters for victims of domestic violence

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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Losses – School Districts
 Uncollected fines*

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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Losses – Various County Funds
 Uncollected penalties, fines, restitution, sanctions, costs, and judgments*

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS*

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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***Aggregate loss to state and local funds could exceed \$1,000,000 per fiscal year.**

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would modify provisions relating to various court costs:

- No court in this state that is authorized to collect court costs would be required to refund any overpayment of less than \$5 or collect any due court costs of less than \$5.
- The proposal would remove an effective date for a municipality or county to enact an ordinance to impose a domestic violence shelter surcharge on marriage licenses and civil cases filed in circuit court. Currently, such ordinance had to be in effect prior to January 1, 2001.
- For any county or city with a domestic violence shelter or whose residents are in a shelter located in another county, the domestic violence shelter surcharge could be assessed in any criminal case, including violations of any county or municipal ordinance.
- The proposal would limit a circuit court to contract with a private entity operated by a public entity to collect past due court-ordered fees and costs.

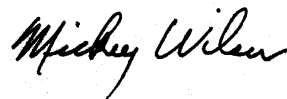
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
St. Louis County Municipal Court
City of Springfield

NOT RESPONDING

Boone County, Greene County, Jackson County, Columbia, Kansas City, City of St. Louis



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