

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0987-10
Bill No.: Truly Agreed To and Finally Passed CCS for SS for SCS for HCS for HB Nos. 374 & 434
Subject: Courts; Judges
Type: Original
Date: June 6, 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 \$463,080)	(\$1,018,131) to (Unknown - could exceed \$1,573,827)	(\$2,796,768) to (Unknown - could exceed \$3,352,464)
Total Estimated Net Effect on General Revenue Fund	\$0 to (Unknown - could exceed \$463,080)	(\$1,018,131) to (Unknown - could exceed \$1,573,827)	(\$2,796,768) to (Unknown - could exceed \$3,352,464)

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 Other 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 18 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	22
Total Estimated Net Effect on FTE	0	16	22

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	Less than \$1,511,444	Less than \$1,813,734	Less than \$1,813,734

FISCAL ANALYSIS

ASSUMPTION

§ 32.056 - Department of Revenue Release of Information;

In response to a similar proposal from this year (SB 100), 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. If the participant does not notify the Department, he or she would remain enrolled in the Department's confidential records system.

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

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.

ASSUMPTION (continued)

§ 476.057 - Training of judicial staff

Officials from the **CTS** and the **Office of the State Treasurer** each assume this proposal would not fiscally impact their respective agencies.

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

Officials at the **Office of 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 in the last six months of FY 2015:

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 Clerks III
Circuit 31	Greene County	2 Associate Circuit Judges & 2 Court Clerks III
Circuit 38	Christian County	1 Associate Circuit Judge & 1 Court Clerk III

In FY 2016, there would be a need for additional full-time judicial positions in the following circuits:

Circuit 21	St. Louis County	2 Associate Circuit Judges & 2 Court Clerks III
Circuit 31	Greene County	1 Associate Circuit Judge & 1 Court Clerk III

This results in the addition of eleven Associate Circuit Judges at \$116,858.40 per judge, per year, plus fringes and eleven Court Clerks III at \$31,800, per clerk, per year, plus fringes. The total cost would be \$1,285,442 (Associate Circuit Judge Annual Salary \$116,858.40), \$978,321 fringes (Associate Circuit Judge Annual Fringes \$88,939.25), \$349,800 (Court Clerk III Salary \$31,800), \$177,506 (Court Clerk III 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 \$1,018,131 (six months) and \$2,796,768 (twelve months).

ASSUMPTION (continued)

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

Officials from the **Department of Mental Health (DMH)** state this bill 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. Due to the various 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.

In response to a similar proposal from this year (SB 118), officials from the **Department of Revenue (DOR)** stated this legislation should have no fiscal impact on the their agency. However, if the dismissal or modification of a DUI 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,

ASSUMPTION (continued)

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 will assume a new Veterans Court will not make rulings that will put Missouri out of compliance and in jeopardy of losing federal highway funds. 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.

§§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, provide for the realigning of 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.

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 of the fiscal note.

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ASSUMPTION (continued)

§487.020 - Family Court Commissioners:

Officials from CTS state the proposal could reduce General Revenue receipts. Currently, these costs are paid by the state and then reimbursed by the county. However, this proposal states “the thirteenth judicial circuit 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 Greene County reimburses the state for only three of them. Therefore, with passage of this proposal, Greene County would no longer be required to reimburse the state for three commissioners.

Yearly reimbursable salary for a Family Court Commissioner (4 Family Court Commissioners in the thirteenth (1) and thirty-first (3) judicial circuits):

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%)	\$ 386
Sub-Total	\$138,924
	<u>x 4</u>
Total	<u>\$555,696</u>

CTS’s estimate (\$463,080 in FY 2014, \$555,696 in FY 2015 and 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.

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

ASSUMPTION (continued)

currently reimbursed commissioners.

§488.426 - Allowance of \$20 surcharge:

Officials from the 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.

Circuit	Civil Cases	Potential additional \$5 library surcharge revenue
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	149,271	\$746,355

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.

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.

§ 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

ASSUMPTION (continued)

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 CTS 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.

§ 488.5320 - MODEX:

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

Officials from the 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.

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.

ASSUMPTION (continued)

§ 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.

§ 559.115 - 120 day program:

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.

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.

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).

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.

Bill as a Whole:

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume the proposal would not fiscally impact their agency.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Office of the State Public Defender** state if the judicial conference decides to realign the boundaries of the judicial circuits, the Public Defender system could be impacted. The Public Defender Offices and subsequent leases would have to be realigned with the new judicial circuit boundaries.

Officials from the Office of Prosecution Services did not respond to our request for fiscal impact.

