

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4246-08
Bill No.: Truly Agreed To and Finally Passed CCS No. 2 for HCS for SB 621
Subject: Courts; Judges; Civil Procedures; Credit and Bankruptcy; Business and
Commerce; Employees- Employers; Crimes and Punishment; Department of
Mental Health; Children and Minors; Guardians
Type: Original
Date: June 10, 2014

Bill Summary: Changes the laws regarding judicial procedures.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(More than \$2,005,963)	(More than \$1,913,390)	(More than \$1,913,390)
Total Estimated Net Effect on General Revenue Fund	(More than \$2,005,963)	(More than \$1,913,390)	(More than \$1,913,390)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 29 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Joint Contingency Fund*	\$0	\$0	\$0
Cyber Crime Investigation*	\$0	\$0	\$0
Abandoned Fund Account*	\$0	\$0	\$0
State Schools Money Fund	Unknown	Unknown	Unknown
State Legal Expense Fund	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

*Revenue less Expenses net to \$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	Less than \$3,467,350	Less than \$3,862,940	Less than \$3,862,940

FISCAL ANALYSIS

ASSUMPTION

§§3.010, 3.066 and 3.090 - Publishing the Missouri statutes by the Revisor of Statutes

Officials from **Legislative Research**, the **Missouri Senate** and the **Joint Committee on Administrative Rules** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation (SB 643), officials at the **Office of Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

In response to similar legislation (SB 643), officials from the **Missouri House of Representatives** assumed the proposal would have no fiscal impact on their organization.

ASSUMPTION (continued)

§21.880 - Creates a permanent Joint Committee on Judiciary and Justice

Officials at the **Office of the Attorney General (AGO)** assume the proposal in §21.880 creates a new committee, with the attorney general or his designee to serve on the committee. The AGO currently assumes that the costs of such committee participation could be absorbed with existing resources, but may seek additional appropriations if the time and efforts required by the committee exceed expectations.

Officials at the **Office of the Governor** state there should be no added cost to the Governor's Office as a result of this measure. However, if additional duties are placed on the office related to appointments in other TAFP legislation, there may be the need for additional staff resources in future years.

Officials at the **Office of the State Courts Administrator** assume this section of the proposed legislation establishes a permanent joint committee of the general assembly, which shall be known as the "Joint Committee on the Justice System". There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Joint Committee on Legislative Research**, the **Department of Economic Development**, the **Department of Revenue** and the **Department of Natural Resources** assume no fiscal impact to their respective agencies from this proposal.

The proposal states the committee may "employ such personnel as it deems necessary to carry out the duties imposed by this section." **Oversight** assumes the committee may employ up to 2 FTE to accomplish the duties as directed. Oversight assumes the cost for the FTE, reimbursement of actual and necessary expenses of the committee members, and other expenses could exceed \$100,000 annually.

Oversight will reflect a transfer funds from the General Revenue Fund to the Joint Contingency Fund in an amount of "Could exceed \$100,000" annually to cover the expenses of the Joint Committee on Judiciary and Justice. Oversight assumes expenditures will equal funds transferred-in and will net to \$0.

§§56.110, 478.240 & 478.610 - Changes the laws of Judicial Procedures

Officials at the **Office of the State Courts Administrator (CTS)** assume costs due to this

ASSUMPTION (continued)

proposal would not be in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

In response to similar legislation (HB 1448), officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of Prosecution Services** and **Office of Administration** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Office of the State Public Defender** assume when the number of judges available to hear criminal matters increase, the number of divisions that Public Defenders must appear in also increase. Although the number of cases are not affected by the number of judges, the number of dockets does increase. Therefore, as the need arises, the Public Defender will/could request additional staff to cover the additional dockets.

§57.095 - Immunity from conducting service of process by a court for law enforcement officers

Officials at the **Office of Administration** assume no fiscal impact from this proposal.

§67.320 - Modifies provisions relating to county orders in Jefferson and Franklin Counties

Officials at the **Office of the State Courts Administrator (CTS)** state there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

Officials at the **Office of the State Public Defender** assume when the number of judges available to hear criminal matters increase, the number of divisions that Public Defenders must appear in also increase. Although the number of cases are not affected by the number of judges, the number of dockets does increase. Therefore, as the need arises, the Public Defender will/could request additional staff to cover the additional dockets.

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Officials at the Jefferson County and Franklin County did not respond to **Oversight's** request for fiscal impact.

§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230 & 525.310 - Changes the law regarding garnishments

Officials at the **Office of the State Courts Administrator (CTS)** assume the proposed legislation allows circuit court clerks to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted.

Based on data for the past four years, FY09 through FY12, CTS assumes that the average is approximately 237,354 executions and garnishments on which this surcharge could be applied. CTS assumes all circuit courts would collect a \$10.00 surcharge and anticipates 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>
Total	949,417
Average	237,354

Oversight assumes all circuit court clerks will collect this fee and will reflect ten months of impact in FY 2015, or \$1,977,950 ($\$2,373,540/12 \times 10$).

Officials at the **University of Missouri System** assume a fiscal impact of the proposed legislation would add approximately \$100,000 over a four-year period in administrative costs by the Curators of the University of Missouri. This response is limited to additional administrative costs for processing and responding to garnishments.

