

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3350-01
Bill No.: SB 1051
Subject: Courts; Elderly; Judges; Civil Procedure
Type: Original
Date: May 5, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Boone County Sheriff's Department** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, and the St. Louis County Sheriff's Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<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.

DESCRIPTION

The proposed legislation provides that, in forcible entry or detainer actions, or actions involving rent and possession, the court date shall be set for a date no more than ten business days after the issuance of the summons, whereas current law provides for twenty-one business days. This proposal provides that the summons in such actions shall be served two days before the court date, whereas current law provides for four days.

The proposal also provides that if the summons cannot be served, the plaintiff may request the judge to make an order directing that notices informing the defendant of the proceedings be set up for five business days on the premises in question and in one public place where the defendant was deemed to dwell, and that a copy of the summons will be delivered to the defendant's last known mailing address. Current law requires the posting of notice and mailing of summons at least ten days prior to the court date.

The proposal also provides that a party may request a writ of possession or writ of restitution at any time prior to the entry of judgment, but the writ cannot be executed until after the judgment becomes final.

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

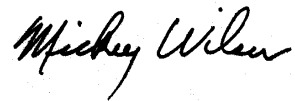
SOURCES OF INFORMATION

Office of State Courts Administrator
Boone County Sheriff's Department

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NOT RESPONDING

**Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Sheriff's Department**



Mickey Wilson, CPA
Director
May 5, 2006