

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0854-03
Bill No.: Truly Agreed To and Finally Passed SCS for HCS for HB 237 and HB 238 and HB 482
Subject: Civil Procedure; Courts; Judges
Type: Original
Date: May 21, 2009

Bill Summary: This proposal eliminates the requirement that a summons in cases before associate circuit judges specify a court date not less than ten days nor more than sixty days from the date process is served, allows municipal courts to use fees assessed for an appointed counsel fund in addition to a judicial education fund, and allows the annual report of the Judicial Finance Commission to be combined with any other annual report of the Missouri Supreme Court or Office of State Courts Administrator.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government*	\$0	\$0	\$0

*** Offsetting revenues to the appointed counsel fund and losses to the judicial education fund, net to \$0.**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **City of Centralia** 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.

Section 479.260 – Appointed Counsel Fund

Officials from the **Cass County** and **St. Louis County** did not respond to Oversight's request for fiscal impact. However, in response to a previous version of the proposal (SCS for HCS for HB 237 and HB 238, and HB 482, LR # 0854-03), officials assumed the proposal would have no fiscal impact on their agencies.

Officials from the **City of West Plains** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the current session (HB 482, LR # 1164-01), officials assumed the proposal would have no fiscal impact on their agency.

Officials from the **City of Kansas City (CKC)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the current session (HB 482, LR # 1164-01), officials assumed the legislation will have a significant positive fiscal impact because CKC could charge a fee to cover indigent court defense as well as judicial education. Annual savings to CKC could approach \$830,000, as that is the current annual contract cost with Legal Aid for indigent court defense.

Oversight assumes the City of Kansas City would shift the payments for indigent court defense from the current annual contract with Legal Aid to the newly created appointed counsel fund, resulting in no net fiscal impact.

Oversight assumes the proposal would allow municipalities to re-allocate existing court fees. Instead of the fees being deposited into the judicial education fund, the fees will be allocated between the judicial education fund and the appointed counsel fund. Municipalities would have increased revenues of an unknown amount to the appointed counsel fund that would be offset by losses of an unknown amount to the judicial education fund.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL GOVERNMENT			
<u>Revenues – Municipalities</u>			
Appointed Counsel Fund	Unknown	Unknown	Unknown
<u>Losses – Municipalities</u>			
Judicial Education Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT*	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

* Offsetting revenues to the appointed counsel fund and losses to the judicial education fund, net to \$0.

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Section 479.260 – Appointed Counsel Fund

The proposed legislation allows municipal courts to create an appointed counsel fund to pay the reasonable attorney fees approved by the court of any attorney appointed to represent a defendant who is indigent and unable to pay for legal representation when prescribed by Supreme Court rules.

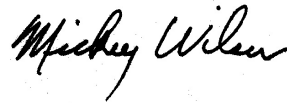
FISCAL DESCRIPTION (continued)

Moneys for the fund will come from the \$1 fee collected on each case which currently is deposited into a judicial education fund. The court will determine the allocation of the fees between the accounts, but no court can retain more than \$1,500 in the judicial education fund for each judge, administrator, or clerk of the court and no more than \$5,000 in the appointed counsel fund.

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
City of Centralia
City of Kansas City
St. Louis County
City of West Plains
Cass County



Mickey Wilson, CPA
Director
May 21, 2009