

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4472-06
Bill No.: Truly Agreed To and Finally Passed CCS for SS for SCS for HCS for HB 1231
Subject: Courts; Judges; Civil Procedure
Type: Original
Date: June 16, 2014

Bill Summary: This proposal changes the laws regarding administration of justice.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Fund	Unknown to (Less than \$3,805,108)	Unknown to (Less than \$4,311,124)	Unknown to (Less than \$4,311,529)
Total Estimated Net Effect on General Revenue Fund	Unknown to (Less than \$3,805,108)	Unknown to (Less than \$4,311,124)	Unknown to (Less than \$4,311,529)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
PACERS FUND	\$434,025	\$668,600	\$698,154
Joint Contingency*	\$0	\$0	\$0
Cyber Crime*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$434,025	\$668,600	\$698,154

*Revenues and Costs net to zero

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 37 pages.

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
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

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	Unknown to \$2,833,913	Unknown to \$3,971,810	Unknown to \$3,942,256

FISCAL ANALYSIS

ASSUMPTION

§21.880 - Creates a permanent Joint Committee on the Justice System

Officials at the **Office of the Attorney General (AGO)** assumed 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.

The AGO assumes that any potential costs arising from the other provisions of the proposal can be absorbed with existing resources, but 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** 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 **Office of the Governor** assume 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 **Joint Committee on Legislative Research**, the **Department of Economic Development**, the **Department of Revenue**, the **Department of Natural Resources** and the **Department of Social Services** each 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.

ASSUMPTION (continued)

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 the Justice System. Oversight assumes expenditures will equal funds transferred-in and will net to \$0.

§§56.807 and 488.026 PACARS Surcharge

Officials from the **Prosecuting and Circuit Attorneys' Retirement System (PACARS)** state that originally a surcharge for many traffic violations, which were not resolved at the Fine Collection Center (FCC), was enacted to help fund PACARS. All counties are now required by Supreme Court rule to use the FCC, which eliminates the surcharge revenue. This proposal restores the original intent and effect of the surcharge by restoring the lost funding.

Furthermore, the proposal addresses the fact that many counties are electing to make their Prosecuting Attorney a full time position in accordance with Section 56.363, RSMo. This election, once made, has the effect of increasing the pay of the prosecuting attorney position, and substantially increasing the retirement benefit as well as the required county contribution to PACARS. Several of the former prosecutors, vested in the old "part-time" benefit, have been reelected as prosecuting attorney after a hiatus of several years during which the county has elected to make the position full-time. Then, after a few years, without the requirement to vest again, the retirement benefit increases from as low as \$7,560 per year to about \$60,000 per year under the existing language of Chapter 56, RSMo. The original monies paid in do not support the new retirement benefit. The provisions of this proposal address the situation by requiring a new vesting period.

Officials from the **Joint Committee on Public Employee Retirement** assume that based on information provided by the Office of the State Courts Administrator, provisions included in this legislation would increase the surcharge contribution to PACARS. The estimated revenue as provided by the Office of the State Courts Administrator of the inclusion of the \$4 fee paid to the fine collection center would be approximately \$520,830.

Depending on the PACARS annual actuarial valuation and the resulting funded ratio, the county monthly contribution may be adjusted. The current funded ratio of 86% would require currently monthly contribution levels to be increased by 50%.

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** state that the above sections of the proposal would allow a \$4 surcharge for the PACARS Fund to be assessed and against persons who pled and paid a fine through the fine collection center.

Based on data for the past five years, FY 09 through FY 13, we assume that the average is approximately 130,207 fine collection center cases on which this \$4 surcharge could be applied. We anticipate the revenue from the surcharge would be approximately \$520,830 in any given year.

FY 09	120,507
FY 10	120,443
FY 11	127,663
FY 12	144,130
<u>FY 13</u>	<u>138,325</u>
Total	651,038
Average	130,207

Oversight assumes this proposal will modify the county contribution to PACARS. The legislation proposes a variable county contribution tied to the PACARS funded ratio:

Funded Ratio	County Contribution
120% and higher	No monthly sum transmitted
Greater than 110% to less than 120%	Monthly sum reduced by 50%
90% to 110%	Standard monthly sum transmitted
80% to less than 90%	Monthly sum increased by 50%
Less than 80%	Monthly sum increased by 100%

The PACARS actuarial value, as of July 1, 2012, which is most recent, was 86%. According to the proposal, the counties will each have an increased contribution of 50%.

ASSUMPTION (continued)

According to Section 56.807, RSMo, the current monthly county contributions are as follows:

1st Class: \$646
2nd Class: \$271
3rd Class: \$187
4th Class: \$187

Oversight assumes based on current actuarial value this would change their contributions to:

1st Class: \$969	Increase of: \$323
2nd Class: \$407	Increase of: \$136
3rd Class: \$281	Increase of: \$94
4th Class: \$281	Increase of: \$94

Oversight assumes that the increased cost to counties would create a negative fiscal impact on local governments. There are 17 first class counties, 4 second class counties, 89 third class counties, and 4 fourth class counties in Missouri. The increased cost to local governments would be (\$14,777) per month or (\$177,324) annually, if the funded ratio remains between 80% and 90%.

Total increased contributions to the PACARS Fund, given current funding ratios, would be \$698,154 annually beginning August 28, 2015.

§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.

§105.711 - Definition of "Community Health Clinic"

In response to a previous version, officials at the **Office of the Attorney General (AGO)** assumed this proposal potentially expands the types of entities and activities covered by the State Legal Expense Fund (LEF). The AGO is responsible for the legal defense of the LEF. The AGO assumes that costs associated with the proposal could be absorbed with existing resources, but may seek additional resources if significant additional litigation results.

