

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0987-07
Bill No.: SS for SCS for HCS for HB Nos. 374 & 434 with SA1, SA2 & SA3
Subject: Courts; Judges
Type: Original
Date: May 10, 2013

Bill Summary: This proposal modifies provisions relating to judicial procedures.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$0 to (Unknown - could exceed \$347,645)	(\$1,023,766) to (Unknown - could exceed \$1,445,112)	(\$2,033,703) to (Unknown - could exceed \$2,459,262)
Total Estimated Net Effect on General Revenue Fund	\$0 to (Unknown - could exceed \$347,645)	(\$1,023,766) to (Unknown - could exceed \$1,445,112)	(\$2,033,703) to (Unknown - could exceed \$2,459,262)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
MODEX	Less than \$426,402	Less than \$511,683	Less than \$511,683
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$426,402	Less than \$511,683	Less than \$511,683

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 17 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
General Revenue	0	16	16
Total Estimated Net Effect on FTE	0	16	16

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	Up to \$3,312,675	Up to \$3,979,384	Up to \$3,983,597

FISCAL ANALYSIS

ASSUMPTION

§ 32.056 - Department of Revenue Release of Information;

In response to a similar proposal from this year (HCS HB 371), officials from the **Department of Revenue (DOR)** stated this part of the proposal eliminates the requirement for a member of the judiciary enrolled in the Department's confidential records system to notify the Department once their qualification for enrollment comes to an end.

Currently, if a participant's qualification for enrollment comes to an end but the participant does not notify the Department of such change, the participant remains within the confidential records system. The Department would retain the ability of an individual who is enrolled in the Department's confidential records system to be removed from the confidential records system if such person's status changes, but would not require it.

DOR stated:

- The DMPO Confidential Records Process manual will need to be revised by a Management Analyst Specialist I requiring 40 hours of overtime at a cost of \$1,206 in FY 14; and
- The Restriction of Information, form 4568, will need to be revised requiring 40 hours of overtime for a Management Analyst Specialist I, at a cost of \$1,206 in FY 14.

In summary, DOR assumes a cost of \$2,412 in FY 2014 to implement this change.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

§ 454.475 - Administrative Child Support Orders;

Officials from the **Department of Social Services (DSS)** state the changes proposed in this section will allow DSS to administratively address incorrect and invalid administrative hearing decisions, orders, and proposed orders to better serve the parties to a Family Support Division (FSD) child support case. However, FSD does not anticipate this bill having a significant fiscal impact to the FSD's child support program. Therefore, DSS assumes no fiscal impact.

RS:LR:OD

ASSUMPTION (continued)

Officials from the **Administrative Hearing Commission** assume no impact from this proposal.

§ 477.405 & 478.320 - Guidelines for Determining Need for Additional Court Personnel;

Officials from the **Office of the State Courts Administrator (CTS)** assume this section of the proposal would provide the CTS with the ability to determine the need for additional full-time judicial positions indicated in a judicial weighted workload model for three consecutive years or more.

The judicial weighted workload for the past three consecutive years indicates the following circuits need for additional full-time judicial positions:

Circuit 11	St. Charles County	1 Associate Circuit Judge & 1 Court Clerk III
Circuit 16	Jackson County	1 Associate Circuit Judge & 1 Court Clerk III
Circuit 21	St. Louis County	3 Associate Circuit Judges & 3 Court Clerk III
Circuit 31	Greene County	2 Associate Circuit Judges & 2 Court Clerk III
Circuit 38	Christian County	1 Associate Circuit Judge & 1 Court Clerk III

This results in the addition of eight Associate Circuit Judges at \$116,858.40 per judge, per year, plus fringes and eight Court Clerk IIIs at \$31,800 per clerk, per year, plus fringes. The total cost would be \$934,867.20 (Associate Circuit Judge Annual Salary \$116,858.40), \$711,506 fringes (Associate Circuit Judge Annual Fringes \$88,939.25), \$254,400 (Court Clerk III Salary \$31,800), \$129,095 (Court Clerk II Fringes at 50.745%).

These sections of the proposed legislation would not become effective until January 1, 2015. The total cost in FY 2015 would be \$1,023,766 (six months) and \$2,033,703 (twelve months).