Oversight assumes this cost can be absorbed by the University System.

Officials at the **Department of Social Services**, the **Office of Prosecution Services**, the **Department of Conservation** and the **Department of Insurance, Financial Institutions and Professional Registration** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at the **Office of the State Public Defender** assume when the number of judges available to hear criminal matters increase, the number of divisions that Public Defenders must appear in also increase. Although the number of cases are not affected by the number of judges, the number of dockets does increase. Therefore, as the need arises, the Public Defender will/could request additional staff to cover the additional dockets.

In response to a previous version, **Missouri Department of Transportation** assumed no fiscal impact from this proposal.

Officials at the **City of Columbia**, the **Mississippi County Recorder of Deeds** and the **City of Kansas City** each assume no fiscal impact to their respective organizations from this proposal.

In response to a previous version, officials at the **Cape Girardeau County Recorder of Deeds**, the **City of Jefferson** and the **St. Charles County Recorder of Deeds** each assumed no fiscal impact to their respective organizations from this proposal.

§§ 447.534, 447.560, and 447.584 - Unclaimed Property:

Officials from the **Office of the State Treasurer (STO)** estimates that there would be a positive fiscal impact to the Abandoned Fund Account of at least \$777,835. This number was figured by determining the face value of the 6,932 bonds currently held by STO. However, please note that the payout for these bonds could be higher than the face value and that some of these bonds currently in possession have not matured, and thus are not subject to the provisions of the proposal.

STO assumes there will be an unknown positive impact to General Revenue if:

- The Abandoned Fund Account sees a positive fiscal impact of at least \$777,835; and
- The following provision in Section 447.543.2 is triggered:
 - "At any time when the balance of the account exceeds one-twelfth of the previous fiscal year's total disbursement from the abandoned property fund, the treasurer may, and at least once every fiscal year shall, transfer to the general revenue of the state of Missouri the balance of the abandoned fund account which exceeds one-twelfth of the previous fiscal year's total disbursement from the abandoned property fund."

ASSUMPTION (continued)

STO assumes there will also be an unknown positive impact to the State Schools Moneys Fund. This number is difficult to estimate but would represent five percent of net transfers to General Revenue from the Abandoned Fund Account.

STO estimates a positive impact of \$777,835 to the Abandoned Fund Account, however this could fluctuate because the estimate is based on the face value of the current (mature and non-matured) bonds, **Oversight** will estimate a positive unknown fiscal impact to the Abandoned Fund Account, the General Revenue Fund and the State Schools Money Fund.

Officials at the **Office of the State Courts Administrator (CTS)** assume there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

In response to similar legislation (HB 1693), officials from the **Office of the Secretary of State** assumed the proposal will have no fiscal impact on their agency.

§452.556 - Parenting Plan Handbook

Officials at the **Office of the State Courts Administrator (CTS)** state there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

§§456.4-420 and 474.395 - No-contest clauses in wills and trusts

In response to similar legislation (HB 1231), officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in referrals or if the proposal results in significant litigation.

Officials at the **Office of the State Courts Administrator (CTS)** state there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within

ASSUMPTION (continued)

their current appropriation level.

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

§§476.001, 476.320, 476.330 & 476.340 - Administration of the Judicial System

Officials at the **Office of State Courts Administrator (CTS)** assume the proposed legislation modifies various provisions of law relating to the administration of the judicial system. There may be some unknown costs, however, they would not anticipate a fiscal impact in excess of \$100,000 on all statutes other than Section 476.330. Section 476.330 brings the judges together to develop and make recommendations which is required by this statute. This portion of the proposal will result in a cost of \$146,000. Currently, CTS does their meeting annually in the fall. This proposal does not say that the meeting will be held in "odd-numbered years" but that "it shall be called at least once every odd-numbered year". CTS assumes that the proposal does not mean it will only occur in odd-numbered years but that it can also occur every year. The chart below is additional information of the \$146,000 costs that are associated with the Judicial Conference:

In State Travel	\$90,100
Supplies	2,000
Registration Fee for conference (\$250/judge)	50,000
Printing costs	1,200
Booth Rentals	400
Equipment Rental	800
Miscellaneous	<u>1,500</u>
Total Costs	\$146,000

Oversight assumes this proposal requires the meeting to be held at least every odd-numbered year, which makes the next meeting in calendar year 2015 and would result in a savings in those years the meeting was not held. Oversight notes the CTS assume they will continue to have yearly meetings so no savings will be realized. Oversight will show this proposal as having no fiscal impact.

§478.320 - 21st Judicial Circuit

Officials at the **Office of the State Courts Administrator** assume this section of the proposed legislation removes the use of the annual Judicial Weighted Workload model in calculating the need for full-time judicial positions. There may be some impact but there is no way to quantify

ASSUMPTION (continued)

that currently. Any significant changes will be reflected in future budget requests.

