

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0445-02
Bill No.: Truly Agreed To and Finally Passed HCS for SB 73
Subject: Motor Vehicles; Roads and Highways; Law Enforcement Officers and Agencies
Type: Original
Date: June 3, 2013

Bill Summary: This proposal changes the laws regarding judicial procedures.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections, City of Columbia Police Department** and **Department of Public Safety - Missouri Highway Patrol** each assume the proposal will have no fiscal impact on their respective organizations.

§ 478.007

Officials from the **Office of the State Courts Administrator** state this section of the proposed legislation would allow for the utilization of private probation and parole services to provide judicial supervision in DWI courts.

Since the legislation is permissive, we have no way of knowing how many circuits would create the programs. Any significant increase in workload will be reflected in future budget requests.

§ 488.2250

Officials from the **Office of the State Courts Administrator** state the current expense for transcripts is a total of \$106,458. This proposal raises the page rate for transcripts from \$2.00 per page where the party/attorney is paying for the transcript to \$3.50 and \$2.60 for indigents. The total amount for original transcripts (\$51,677) and transcript copies (\$13,395) would be \$65,072 at \$2.00 per page. The increase to \$2.60 per page would be an increase of \$19,522 for indigents.

In addition, the proposal also does not address the charge for additional copies, paper or electronic which could result in confusion in the future.

Oversight will reflect this additional cost as "Less than \$100,000" in each fiscal year to the General Revenue Fund.

In response to a previous version, officials from the **Department of Transportation** and the **Department of Revenue** each assumed the proposal would have no fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - CTS</u>			
§488.2250 - Increase in court reporter fees	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business private probation services could be aided as a result of this proposal.

FISCAL DESCRIPTION

Under this proposal, if the department of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role. In such case, any and all necessary additional costs may be assessed against the participant. In no case shall any person be rejected from participating in DWI court for the reason that the person does not reside in the city or county where the applicable DWI court is located.

This proposal prohibits law enforcement agencies from establishing roadside checkpoint or road block patterns based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints. Law enforcement agencies may establish roadside checkpoint patterns that only stop and check commercial motor vehicles. The provisions of the act shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.

FISCAL DESCRIPTION (continued)

Under current law, the court reporter for all transcripts of testimony given or proceedings in any circuit court must receive \$2 per 25-line page for the original of the transcript and 35 cents per 25-line page for each regular size page. A judge may order a transcript of all or any part of the evidence or oral proceedings and the court reporter's fee to be paid by the state. The court must order the court reporter to furnish three copies of the transcripts of the notes of the evidence for which the court reporter must receive \$2 per legal page and 20 cents per page for the copies.

This proposal repeals these provisions and specifies that in cases where an appeal is taken, the court reporter must receive the sum of \$3.50 per legal page for the preparation of a paper and an electronic version of the transcript. In criminal appellate cases where the court determines the defendant is unable to pay the costs of the transcript, the court reporter must receive a fee of \$2.60 per legal page and an electronic version of the transcript. Under the terms of the act, any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter must receive \$2.60 per legal page for the preparation of a paper and an electronic version of the transcript. For purposes of this portion of the act, a legal page, other than the first page and the final page of the transcript, shall be 25 lines, approximately 8.5" by 11" in size, with the left-hand margin of approximately 1.5", and with the right-hand margin of approximately .5".

This proposal allows a motorcycle to be equipped with a means of varying the brightness of its brake light for a duration of not more than 5 seconds upon application of the vehicle's brakes.

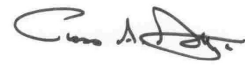
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

KC:LR:OD

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Department of Public Safety
Department of Transportation
Department of Corrections
Department of Revenue
Office of the State Courts Administrator
City of Columbia Police Department



Ross Strope
Acting Director
June 3, 2013