§§478.073 & 487.010 - Geographical boundaries of judicial circuits:

CTS states this section of the proposed legislation would provide beginning in 2020 and every twenty years thereafter, the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan, as the administration of justice may require. Also, once submitted to both houses, a circuit plan shall become effective January first of the year following the session to which it is submitted, unless a bill realigning the judicial circuits is presented to the governor by April first and is duly enacted. A circuit realignment plan shall not alter the total number of judicial circuits in existence as of December 31, 2019, and any circuit realignment plan creating or reducing the number of judicial circuits shall be null and void.

RS:LR:OD

ASSUMPTION (continued)

CTS states the cost of this substitute is beyond the scope of this review; however if this were to occur, the proposal would require the use of a Program Specialist III at \$50,088 (current cost) per year, plus fringes. This cost of the Program Specialist III could be more in FY 2019.

Also, the substitute includes using a current judicial weighted workload model, as well as a current clerical weighted workload model, it does not include a judicial workload study as part of its criteria in determining judicial transfers. However, there will still be meeting cost of approximately \$5,000 to evaluate possible transfers which would still occur in FY 2019.

The total cost each year, FY 2019 and forward, will be at least \$55,088 plus fringe benefits.

As stated by CTS, **Oversight** assumes this cost is beyond the scope (in years) of the fiscal note.

§487.020 - Family Court Commissioners:

In response to a previous version of this proposal, officials from the **Missouri State Employees Retirement System (MOSERS)** stated family court commissioners are covered under the Judicial Plan. MOSERS assumes the proposal keeps the family court commissioners as state employees; therefore, would not fiscally impact their agency.

Officials from CTS state the proposal could reduce General Revenue receipts by \$347,310 in FY 2014, \$420,940 in FY 2015, and \$425,149 in FY 2016. Currently, these costs are paid by the state and then reimbursed by the county. However, this proposal states “and in the thirty-first judicial circuit may, in substitution of [a] each family court commissioner currently appointed pursuant to this section whose salary is reimbursable, appoint [one] a family court commissioner whose compensation shall be payable by the state without necessity of reimbursement.” This will result in a costs savings to the county for the above amounts and could; therefore, reduce General Revenue receipts because of the loss of reimbursement from the county.

Currently, there are four Family Court Commissioners in the 31st circuit; however, CTS states for one of them already, Greene County does not reimburse the state. Therefore, with passage of this proposal, Greene County would no longer be required to reimburse the state for three commissioners.

ASSUMPTION (continued)

Yearly reimbursable salary for a Family Court Commissioner (3 reimbursed Family Court Commissioners in the 31st judicial circuit):

Annual Salary	\$116,858
Fringe Benefits:	
Social Security (6.200%)	\$ 6,826
Medicare (1.45%)	\$ 1,695
Long-Term Disability (0.495%)	\$ 578
Health Insurance (\$656 / month)	\$ 7,872
Retiree Health	\$ 4,709
Basic Life (0.330%)	<u>\$ 386</u>
Sub-Total	\$138,924
	x 3
Total	<u>\$416,772</u>

CTS's estimate (\$347,310 in FY 2014, \$420,940 in FY 2015 and \$425,149 in FY 2016) reflects ten months of impact in FY 2014 (effective date of August 28, 2013) and one percent anticipated growth in costs for the next two years.

§ 488.305 - Garnishment Fee:

Officials at the CTS assume this proposal authorizes circuit clerks to collect a surcharge for processing garnishments. Based on data for the past four years, FY 2009 through FY 2012, we assume that the average is approximately 237,354 executions and garnishments on which this surcharge could be applied. We assume all circuit courts would collect a \$10 surcharge and anticipate the revenue would be approximately \$2,373,540 in any given year.

FY 09	211,043
FY 10	231,258
FY 11	250,212
FY 12	<u>256,904</u>
Average	237,354

ASSUMPTION (continued)

In response to a similar proposal from this year (SB 462), Oversight received the following responses:

Officials at the **Office of Administration - Budget and Planning** assume this proposal establishes an additional court surcharge; therefore, 18e calculations will be impacted, based on the number of garnishments on which the surcharge could be applied. It is unclear from this proposal where the additional surcharge is to be deposited. If these monies are deposited into the state treasury, Total State Revenue will be increased by a corresponding amount.