§478.437 and 478.740 - Changes in judge positions in St. Louis County and the 38th Judicial Circuit

In response to similar legislation (HB 1231), officials at **Christian County** welcome the possibility of having a Circuit Judge exclusively for Christian County. By having a full time judge, their county could experience some relief from the heavy work load and the overcrowding in the jail. The cost analysis is based on the current budget of the operational costs for the 38th Circuit Court Judge. An additional judge for Christian County would cost approximately \$95,000.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation substitutes additional circuit judges and an associate circuit judge in lieu of associate circuit judges that could be awarded under section 478.320 RSMo in 2014 to St. Louis County and the 38th Circuit. The cost of the positions is as follows:

Circuit Judge	\$145,343	fringe \$111,037
Associate Circuit Judge	\$133,716	fringe \$103,348
Court Reporter	\$ 56,612	fringe \$ 24,640
Court Clerk III	\$ 32,300	fringe \$ 17,439

Under Section 478.320.2 RSMo, the 21st Circuit qualifies for three additional associate circuit judges in the fiscal 2015 budget. The Judiciary has submitted a request for three associate circuit judges and three court clerk III positions to start January 1, 2015 for a cost in FY15 of \$249,024 plus fringe. Funding for a full year will be \$498,048 plus fringe. This legislation would substitute one circuit judge and one court reporter for two associate circuit judges and two court clerk III. The cost of one circuit judge and one court reporter is \$201,955 plus fringes. This cost would be offset by the savings of two associate circuit judges and two court clerk III totaling \$332,032 plus fringes resulting in an annual savings of \$130,077 plus fringe.

Under section 478.320.2 RSMo, the 38th Circuit qualifies for one additional associate circuit judge in the fiscal 2015 budget. The Judiciary has submitted a request for one associate circuit judge and one court clerk III position to start January 1, 2015 for a cost in fiscal 2015 of \$83,008 plus fringes. Funding for a full year will be \$166,016 plus fringes. This legislation would substitute one circuit judge and one court reporter for one associate circuit judge and one court clerk III. The cost of one circuit judge and one court reporter is \$201,955 plus fringes. This cost would be offset by the savings of one associate circuit judge and one court clerk III totaling

ASSUMPTION (continued)

\$166,016 plus fringe, resulting in an annual increase of \$35,939 plus fringes. The total savings of this legislation is potentially \$94,138 plus fringes. (Please see the chart listed below).

21st Judicial Circuit currently qualifies for the following:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	3	\$ 711,192
Court Clerk III	\$ 32,300	\$ 17,439	3	\$ 149,217
Total				\$ 860,409

TAFP CCS No. 2 for HCS for SB 621 proposes to replace 2 Associate Circuit Judge and 2 Court Clerk III positions with 1 Circuit Judge and 1 Court Reporter:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	1	\$ 237,064
Court Clerk III	\$ 32,300	\$ 17,439	1	\$ 49,739
Circuit Judge	\$ 145,343	\$ 111,037	1	\$ 256,380
Court Reporter	\$ 56,612	\$ 24,640	1	\$ 81,252
				\$ 624,435

Savings realized from this proposal **\$ 235,974**

38th Judicial Circuit currently qualifies for the following:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	1	\$ 237,064
Court Clerk III	\$ 32,300	\$ 17,439	1	\$ 49,739
Total				\$ 286,803

TAFP CCS No. 2 for HCS SB 621 proposes to replace 1 Associate Circuit Judge and 1 Court Clerk III positions with 1 Circuit Judge and 1 Court Reporter

	Salary	Fringe	FTEs	Total
Circuit Judge	\$ 145,343	\$ 111,037	1	\$ 256,380
Court Reporter	\$ 56,612	\$ 24,640	1	\$ 81,252
				\$ 337,632

Cost realized from this proposal **\$ (50,829)**

Grand Total realized from this proposal **\$ 185,145**

ASSUMPTION (continued)

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

Officials at **St. Louis County** assumed no fiscal impact from this proposal.

§478.464 - 16th Judicial Circuit

Officials at the **Office of the State Courts Administrator (CTS)** state there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

§§478.513 and 478.600 - 31st and 11th Judicial Circuits

Officials at the **Office of the State Courts Administrator** assume these sections of the legislation allow for additional associate circuit judges in the thirty-first and eleventh judicial circuit. Currently there is funding for half year FY15 according to the JudWWL for the 38th Circuit, 31st Circuit, 16th Circuit, 11th Circuit and 21st Circuit. These sections become effective January 1, 2015. The total cost is \$598,535 for FY15. Additional funding will be requested for FY16 and will be reflected in that budget request.

Oversight notes the FY 2015 budget (§§478.513 and 478.600) for the Office of the State Courts Administrator has been approved by the legislature but is still awaiting action by the Governor. It appropriates \$598,535 to provide the thirty first and the eleventh judicial circuits with each an additional associate circuit judge. Oversight will reflect these costs in the fiscal note for each FY 2015, FY 2016, and FY 2017.

§488.2206 - May collect a surcharge in the 31st Judicial Circuit

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions of law relating to court costs. There may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation (SB 915), officials at the **Office of the State Courts Administrator** assume the proposed legislation provides that a surcharge may be collected in criminal proceedings filed in the Thirty-First Judicial Circuit. During the past five years (2009 to

ASSUMPTION (continued)

2013) there was an average of 7,750 cases with guilty outcomes for all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law. In addition, the Fine Collection Center (FCC) has received a five year average of 3,425 violations disposed by guilty plea. Based on the surcharge of up to \$10 and an average collection rate of 80%, the projected annual increase would be \$89,400. We currently have no way to determine how many guilty outcomes or paid guilty outcomes would occur. The surcharge increase would be an increase of \$89,400 to unknown.