<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	(\$595,906)	(\$1,649,319)
Fringe Benefits	\$0	(\$413,393)	(\$1,144,137)
Expense and Equipment	<u>\$0</u>	<u>(\$8,832)</u>	<u>(\$3,312)</u>
<u>Total Costs - CTS §477.405, 478.320</u>	\$0	(\$1,018,131)	(\$2,796,768)
FTE Change - CTS	\$0 FTE	16 FTE	22 FTE
 <u>Costs - Department of Mental Health</u>			
program expenses for referrals from veterans treatment courts §478.008	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
 <u>Loss - potential for the 13th & 31st Circuits to not reimburse the state for four Family Court Commissioners §487.020</u>			
	\$0 to (\$463,080)	\$0 to (\$555,696)	\$0 to (\$555,696)
 <u>Costs - CTS- Increase in court reporter fees §488.2250</u>			
	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
 <u>Costs - Department of Corrections</u>			
Potential for additional supervision through incarceration / probation §559.115	(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	 <u><u>\$0 to</u></u> <u><u>(Unknown -</u></u> <u><u>could exceed</u></u> <u><u>\$463,080)</u></u>	 <u><u>(\$1,018,131) to</u></u> <u><u>(Unknown -</u></u> <u><u>could exceed</u></u> <u><u>\$1,573,827)</u></u>	 <u><u>(\$2,796,768) to</u></u> <u><u>(Unknown -</u></u> <u><u>could exceed</u></u> <u><u>\$3,352,464)</u></u>
 Estimated Net FTE Change for the General Revenue Fund	 0	 16 FTE	 22 FTE

<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 §488.5320	Less than <u>\$426,402</u>	Less than <u>\$511,683</u>	Less than <u>\$511,683</u>
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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>
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<u>FISCAL IMPACT - Local Government</u>	FY 2014	FY 2015	FY 2016
	(10 Mo.)		

LOCAL POLITICAL SUBDIVISIONS

<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
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<u>Savings</u> - potential for the 13 th & 31 st Circuits to not reimburse the state for three Family Court Commissioners §487.020	\$0 to \$463,080	\$0 to \$555,696	\$0 to \$555,696
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<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 \$426,402	Less than \$511,683	Less than \$511,683
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<u>Costs</u> - Counties Cost of electronic monitoring §544.455	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Less than</u> <u>\$1,511,444</u>	<u>Less than</u> <u>\$1,813,734</u>	<u>Less than</u> <u>\$1,813,734</u>
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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 PERSONNEL (Sections 477.405 and 478.320) - The Missouri Supreme Court must, by January 1, 2015, recommend the guidelines appropriate for use by the General Assembly in determining the need for additional judicial personnel or the reallocation of existing personnel and recommend appropriate guidelines for the evaluation of judicial performance. The guidelines must be filed with the chairs of the House and Senate Judiciary committees for distribution to the members of the General Assembly, and the court must annually file a report measuring and assessing judicial performance in the state appellate and circuit courts including a judicial weighted workload model and a clerical weighted workload model.

When the Office of the State Courts Administrator indicates in an annual weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of 100,000 or more, there must be one additional associate circuit judge position in the circuit for every four full-time judicial positions needed as indicated in the model. In a multicounty circuit, the additional positions must be apportioned among the counties in the circuit as specified based on population.

VETERANS TREATMENT COURTS (Section 478.008) - The bill authorizes a circuit court or a combination of circuit courts to establish a veterans treatment court upon the agreement of the presiding judges of the courts to provide an alternative to dispose of cases which stem from substance abuse or mental illness of current or former military personnel. A court must combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving in the United States armed forces, including members of the reserves, National Guard, or Missouri Guard. Each circuit court must enter into a memorandum of understanding with each participating prosecuting attorney and may include other specified parties who are considered necessary. A veterans treatment court may accept participants from other jurisdictions based on the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged under specified conditions.

A veterans treatment court must refer participants to substance abuse and mental health treatments through the federal Department of Defense health care, Veterans Administration, or a

FISCAL DESCRIPTION (continued)

certified community-based treatment program except for good cause found by the court. Any statements made by a participant during treatment or reports prepared by the staff of the treatment program must not be admissible as evidence against the participant in a judicial proceeding. The staff of a veterans treatment court must have access to all records of any state or local government agency relevant to a participant's treatment, but the records and reports are to be treated as closed records and be maintained by the court in a confidential file not available to the public. The charges, petition, or penalty may be dismissed, reduced, or modified upon the participant's successful completion of a treatment program. Any fees received by the court from a defendant as payment for a program must not be considered court costs, charges, or fines.

JUDICIAL CIRCUITS (Sections 478.073 - 478.186, and 487.010) - The General Assembly authorizes the Judicial Conference of the State of Missouri to alter the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan as the administration of justice may require subject to state constitutional requirements.