Since clerks of the circuit courts may collect a surcharge not to exceed \$10 and based on CTS' response, **Oversight** will reflect a potential income of up to \$2.3 million per year to the local circuit clerks. Oversight will reflect ten months of impact in FY 2014.

\$488,426 - Allowance of \$20 surcharge:

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would allow certain circuits (Clay County, Boone and Callaway Counties, St. Louis County, St. Louis City and Greene County) to charge up to a \$20 law library surcharge. The limit is now \$15.

CTS states during the past five years (2008 to 2012) an average of 149,271 civil cases were filed in these counties. If an additional \$5.00 fee was assessed on every case and collections were 100%, the additional income would total approximately \$746,355 in a given year.

<u>Circuit</u>	<u>Civil Cases</u>	<u>Potential additional \$5 library surcharge revenue</u>
Clay County (7 th)	15,611	\$ 78,055
Boone and Callaway Counties (13 th)	11,287	\$ 56,435
St. Louis County (21 st)	69,226	\$346,130
St. Louis City (22 nd)	33,714	\$168,570
Greene County (31 st)	<u>19,433</u>	<u>\$ 97,165</u>
TOTALS	<u>149,271</u>	<u>\$746,355</u>

Oversight assumes the proposal is permissive to the specific circuit courts and allows them to increase their this fee from \$15 to \$20. Oversight assumes not all circuits would choose to increase their fees; therefore, Oversight will range the fiscal impact from the proposal as "Up to \$746,355". Oversight will reflect these additional revenues as potential income to local political subdivisions. Oversight will reflect ten months of potential impact in FY 2014.

ASSUMPTION (continued)

The proposal does not change or expand the requirements of the circuit courts or how this additional revenue must be spent. Therefore, for purposes of the fiscal note, Oversight will only reflect the potential additional income that may be realized by specific circuit courts as a result of the proposal.

Oversight will range the impact of the proposal from \$0 to the estimates calculated by CTS, because the proposal states the circuit may substitute a non-reimbursed commissioner for currently reimbursed commissioners.

§ 488.2250 - Fee for Transcripts

Officials from the **Department of Social Services (DSS)** state this section addresses testimony transcripts and the cost of obtaining them. This bill updates the cost from \$2.00 per page of the original and \$0.35 per page of carbon copy to \$3.50 per legal page for the preparation of a paper copy and an electronic version of the transcript. The bill also defines how long a page is and sets different fees in cases where a judge orders a transcript or a criminal defendant is in need but unable to pay. This section of the bill only addresses costs of transcripts and, therefore, should have no legal impact on the Division of Legal Services (DLS) or the department. These changes should have no fiscal impact on DLS as DLS attorneys rarely request such transcripts. Furthermore, even if copies are requested under this bill, the fact that carbon copy costs are replaced by an electronic copy could lead to some unknown savings.

Officials from the **Office of the State Courts Administrator** stated 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.

ASSUMPTION (continued)

§ 488.5320 - MODEX:

Officials from the **Office of the State Treasurer** assume the proposal would not fiscally impact their agency.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation allows sheriffs, county marshals and other officers to charge six dollars for their services in cases disposed of by a traffic violations bureau and creates the MODEX fund.

Based on FY 2012 data, there were approximately 170,561 traffic cases on which the \$6.00 surcharge could be applied. CTS anticipates the MODEX revenue from the surcharge would be approximately \$511,683 (170,561 x \$6 / 2) in any given year, with an equal amount going to the counties' inmate security funds.

With an August 28, 2013, effective date, **Oversight** will reflect 10 months of activity in FY 2014.

This Senate Substitute excludes St. Louis County and St. Louis City from charging the fee; therefore, **Oversight** will change the fiscal impact as reflected in the original bill to include "Less than" the amount provided by CTS.

§ 544.455 and 557.011 - Criminal Defendants Released on Electronic Monitoring:

Oversight assumes this proposal permits a person who is placed on house arrest with electronic monitoring to pay the costs of monitoring themselves or if the person on house arrest is unable to pay the costs of monitoring themselves have those costs paid by the county commission. The county commission must agree to pay the costs of electronic monitoring from the general revenue of the county.