Officials at Greene County did not respond to **Oversight's** request for fiscal impact.

§§550.040 and 550.060 - Costs associated with an acquittal in capital cases and felonies

Officials at the **Office of Administration** assume an unknown costs from this proposal. With the repeal of these two sections, in the situation of an acquittal, the costs associated with the prosecution would likely shift from the county to the state, therefore increasing costs to the state legal expense fund.

§§632.480, 632.483 & 632.484 - Sexually violent offense conviction in another state

Officials at the **Office of the State Courts Administrator (CTS)** state there may be some unknown costs, however, CTS does not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

Officials at the **Department of Corrections** assume no fiscal impact from this proposal.

In response to a previous version, officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal could be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in referrals or if the proposal results in significant litigation.

Officials from the **Department of Mental Health** state to the extent that referrals for sexually violent predators (SVP) in Missouri as a result of convictions in other states is increased, the fiscal impact will increase. The fiscal impact is an unknown cost.

Officials at the **Office of the State Public Defender** assume when the number of judges

ASSUMPTION (continued)

available to hear criminal matters increase, the number of divisions that Public Defenders must appear in also increase. Although the number of cases are not affected by the number of judges, the number of dockets does increase. Therefore, as the need arises, the Public Defender will/could request additional staff to cover the additional dockets.

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

§650.120 - Internet Cyber Crime

Officials at the **Department of Public Safety's Missouri Highway Patrol** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Department of Social Services** assume no fiscal impact from this proposal. Since one legislature cannot bind a future legislature to a particular budget item, deleting the requirement that the General Assembly appropriate a specific sum of money to the Cyber Crime Investigation Fund in future fiscal years has no real effect. According to STAT, the Department of Public Safety has never received more than \$1.5 million, which is the same amount proposed in the current budget. In FY 2014, STAT received \$76,420 under the Cyber Crime Investigation Fund Grant. STAT considers these funds to be above and beyond STAT's normal budget. Therefore, there is no fiscal impact to STAT.

In response to a previous version, officials from the **Columbia Police Department** and the **Cole County Sheriff's Department** assumed the proposal would not fiscally impact their agency.

In response to a previous version, officials from the **Boone County Sheriff's Office** stated they currently receive funding for two detectives, equipment, training and overtime for their Cyber Crimes Unit. 2011's grant provided \$173,300. 2012's grant totals \$153,305 in funding. With these grants, the Sheriff's Office does not then have to come from the department's general budget. It is not known whether Boone County would be able to cover the loss of these funds to continue to employ two of the Cyber Crimes Unit detectives and/or keep the unit operational.

Oversight completed a sunset review of the program in 2011. Below is information Oversight compiled during that sunset review:

ASSUMPTION (continued)

Beginning with fiscal year 2010 and each subsequent year, the General Assembly was to appropriate three million dollars to the Cyber Crime Investigation Fund to fund the program; however, this appropriation is removed in this bill. The Department of Public Safety administers the fund.

State funding of the Internet Cyber Crime Grant (ICCG) program began in Fiscal Year 2007 and lasted for three years. The program was funded through the state's General Revenue Fund and expenditures in the program for those three years were:

- \$ 184,558 in FY 2007 (2007 ICCG);
- \$1,025,285 in FY 2008 (2008 ICCG); and
- \$1,357,748 in FY 2009 (2009 ICCG).

In 2009, the American Recovery and Reinvestment Act (ARRA), commonly known as the federal stimulus program, was signed into law which provided additional funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) for state and local law enforcement agencies. In 2010, DPS stopped funding the ICCG program and started a very similar program funded with federal stimulus funds and named the new program the Multi-Jurisdictional Cyber Crime Grant Program (MJCCG) to distinguish it from the ICCG.

For the past five years, all Missouri cyber crime grants have been awarded under the MJCCG program. Federal funding of the MJCCG began in State Fiscal Year 2010 and lasted into FY 2014. Expenditures/awards in the program for those years are:

- \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
- \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
- \$1,516,699 of awards in FY 2012 (2011 MJCCG).

ASSUMPTION (continued)

Program Year	Program	Contract Period	Grantees	Award	Funding Source
2007	ICCG	7/1/06 - 6/30/07	11	\$242,388	General Revenue
2008	ICCG	7/1/07 - 5/31/08	15	\$1,208,527	General Revenue
2009	ICCG	6/1/08 - 5/31/09	15	\$1,455,398	General Revenue
2009	MJCCG	6/1/09 - 6/30/10	13	\$1,499,597	ARRA
2010	MJCCG	7/1/10 - 6/30/11	14	\$1,419,768	ARRA
2011	MJCCG	7/1/11 - 6/30/12	14	\$1,516,699	ARRA

This table shows the various task forces throughout the state that received funding in a recent fiscal year (FY 2011) through the federal program (MJCCG).