Beginning in 2020, and every 20 years thereafter, within the first 10 days of the regular legislative session, the judicial conference must submit to the Secretary of the Senate, the Chief Clerk of the House of Representatives, and the chairs of the House and Senate Judiciary committees a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the circuit courts subject to the requirements in Article V of the Missouri Constitution. The bill specifies the criteria that must be used when redrawing the judicial boundaries. Once submitted to both chambers, a plan will become effective January 1 of the year following the legislative session to which it is submitted unless a bill realigning the judicial circuits is presented to the Governor and is duly enacted. A realignment plan must not alter the total number of circuits in existence on December 31, 2019, and any plan creating or reducing the number of circuits must be null and void.

The bill repeals the provisions regarding the current geographical boundaries and territorial jurisdiction of the judicial circuits effective December 31, 2019.

These provisions cannot be construed as eliminating any family courts in existence as of December 31, 2019.

FAMILY COURT COMMISSIONERS (Section 487.020) - The bill allows the Thirteenth Judicial Circuit in Boone County and Callaway County and the Thirty-first Judicial Circuit Court in Greene County to, in substitution of a family court commissioner whose salary is reimbursable, appoint a family court commissioner whose compensation must be payable by the state without the necessity of reimbursement. These provisions must not be construed to allow

FISCAL DESCRIPTION (continued)

the appointment of a family court commissioner in the Eleventh Judicial Circuit in addition to the number of commissioners holding office in the circuit as of January, 1, 1999, or to allow the appointment of a family court commissioner in the Thirteenth Judicial Circuit or the Thirty-first Judicial Circuit in addition to the number of commissioners holding office in those circuits as of January 1, 2013.

SURCHARGE IN CIVIL COURT CASES (Section 488.426) - The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under Section 487.020, is allowed to change the surcharge in civil actions to any amount up to \$15. Currently, the only exception allowed is the circuit court in Jackson County.

The circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners is authorized to change the surcharge in civil actions to any amount up to \$20.

COURT REPORTERS (Section 488.2250) - Currently, 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 copy; 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; and 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. The bill repeals these provisions and specifies that for all appeal transcripts of testimony given or proceedings in any circuit court, 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 cases where an appeal is taken by the defendant and the court determines that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter must receive a fee of \$2.60 per legal page for the preparation of a paper and an electronic version of the transcript.

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. The court reporter's fees for an appeal in a criminal case where the court determines that the defendant is unable to pay the costs or in a case where the judge orders a transcript must be paid by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings must be paid by the party requesting the preparation and production.

FISCAL DESCRIPTION (continued)

CHARGES FOR LAW ENFORCEMENT SERVICES (Section 488.5320) - Currently, law enforcement officers are allowed to charge for their services rendered in criminal cases and in all contempt or attachment proceedings except for cases disposed of by a traffic violation bureau. The bill removes the exception and allows them to also charge \$6 for their services in a case in a violation bureau. The charges from cases disposed of by a traffic violation bureau must be distributed so that one-half of the charges collected are deposited into the newly-created MODEX Fund for the operational support and expansion of the Missouri Data Exchange (MODEX) System and one-half of the charges collected are deposited into the inmate security fund of the county or municipal political subdivision where the citation originated. The fund is to be administered by the Peace Officers Standards and Training Commission. If the county or municipal political subdivision has not established an inmate security fund, all of the funds must be deposited in the MODEX Fund. 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 traffic violation bureau.

ELECTRONIC MONITORING (Section 544.455 and 557.011) - Currently, 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 the monitoring. The bill provides that, in either of the above 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.

DEPARTMENT OF CORRECTIONS PROGRAMS (Sections 559.036 and 559.115) - currently, the Department of Corrections must provide a report and recommendations for terms and conditions of probation to the court after 100 days of incarceration if the department determines that an offender is not successful in a program. The court must then release the offender on probation or order the offender to remain incarcerated to serve the sentence imposed. The bill specifies that if the department determines the offender has not successfully completed a 120-day program, the offender must be removed from the program and the court advised of the removal. The department may provide recommendations for terms and conditions of probation. The court has the power to grant probation or order the execution of the offender's sentence. The court must consider other authorized dispositions if the court is advised that an offender is not eligible for placement in a 120-day program. Except when an offender has been found to be a predatory sexual offender, the court must request the department to conduct a sexual offender assessment if the defendant has pled guilty or been found guilty of a class B sexual abuse felony. The bill repeals a provision requiring the court to request certain offenders be placed in the sexual

FISCAL DESCRIPTION (continued)

offender assessment unit of the department and requires the department to provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The sexual offender assessment must not be considered a 120-day program. The bill specifies the process for granting probation to an offender who has completed the assessment.


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 the State Public Defender
Department of Corrections
Department of Mental Health
Department of Social Services
Department of Public Safety
Office of the State Treasurer
Attorney General's Office

Not Responding:

Office of Prosecution Services



Ross Strope
Acting Director
June 6, 2013