Oversight assumes the proposal is permissive and some county commissions will elect to pay the cost of electronic monitoring and other county commissions will choose not to pay for the costs of monitoring. **Oversight** will show \$0 or an unknown cost to county commissions dependant on the number of defendants released on electronic monitoring that cannot pay the cost of monitoring.

ASSUMPTION (continued)

§ 559.115 - 120 day program:

In response to a similar proposal from this year (SB 380), **Oversight** received the following response:

Officials from the **Department of Corrections (DOC)** state this bill proposes to modify provisions relating to criminal offenders participating in the 120-day programs and sexual offender assessment (SOAU) program. The addition to subsection 3 of this legislation which states an offender's 120 day sentence begins upon being delivered to the DOC is very beneficial to the DOC as it allows process time to get an offender into the appropriate program. Currently an offender's incarceration time in the jail counts toward his/her 120 days of incarceration. So an offender could actually arrive at the diagnostic center without enough time left on his/her 120 day sentence to complete a program to which he/she has been sentenced. Currently DOC reimburses county jails for time an offender serves while in jail. It is unknown whether this will still occur if this bill passes.

Subsection 5 of this legislation addresses offenders sentenced for a sex offender assessment. It indicates this is not to be considered a 120 day program. Sex offenders are currently not eligible for 120 day programs. It states upon completion of the assessment, the DOC shall provide the court a report so that they can make the decision to release or require the offender to serve his/her term of incarceration.

Subsection 7 addresses the exclusion of prior prison commitments under this section. The proposed language will only exclude offenders placed in a 120 day treatment program under subsection 3 from having their first incarceration prior to release on probation excluded from counting as a previous prison commitment. This means that offender sentenced to shock incarceration under subsection 2 or a sex offender assessment under subsection 5 could have their first commitment count as a prior prison commitment.

Currently, DOC does not count the first commitment of an offender if they are sentenced under any subsection under this section and are successfully released on probation, even though this subsection specifies that it is applicable to program placement only.

If persons are staying longer in the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

RS:LR:OD

ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen (17) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this modification, it is assumed the impact would be less than \$100,000 per year for the DOC.

Sections 632.498 & 632.505 - Sexually violent predators:

In response to a similar proposal from this year (HCS/SB 188), officials from the **Department of Corrections (DOC)** stated this bill proposes to modify provisions related to sexually violent predators.

Currently, the DOC cannot predict the number of new commitments or extended incarcerations which may result from the expansion of a sexually violent predator as outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

Senate Amendment 2 - Veterans treatment courts:

In response to a similar proposal from this year (SB 118), officials from the **Office of the State Courts Administrator** stated the proposed legislation authorizes the creation of veterans treatment courts. The current cost per case in the drug court treatment program is \$6,190.

Based on the current clerical weighted workload, it takes 506 minutes of clerk time to process a treatment court case. Since the legislation is permissive, we have no way of knowing how many courts would create the programs. Any significant increase in workload and treatment cost will be reflected in future budget requests.

Oversight assumes if a circuit court decides to create a veterans treatment court, they will be able to do so utilizing existing resources. Therefore, Oversight will assume the proposal would

ASSUMPTION (continued)

not create a fiscal impact to the Office of the State Courts Administrator.

Officials from the **Department of Revenue (DOR)** state this amendment would have an unknown impact. If the dismissal or modification of a DUID offense committed by a veteran commercial driver license (CDL) holder is post-plea or finding of guilty, or in the form of a deferment of judgment or diversion program so as to prevent the disposition (defined as a "conviction" for CDL purposes under §302.700.2(11)) from appearing on a Commercial Driver License Information System driver history, it may be considered "masking" in violation of federal rule requirements (49 CFR §384.226) for Missouri state CDL program compliance (49 CFR Part 384, subparts C and D). This depends on how the veterans court process will be structured, which is unknown at this time.