	Task Force	Project Title	Requested Funding	Award
1	Boone County, Cyber Task Force	Boone County Sheriff's Department Cyber Crimes Task Force	\$204,378	\$152,305
2	Clayton, RCCEEG	Regional Computer Crime Education & Enforcement Group	\$139,655	\$138,802
3	Dent County, Cyber Task Force	South Central Missouri Computer Crime Task Force	\$44,186	\$44,186
4	Independence, Cyber Unit	Northeastern Jackson County Cyber Crimes Working Group Against Internet Crime	\$138,851	\$121,092
5	Joplin, Cyber Task Force	Southwestern Missouri Cyber Crime Task Force	\$177,586	\$177,182
6	Kirksville, Cyber Task Force	Kirksville Regional Computer Crimes Unit	\$59,742	\$59,742
7	Missouri Department of Social Services, STAT	Operation Cyber-Safe	\$97,362	\$84,512
8	Missouri State Highway Patrol, Cyber Crime Unit	Computer Forensic Unit	\$42,057	\$31,989
9	Platte County, PCMEG	Western Missouri Cyber Crimes Task Force	\$423,006	\$202,677

10	Poplar Bluff, SEMO Cyber Unit	SEMO Cyber Crimes Task Force	\$129,215	\$105,206
11	Springfield, Cyber Crime Task Force	2012 Internet Cyber Crime Initiative	\$237,582	\$73,748
12	St Charles County, Cyber Task Force	St. Charles County Internet Crimes Against Children	\$191,584	\$190,864
13	St. Louis County, Cyber Task Force	2011 MJCCG - Special Investigations Personnel Upgrade	\$181,622	\$63,746
14	Stone County, Tri-Lakes Cyber Task Force	Tri-Lakes Regional Internet Crimes Task Force	\$93,490	\$70,646
	Total Funding		\$2,160,318	\$1,516,698

Oversight assumes the federal stimulus funding for this program is exhausted. Therefore, Oversight will assume an annual cost to the General Revenue Fund to continue this program in FY 2015 and beyond. The Department of Public Safety is allowed to retain up to three percent of the funding for administrative expenses.

This proposal removes the sunset provision and extends the expiration date to 2024. It also removes the \$3 million appropriation from the section. Therefore, Oversight will assume an annual appropriation of roughly \$1.4 million (average of Fiscal Years 2008 - 2011) will be used to fund this program.

Two state agencies (Missouri Highway Patrol and the Department of Social Services) have previously received funding through this program. Therefore, Oversight will show potentially not all of the appropriation being distributed to local political subdivisions (some of the money could be granted to state agencies that work in this field and Department of Public Safety - Director's Office could retain a percentage for administrative expenses).

Officials from the Buchanan County Sheriff's Department and the St. Louis County Department of Justice did not respond to **Oversight's** request for fiscal impact.

Bill as a whole

Officials at **Platte County**, the **Springfield Police Department** and the **St. Louis County Board of Election Commission** each assume no fiscal impact to their respective organizations from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
GENERAL REVENUE FUND			
<u>Transfer Out</u> - to Joint Contingency Fund (§21.880) - for expenses associated with Joint Committee on Judiciary and Justice	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<u>Transfer Out</u> - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program (§650.120)	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
<u>Costs</u> - Department of Mental Health potential treatment of additional SVP cases because of additional referrals (§§632.480, 632.483, 632.484)	(Unknown)	(Unknown)	(Unknown)
<u>Transfer-In</u> - from Abandoned Fund Acct - Abandoned U.S. Savings Bonds (95%) (§§447.534, 447.560, 447.584)	Unknown	Unknown	Unknown
<u>Savings</u> - 21st Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)	\$117,987	\$235,974	\$235,974
<u>Costs</u> - 31st and 11th Judicial Circuits - additional judges (§§478.513, 478.600)	(\$598,535)	(\$598,535)	(\$598,535)
<u>Costs</u> - 38th Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)	(\$25,415)	(\$50,829)	(\$50,829)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(More than <u>\$2,005,963</u>)	(More than <u>\$1,913,390</u>)	(More than <u>\$1,913,390</u>)

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2015	FY 2016	FY 2017
STATE LEGAL EXPENSE FUND			
<u>Costs</u> - Office of Administration - shifting cost of cases on acquittals and felonies (§§550.040, 550.060)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON STATE LEGAL EXPENSE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
STATE SCHOOLS MONEY FUND			
<u>Transfer-In</u> - from Abandoned Fund Acct - Abandoned U.S. Savings Bonds (5%) (§§447.534, 447.560, 447.584)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO THE STATE SCHOOLS MONEY FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
JOINT CONTINGENCY FUND			
<u>Transfer-in</u> from General Revenue Fund Transfer-in to cover expenses of the Joint Committee on Judiciary and Justice (§21.880)	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000
<u>Costs</u> - Expenses of Joint Committee on Judiciary and Justice (§21.880)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT ON THE JOINT CONTINGENCY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2015	FY 2016	FY 2017
CYBER CRIME INVESTIGATION			
<u>Transfer In</u> - from the General Revenue Fund (§650.120)	\$1,400,000	\$1,400,000	\$1,400,000
<u>Costs</u> - Department of Public Safety is allowed to retain up to 3% of funding for administrative expenses (§650.120)	(Up to \$42,000)	(Up to \$42,000)	(Up to \$42,000)
<u>Costs</u> - grants to multi jurisdictional internet cyber crime law enforcement task forces (§650.120)	(At least <u>\$1,358,000</u>)	(At least <u>\$1,358,000</u>)	(At least <u>\$1,358,000</u>)
ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ABANDONED FUND ACCOUNT*			
<u>Revenue</u> - STO - Abandoned U.S. Savings Bonds (§§447.534, 447.560, 447.584)	Unknown	Unknown	Unknown
<u>Transfer-Out</u> - STO - Abandoned U.S. Savings Bonds to General Revenue & State Schools Money Fund (§447.534)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO THE ABANDONED FUND ACCOUNT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
*Abandoned U.S. Savings Bond Revenue will net to \$0.			

