

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4651-02
Bill No.: Truly Agreed To and Finally Passed HCS for HB 1171
Subject: Children and Minors; Courts, Juvenile; Family Law
Type: Original
Date: June 5, 2012

Bill Summary: This proposal changes the age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation from a child up to 15 ½ years of age to a child up to 15 years of age, and allows Franklin County to establish a county municipal court.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** assume the proposal would not fiscally impact their agency.

Officials from the **Department of Social Services (DOS)** state the bill revises Section 211.031, which outlines the jurisdiction of the juvenile and family courts. Currently the juvenile court does not have jurisdiction over any child 15½ years of age or older who is alleged to have violated a non-felony state or municipal traffic ordinance or regulation. This bill lowers the age from 15½ to 15 to be consistent with the age at which a driving permit can be issued by the Department of Revenue.

Based on DOS' Division of Youth Services' (DYS) response to identical legislation in 2009 (HB 262), there is no fiscal impact to DOS. This bill could result in fewer cases adjudicated in juvenile court; i.e., traffic violations by juveniles age 15 to 15½. However, since DYS does not take custody of youth for non-felony traffic violations, no change is expected in the number of children committed to DYS care.

Section 67.230 authorizes Franklin County to prosecute and punish violations of county orders in the circuit court or in the county municipal court if the creation of a county municipal court is approved by order of the County Commission. If Franklin County chooses to establish a county municipal court, the first judges will be appointed by the County Commission for terms of four years. Thereafter the judges are elected for terms of four years. The number of judges appointed, and the qualifications for their appointment, shall be established by the Commission. DOS assumes this section would not affect their agency.

Officials from the **Department of Elementary and Secondary Education (DESE)** state this proposal may reduce the amount of fine revenue districts in Franklin County have been accustomed to receiving. It is impossible to estimate by what amount fine revenues may decrease.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would allow Franklin County to establish a municipal court to prosecute ordinance violations. The court would have jurisdiction over county ordinances and municipal ordinances if the municipality contracts with the court to prosecute municipal violations.

Ordinance violation cases are the least time consuming in terms of clerical workload, so CTS would not anticipate a significant decrease in the workload of the circuit court.

ASSUMPTION (continued)

When a county creates an ordinance court, the state is no longer responsible for providing judicial and clerical resources. In addition, the \$15 clerk fee is no longer charged in which 80% is allocated to the state general revenue and 20% to the county. The proposed legislation would allow court costs to go to the county. The court fee cannot exceed municipal costs; therefore, the court fee would be a maximum of \$12. We are unable, at this time, to estimate the impact on the costs and fees assessed in each case.

On balance, we anticipate a reduction in fine revenues to the schools, crime victims' compensation, law enforcement training and other earmarked funds, but no major cost or savings to the state as a result of this proposal.

Oversight assumes changes to Section 67.320 is permissive and would have no fiscal impact to Franklin County, unless the County Commission, at their discretion, would establish a county municipal court. The county would have the cost of staffing, maintaining and administering the court and fines would continue going to local schools within the county. This proposal does not require the Franklin County Commission to establish a county municipal court system.

Oversight assumes no fiscal impact.

Officials from **Franklin County** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<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.

FISCAL DESCRIPTION

This proposal authorizes Franklin County to prosecute and punish violations of their county orders in the circuit court or in a county municipal court if the creation of a county municipal court is approved by an order of the county commission. The Franklin County Commission must appoint the first judges for the county municipal court for a term of four years, and thereafter the judges must be elected for a term of four years. The commission must establish by order the number of judges to be appointed and the qualifications for their appointment.

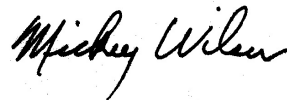
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Social Services
Department of Revenue
Department of Elementary and Secondary Education

Not Responding:

Franklin County



Mickey Wilson, CPA
Director
June 5, 2012