

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0329-01  
Bill No.: SB 44  
Subject: Criminal Procedure: County Government, Courts  
Type: Original  
Date: January 30, 2007

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Bill Summary: Modifies provisions relating to County Law Enforcement Restitution Funds.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Local Government</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials of the **Office of the State Courts Administrator** stated that this proposal would allow the court to order a person to pay into the county law enforcement restitution fund for a moving violation.

Officials assume that traffic cases are technically misdemeanors, and if this bill allows as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the county law enforcement restitution fund, the potential volume could be in the thousands of cases.

Officials stated that if cases would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation fund, law enforcement training, and other earmarked funds. Currently, the total cost for a traffic ticket stands at \$56.50. This proposal would significantly increase the cost of those tickets where the fee was assessed.

Officials of the **Department of Public Safety** assume no fiscal impact.

Officials of the **Department of Elementary and Secondary Education** stated they would defer to the Office of State Courts Administrator as to whether this proposal would impact fine revenues received by school districts.

The **County Counselor for Jefferson County** stated that currently their judges do not order this type of restitution, therefore, officials assume no fiscal impact.

The **Director of Administration for St. Louis County** assumes no fiscal impact.

**Oversight** assumes this proposal allows for an additional assessment of \$100 for a moving violation to be placed into the County's Law Enforcement Fund. **Oversight** assumes not all County Commissions have established this fund and will show fiscal impact on a statewide basis to be \$0 or a positive unknown to the County Law Enforcement Fund. **Oversight** assumes the establishment of this fund is permissive.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2008  
(10 Mo.)

FY 2009

FY 2010

**COUNTY LAW ENFORCEMENT  
RESTITUTION FUND**

**Income** - From \$100 court ordered  
assessment on moving violations

\$0 or Unknown    \$0 or Unknown    \$0 or Unknown

**ESTIMATED NET EFFECT TO  
COUNTY LAW ENFORCEMENT  
FUND**

**\$0 or Unknown    \$0 or Unknown    \$0 or Unknown**

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act provides that current or former county elected officials and current or former employees of the County Commission shall not be appointed to the board of trustees that supervises the County Law Enforcement Restitution Fund. Currently, any current or former employees of the Sheriff, Prosecuting Attorney, and Treasurer are excluded.

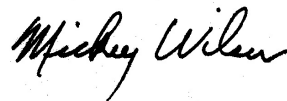
It also states that money from such fund may be used only for county law enforcement-related expenses, rather than law enforcement-related expenses in general.

Under this act, a person may be ordered by the court to pay into the County Law Enforcement Restitution Fund for a moving violation; however, the amount ordered cannot exceed \$100.

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

Department of Public Safety  
Department of Elementary and Secondary Education  
Office of the State Courts Administrator  
Director of Administration - St. Louis County  
County of Jefferson - County Counselor



Mickey Wilson, CPA  
Director  
January 30, 2007