<u>FISCAL IMPACT - Local Government</u>	FY 2015	FY 2016	FY 2017
LOCAL POLITICAL SUBDIVISIONS			
<u>Income</u> - grants from the Missouri Department of Public Safety for the Internet Cyber Crime Grant program (§650.120)	Up to \$1,400,000	Up to \$1,400,000	Up to \$1,400,000
<u>Revenue</u> - Local Political Subdivisions - from court surcharges (§488.2206)	Could exceed \$89,400	Could exceed \$89,400	Could exceed \$89,400
<u>Revenue</u> - Circuit Courts - Surcharge assessed and collected in cases where garnishment is granted (§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230 & 525.310)	Up to <u>\$1,977,950</u>	Up to <u>\$2,373,540</u>	Up to <u>\$2,373,540</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Less than <u>\$3,467,350</u>	Less than <u>\$3,862,940</u>	Less than <u>\$3,862,940</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

THE PUBLISHING OF THE MISSOURI STATUTES BY THE REVISOR - Currently, the Revised Statutes of Missouri are required to be published at least every ten years. The act removes this ten year requirement and instead provides that the statutes shall be published only upon the adoption of a concurrent resolution by the General Assembly. Annotations and statutory supplements may printed without the adoption of a concurrent resolution (3.010).

Whenever a state or federal court issues a permanent order enjoining a bill or statute enacted by the General Assembly on procedural grounds, the Missouri Attorney General shall notify the Revisor of Statutes of such order and the Committee on Legislative Research is required to publish a footnote on the committee's official website to each affected section calling attention to the court ruling. The footnote shall remain until a final ruling by the Missouri Supreme Court or a federal court, at which time the footnote shall be removed or updated (3.066).

FISCAL DESCRIPTION (continued)

The Revisor of Statutes is required to publish the revised statutes on the official website of the Committee on Legislative Research. However, the online version of the revised statutes is not considered an official version of the revised statutes unless the Revisor so certifies. The Revisor must periodically update such website as new laws are enacted, including an update on the effective date of any section that becomes law (3.090). These provisions are identical to HCS/HB 1350 (2014) and to provisions in the truly agreed and finally passed version of SB 643 (2014).

JOINT COMMITTEE ON THE JUSTICE SYSTEM - The act creates a permanent joint committee of the General Assembly to be known as the Joint Committee on the Justice System. The Committee shall consist of members of the General Assembly and three ex officio members. The Committee is charged with reviewing of all aspects of the state's justice system and making any recommendations for legislative changes to the General Assembly. A permanent subcommittee of the Committee shall be established to periodically review the criminal code. An advisory committee is established to aid the subcommittee, consisting of representatives of the Missouri Supreme Court, the Attorney General, and other individuals known to be interested in the improvement of the state's criminal laws (21.880). This provision is identical to provisions contained in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 575 (2014).

APPOINTMENT OF A SPECIAL PROSECUTOR - The act provides that a special prosecutor appointed because the prosecutor and assistant prosecutor have a conflict of interest may not represent a party other than the state in a criminal case or proceeding in that circuit for the duration of the appointment. It also specifies that a special prosecutor is to be considered an appointed prosecutor for purposes of a statute making it a misdemeanor for a prosecutor to engage in such employment (56.110). This provision is similar to SB 793 (2014) and provisions contained in HCS/HB 1448 (2014).

LAW ENFORCEMENT IMMUNITY - The act states that law enforcement officers shall have immunity from criminal and civil liability while conducting service of process at the direction of the court to the extent that the officers' actions do not violate clearly established rights of which a reasonable person would have known (57.095). This provision is identical to the truly agreed to and finally passed versions of SB 672 (2014), HB 1231 (2014), and SB 615 (2014).

JEFFERSON COUNTY MUNICIPAL COURT The act modifies the county description of Jefferson County in provisions of law which allow Jefferson and Franklin Counties to prosecute violations of county orders in a county municipal court (67.320). This provision is identical to provisions contained in HB 1921 (2014), HCS/SCS/SB 824 (2014), HCS/SCS/SB 854 (2014),

FISCAL DESCRIPTION (continued)

HCS/SB 614 (2014), and the truly agreed to and finally passed version of SB 672 (2014).

INTEREST ON JUDGMENTS The act provides a definition for the term "judgment balance" and states that post-judgment payments shall be applied first to post-judgment costs, then to interest, and then to judgment balance (408.040). This provision is effective on January 1, 2015. This provision is identical to provisions contained in HCS/HB 1612 (2014) and the truly agreed to and finally passed versions of HB 1231 (2014) and SB 672 (2014).