If the above applies, failure to comply with this regulation could result in the loss of Missouri's portion of federal highway funds, with the first year of non-compliance resulting in 4% reduction (approximately \$32 million), and each subsequent year subject to an 8% reduction (approximately \$64 million). Missouri may lose the ability to issue CDLs if not compliant.

Oversight assumes a loss of federal funding would not occur.

Officials from the **Department of Mental Health (DMH)** state this amendment would allow any circuit court to establish a veterans treatment court as an alternative for the judicial system to dispose of cases which stem from substance abuse or mental illness of military veterans or current military personnel. Veterans treatment courts would make referrals for substance abuse or mental health treatment to Federal level programs or community-based treatment programs, including those certified by the Missouri Department of Mental Health.

It is unknown how many veterans treatment courts will be established, how many people they will serve, or how many veterans will be referred for state-funded community-based mental health or substance abuse treatment. Because of all of the unknown factors associated with this bill, the Department of Mental Health projects an unknown cost. However, there will likely be savings elsewhere in the state's budget from avoiding repeated hospitalizations and incarcerations.

Oversight will range a state fiscal impact to the Department of Mental Health from \$0 (either no veterans treatment courts are established, or there are no referrals for their programs, or referrals are to federal programs) to an unknown amount of costs for treatment as stated by DMH.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - Office of State Courts</u>			
Administrator - judicial workload model			
Personal Service	\$0	(\$594,634)	(\$1,191,811)
Fringe Benefits	\$0	(\$420,300)	(\$841,892)
Expense and Equipment	<u>\$0</u>	<u>(\$8,832)</u>	<u>\$0</u>
<u>Total Costs - CTS §477.405, 478.320</u>	\$0	(\$1,023,766)	(\$2,033,703)
FTE Change - CTS	\$0 FTE	16 FTE	16 FTE
<u>Loss - potential for the 31st Circuit to not reimburse the state for three Family Court Commissioners. §487.020</u>	\$0 to (\$347,645)	\$0 to (\$421,346)	\$0 to (\$425,559)
<u>Costs - CTS §488.2250 - Increase in court reporter fees</u>	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - Department of Corrections</u>			
Incarceration / Supervision of offenders (§§ 632.498 & 632.505)	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Department of Corrections</u>			
Potential for additional supervision through incarceration / probation §559.115	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - Department of Mental Health</u>			
program expenses for referrals from veterans treatment courts	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0 to</u> <u>(Unknown -</u> <u>could exceed</u> <u>\$347,645)</u>	<u>(\$1,023,766) to</u> <u>(Unknown -</u> <u>could exceed</u> <u>\$1,445,112)</u>	<u>(\$2,033,703) to</u> <u>(Unknown -</u> <u>could exceed</u> <u>\$2,459,262)</u>
Estimated Net FTE Change for the General Revenue Fund	0	16 FTE	16 FTE

RS:LR:OD

<u>FISCAL IMPACT - State Government</u>	FY 2014	FY 2015	FY 2016
(continued)	(10 Mo.)		

MODEX FUND

<u>Income</u> - one-half of \$6 surcharge for infractions processed through the traffic violations bureau	Less than <u>\$426,402</u>	Less than <u>\$511,683</u>	Less than <u>\$511,683</u>
---	-------------------------------	-------------------------------	-------------------------------

ESTIMATED NET EFFECT TO THE MODEX FUND	<u>Less than</u> <u>\$426,402</u>	<u>Less than</u> <u>\$511,683</u>	<u>Less than</u> <u>\$511,683</u>
---	--	--	--

<u>FISCAL IMPACT - Local Government</u>	FY 2014	FY 2015	FY 2016
	(10 Mo.)		

LOCAL POLITICAL SUBDIVISIONS

<u>Income</u> - surcharge not to exceed \$10 in cases where a garnishment is granted. §488.305	Up to \$1,916,666	Up to \$2,300,000	Up to \$2,300,000
--	----------------------	----------------------	----------------------

<u>Revenue</u> - potential increase in law library surcharge from \$15 to \$20 in certain circuits. §488.426	Up to \$621,962	Up to \$746,355	Up to \$746,355
--	-----------------	-----------------	-----------------