SAVINGS BONDS/UNCLAIMED PROPERTY - The act modifies the law relating to unclaimed property. United States savings bonds, which are unclaimed property, shall be deemed abandoned when they have remained unclaimed for more than 3 years after their date of maturity and shall escheat to the state 3 years after becoming unclaimed property. At least 180 days after the bonds escheat to the state, the treasurer shall bring a civil action to confirm that the bonds shall escheat to the state. The treasurer shall retain records of the names associated with such bonds that shall be made available for public inspection (447.534, 447.560, 447.584). There is an emergency clause for these provisions. These provisions are identical to provisions contained in the truly agreed to and finally passed versions of HB 1075 (2014) and HB 1693 (2014).

OSCA HANDBOOK - Currently, each court must mail a handbook created by the Office of State Courts Administrator to individuals involved in a dissolution of marriage proceeding involving minor children. This act specifies that the court must "provide" the handbook to each party to the dissolution rather than "mail" (452.556). This provision is identical to provisions in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 615 (2014).

NO-CONTEST CLAUSE IN WILLS AND TRUSTS - Currently, "no-contest" or "in terrorem" clauses are enforceable. These types of provisions in a trust or will generally provide that a beneficiary forfeits interest in the trust or will property if the beneficiary contests the trust or will. This act provides that when an irrevocable trust contains a no-contest clause, as defined in the act, then an interested person may still file a petition with a court for a ruling on whether a particular claim for relief would trigger forfeiture. The petition for such a ruling may be filed either as a separate judicial proceeding or along with other claims for relief. The act specifies that when ruling on the petition, the court shall consider the text of the clause, and the context of the terms of the trust and factual allegations in the petition. The court shall not accept evidence beyond what is provided in the pleadings and the trust instrument.

The act states that the judgment on the application of a no-contest clause is appealable. Following the ruling, if claims are subsequently filed in which differing facts are asserted from those which the no-contest clause judgment was based upon, then the party in whose favor the

FISCAL DESCRIPTION (continued)

judgment was rendered shall have no protection from enforcement of the no-contest clause provided under this act.

The act also provides the types of circumstances in which a no-contest clause is not enforceable such as objections to venue or a claim for relief concerning an accounting error. In these situations the court may award attorneys' fees and costs (456.4-420). Similar to a trust, the act states that if a will contains a no-contest clause an interested person may file a petition with the court for determination on whether a court action would trigger the application of the no-contest clause or trigger forfeiture (474.395). This provision is identical to HCS/SB 499 (2014), HB 1429 (2014), and to provisions contained in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 500 (2014).

JUDICIAL RESOURCES AND JUDICIAL CONFERENCE - Current law states that it is the purpose of certain listed sections of law to provide the General Assembly and the Supreme Court with the mechanisms to obtain a comprehensive analysis of judicial resources and an efficient method for identifying problems and allocating personnel and resources within the judicial system. This act adds and repeals specific sections of law from this list of sections (476.001). The act removes commissioners of the Supreme Court as members of the Judicial Conference. Under the act, the Conference shall meet every odd numbered year (476.320, 476.330, 476.340).

JUDGES ASSIGNED TO PRELIMINARY HEARING AND TRIAL The act states that a presiding judge of a circuit may assign a judge to hear both the preliminary hearing and the trial of a felony case if the defendant agrees on the record (478.240.2(2)). This provision is similar to HCS/HB 1448 (2014) and SB 793 (2014).

ADDITIONAL JUDGESHIPS - This act repeals provisions of law which state that 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(section 478.320).

Currently, the twenty-first judicial circuit has nineteen circuit judges. This act provides that the twenty-first circuit shall have twenty circuit judges which shall sit in twenty divisions. The twenty-first circuit shall also have an additional associate circuit judge which shall be in addition to the associate circuit judges provided for under the current statutory formula (478.437).

Currently, the sixteenth judicial circuit has nine associate circuit judges with five of the judges located in Kansas City and four of the judges located in independence. The act states that the

FISCAL DESCRIPTION (continued)

sixteenth judicial circuit shall have ten associate circuit judges, which shall sit in divisions numbered 25 through 34. The 34th division shall sit in a location determined by the court en banc. This tenth associate circuit judge position shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.464).

The act provides the thirty-first judicial circuit with an additional associate circuit judge, and specifies that the additional associate circuit judges awarded in fiscal years 2014 and 2015 shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.513). The act states that in the eleventh judicial circuit there shall be an additional associate circuit judge position. This position shall be elected in 2016, and shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.600).

The thirty-eighth circuit shall have two circuit judges. The circuit judge in division two shall be elected in 2016, and such position shall not be considered vacant until January 1, 2017. The judge in division one shall be elected in 2018 (478.740). There is an emergency clause for these provisions. These provisions are identical to provisions in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 615 (2014).

THIRTEENTH CIRCUIT DRUG COURT COMMISSIONER - The act reinstates the thirteenth circuit's authority to appoint a drug court commissioner (478.610). This provision is identical to provisions contained in HCS/HB 1448 (2014) and the truly agreed to and finally passed version of HB 1231 (2014).

THIRTY-FIRST JUDICIAL CIRCUIT SURCHARGE - This act provides that a surcharge of up to ten dollars may be collected in all criminal proceedings filed in the Thirty-First Judicial Circuit if the surcharge was authorized by a county or municipal order, ordinance, or resolution. The moneys collected from the surcharge must be use for the costs associated with the land assemblage, construction, maintenance and operation of any county or municipal judicial facility (488.2206). This provision is identical to provisions contained in the truly agreed to and finally passed versions of HB 1231 (2014), HB 1238 (2014), and SB 615 (2014), and similar to SB 915 (2014) and SCS/HB 1553 (2014).

GARNISHMENTS - Under the act, clerks of circuit courts are authorized to collect a surcharge of up to ten dollars when processing garnishments and money from the surcharge is to be used to maintain and improve case processing and record preservation (488.305). The act adds language which provides that notice of garnishment shall have the effect of attaching all personal property at the time of service or in the case of a continuous wage garnishment, until the judgment is paid

FISCAL DESCRIPTION (continued)

in full, or until the employment relationship is terminated. Garnishments which would otherwise have equal priority shall have priority according to the date of service, and when wages have been attached by more than one writ of garnishment then the employer must inform the inferior garnisher of the other garnishments (525.040).

When applicable, a garnishee may discharge himself by paying the money or giving the property owed to the defendant to the attorney for the party on whose behalf the order of garnishment was issued, when applicable. Additionally, the court may order the delivery of the defendant's property possessed by the garnishee to the attorney for the party on whose behalf the order of garnishment was issued (525.070, 525.080).

The act allows the garnishee to deduct up to twenty dollars, or a fee previously agreed upon between the garnishee and judgment debtor when the garnishee is a financial institution, for expenses in answering interrogatories and withholding the funds. The garnishee may also file a motion with the court to obtain additional costs incurred in answering the interrogatories (525.230).

The act modifies provisions relating to the issuance of a writ of sequestration. Under current law, the wages of state government employees are not subject to direct garnishment, and instead must be collected under a process called sequestration. This act provides that the government employer shall have the same duties as a private employer when served with a garnishment order. The act repeals language requiring a writ of sequestration when the judgment debtor is a government employee, and provides that all garnishments against such employees shall proceed in the same manner as any other garnishment proceedings (525.310). These provisions regarding garnishments are effective on January 1, 2015. These provisions are similar to provisions contained in HCS/HB 1612 (2014), HB 204 (2013), and SS/SCS/HCS/HB 374 & 434 (2013), and identical to provisions contained in the truly agreed to and finally passed versions of SB 672 (2014) and SB 621 (2014).

SEXUALLY VIOLENT PREDATORS - The act provides that a conviction in this state or any other jurisdiction for a sexually violent offense can be considered when determining if a person is a sexually violent predator for the purposes of confinement and treatment (632.480, 632.483, 632.484). These provisions are identical to HB 1741 (2014) and provisions contained in HCS/HB 1231 (2014).

CYBER CRIME INVESTIGATION FUND - Currently, the Cyber Crime Investigation Fund and its disbursement program expired on June 5, 2012. This act reauthorizes the existence of the fund and the program and sets the expiration date at December 31, 2024. The act repeals the provision

FISCAL DESCRIPTION (continued)

of law requiring three million dollars to be appropriate to the fund each year (650.120). This provision is similar to provisions contained in HCS/HB 1448 (2014) and HB 1906 (2014), and identical to provisions contained in the truly agreed to and finally passed versions of SB 575 (2014) and HB 1231 (2014).

COSTS IN CRIMINAL CASES - The act repeals provisions of law requiring the state to pay the costs of a capital case when imprisonment is the sole punishment and the defendant is acquitted, and that in all other trials on indictments the costs shall be paid by the county if the defendant is acquitted (550.040). The act also repeals a provision of law which provides that the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person (550.060). These provisions are identical to provisions contained in HCS/HB 1448 (2014) and the truly agreed to and finally passed version of SB 615 (2014), and similar to SB 793 (2014). The act contains an emergency clause for certain sections.

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
Office of the Attorney General
Joint Committee on Legislative Research
Department of Economic Development
Department of Revenue
Department of Natural Resources
Department of Social Services
Office of the Governor
Office of Prosecution Services
Department of Corrections
Department of Public Safety's Missouri Highway Patrol
Office of the State Public Defender
Office of Administration
University of Missouri System
City of Columbia
Missouri Department of Transportation
Department of Conservation

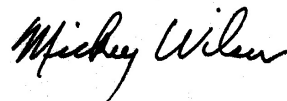
NM:LR:OD

SOURCES OF INFORMATION (continued)

Department of Insurance, Financial Institutions and Professional Registration
Mississippi County Recorder of Deeds
Cape Girardeau Recorder of Deeds
City of Jefferson
City of Kansas City
St. Charles County Recorder of Deeds
Department of Mental Health
Columbia Police Department
Springfield Police Department
Boone County Sheriff's Office
Missouri Senate
Joint Committee on Administrative Rules
Office of the State Treasurer
St. Louis County
Department of Social Services
Cole County Sheriff's Office
Platte County
St. Louis County Board of Election Commission

Not Responding

Missouri Department of Transportation
Office of the Secretary of State
Missouri House of Representatives



Mickey Wilson, CPA
Director
June 12, 2014

Ross Strobe

L.R. No. 4246-08
Bill No. Truly Agreed To and Finally Passed CCS No. 2 for HCS for SB 621
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Assistant Director
June 12, 2014

NM:LR:OD