<u>Savings</u> - Greene County - potential for the 31 st Circuit to not reimburse the state for three Family Court Commissioners. §487.020	\$0 to \$347,645	\$0 to \$421,346	\$0 to \$425,559
---	---------------------	---------------------	---------------------

<u>Income</u> into the counties' inmate security fund from one-half of \$6 surcharge for infractions processed through the traffic violations bureau (except for St. Louis County) §488.5320	Less than <u>\$426,402</u>	Less than <u>\$511,683</u>	Less than <u>\$511,683</u>
--	-------------------------------	-------------------------------	-------------------------------

ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Up to</u> <u>\$3,312,675</u>	<u>Up to</u> <u>\$3,979,384</u>	<u>Up to</u> <u>\$3,983,597</u>
---	--	--	--

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act modifies various provisions relating to judicial procedures.

JUDICIAL POSITIONS:

The act states that the Supreme Court shall submit a judicial weighted workload model and a clerical weighted workload model annually to the chairs of both the House and the Senate Judiciary Committees, to be distributed to the members of the General Assembly.

Also, when a judicial weighted workload indicates for three consecutive years that a judicial circuit with a population of one-hundred thousand or more is in need of four or more full-time judicial positions, then there shall be one additional associate circuit judge position in such circuit. In circuits composed of multiple counties, the additional associate circuit judge position shall be apportioned among the counties based on population.

REIMBURSEMENT OF FAMILY COURT COMMISSIONERS:

Currently, the state must be reimbursed for the salaries of family court commissioners appointed after August 28, 1993. There is an exception for the eleventh judicial circuit which allows one family court commissioner to be compensated by the state without requiring reimbursement. The state-paid commissioner is subject to appropriation. This act creates a similar exception for the thirty-first judicial circuit.

This act also modifies provisions which allow Jackson County to charge up to a twenty dollar surcharge when a party files a civil court case. Currently, only Jackson County can charge twenty dollars, and all other circuits may charge up to fifteen dollars. This act authorizes any circuit court that reimburses the state for the salaries of family court commissioners to charge up to a twenty dollar surcharge for such cases.

COURT TRANSCRIPTS COSTS:

The act specifies that the court reporter shall receive three dollars and fifty cents per page for appeal transcripts. When the defendant is indigent or when a judge orders a transcript, the court reporter shall receive two dollars and sixty cents per page.

RS:LR:OD

FISCAL DESCRIPTION (continued)

MODEX FUND:

Currently, sheriffs, county marshals and other officers are not allowed to charge for their services rendered in cases disposed of by a violations bureau. This act allows these officials to charge six dollars for their services, even when a case is disposed of by a violations bureau. One-half of the amount collected will be deposited in the MODEX fund. The other half will be deposited in the inmate security fund of the county or municipality where the citation originated. If the county or municipality does not have an inmate security fund, all of the amount collected shall be deposited in the MODEX fund.

This act also creates the MODEX fund. The fund will be used for the support and expansion of the Missouri Data Exchange (MODEX) system. The Peace Officers Standards and Training Commission will administer the fund.

The act specifies that sheriffs, county marshals or other officers located in St. Louis County or St. Louis City cannot charge for their services rendered in cases disposed of by a violations bureau.

COST OF ELECTRONIC MONITORING:

Under current law, a judge may release a person charged with a crime pending trial and place the person on house arrest with electronic monitoring if the person can afford the costs of the monitoring. A judge can also order that a person convicted of a crime and placed on probation be placed on house arrest with electronic monitoring if the person can afford the costs of monitoring. This act provides that in both scenarios a person may be placed on electronic monitoring if the person can afford the costs or the county commission agrees to pay the costs of the monitoring from its general revenue.

MONITORING OF SEXUALLY VIOLENT PREDATORS:

The act modifies the list of persons who shall be served with the petition for conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released.

When a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology. The access must continue while the

FISCAL DESCRIPTION (continued)

person is living in the county, city, town, or village where the facility that released the offender is located. The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency, except upon an order of the court supervising the conditional release.

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 Revenue
Office of Administration - Budget and Planning
Office of the State Public Defender
Department of Corrections
Missouri State Employees Retirement System
Department of Mental Health
Administrative Hearing Commission
Department of Social Services



Ross Strobe
Acting Director
May 10, 2013