Officials from the **Office of Administration (OA) - Division of General Services** state section 105.711(3)(d) would result in unknown costs to the state legal expense fund.

ASSUMPTION (continued)

Officials at the **Department of Social Services** and the **Department of Health and Senior Services** each assume no fiscal impact to their respective agencies from this proposal.

§§302.065, 452.556 and 516.140 - Changes the laws regarding judicial procedures

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

§302.067 - Source documents for a driver's license renewal

Officials from the **Department of Revenue (DOR)** assume this new section prohibits the Department from requiring applicants whose source documents have been previously verified from having to present such documents upon application for renewal or replacement of the same driver's license or nondriver's license.

The proposed language within this section includes exceptions to the waiver provisions for applicants: who are not citizens of the United States; in cases where document may have been issued as a result of a fraudulent act and those who are applying for a commercial driver license or commercial driver instruction permit.

Administrative Impact

FY `15 - Driver License Bureau

Administrative Analyst I-	200 hrs @ \$26 per hr = \$5,200
Management Analyst Specialist II	200 hrs @ \$24 per hr = \$4,800
Revenue Band Manager -	20 hrs @ \$32 per hr = <u>\$640</u>
	Total = \$10,640

FY `15 Personnel Services Bureau

Update web page - Administrative Analyst III	10 hrs @ \$23 = \$230
Update forms - Management Analysis Spec I	20 hrs @ \$22 = \$440
Update procedures - Management Analysis Spec I	20 hrs @ \$22 = <u>\$440</u>
	Total = \$1,110

OA ITSD

NM:LR:OD

ASSUMPTION (continued)

Missouri Electronic Driver License - Central Issuance System will require changes to existing document verification waiver process at a cost of \$1,092.

In summary, DOR assumes a cost of \$12,842 (\$10,640 + \$1,110 + \$1,092) in FY 2015 to provide for the implementation of the changes in this proposal.

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.

§334.950 - SAFE CARE

Officials from the **Department of Public Safety (DPS) - Director's Office (DO)** state the legislation requires the DPS to establish rules and make payments to SAFE CARE providers, out of appropriations made for that purpose, who provide forensic examinations of persons under eighteen years of age who are alleged victims of physical abuse.

The SAFE program within the Crime Victims Compensation Unit of the DPS received 2,587 claims for suspected sexual assault/rape victims who were under the age of 18 and paid a total of \$1,433,919 to medical providers who performed the sexual assault forensic examination.

In order to provide reimbursement to medical providers for forensic examination of victims of physical abuse, DPS would require the following:

One FTE for a staff person to process claims (Processing Technician, \$25,572 annually) plus related fringe benefits, equipment and expense. Total FY15 costs to the General Revenue (GR) Fund are estimated to be \$39,597; FY16 costs to GR of \$39,651; and FY17 costs to GR of \$40,056.

Oversight notes the FY 2015 budget (Section 8.050) for the Department of Public Safety that has been approved by the legislature but that is still awaiting action by the Governor, appropriates \$1,452,000 to reimburse SAFE CARE providers for performing forensic medical exams on children suspected of having been physically abused. Since this is a new program/new decision item, Oversight will present this cost in the fiscal note for each FY 2015, FY 2016, and FY 2017.

ASSUMPTION (continued)

§§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 five and one-half months of impact in FY 2015, or \$1,087,873 ($\$2,373,540/12 \times 5.5$), due to the January 15, 2015 effective date of these sections.

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.

In response to similar legislation (SB 621), officials at the **Office of the State Public Defender** assumed 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.

ASSUMPTION (continued)

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

Officials at the **City of Columbia**, the **University of Missouri System**, the **Metropolitan St. Louis Sewer District**, 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 **Mississippi County Recorder of Deeds**, **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.

§454.500 - Modifying child support

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

§455.007 - Judicial procedures

Officials at the **Department of Corrections** were unable to determine the exact number of people who would be convicted under the provisions of this bill and whether or not additional inmate beds may be required as a consequence of passage of this proposal. The cumulative effect of various new legislation, if adopted as statute may require institutional facility expansion.

Officials at the **Office of the State Courts Administrator** assume the fiscal impact from this proposal would not be in excess of \$100,000.

Oversight assumes CTS could absorb the costs from this proposal within their current appropriation level.

§456.950 - Qualified Spouse Trusts

In response to a previous version, officials at the **Office of the Attorney General (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.

ASSUMPTION (continued)

Officials at the **Department of Revenue**, the **Department of Insurance, Financial Institutions and Professional Registration** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

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

In response to a previous version, 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 from the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume the current proposal would not fiscally impact their agencies.

§§477.160, 477.170 and 477.180 - Modifies provisions of law regarding judicial personnel

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

Officials at the St. Louis City Circuit Clerk's Office and Jefferson County did not respond to **Oversight's** request for 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 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 a previous version, 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.

ASSUMPTION (continued)

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 \$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 for SS for SCS for HCS for HB 1231 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 for SS for SCS for HCS for HB 1231 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**

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

ASSUMPTION (continued)

In response to a previous version, 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** assume this section of the legislation modifies language for the sixteenth judicial circuit. There may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§§478.513 and 478.600 - 31st, 38th, 16th, 21st 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.

§478.610 - Judges in the 13th judicial circuit

Officials from the **Office of the State Courts Administrator** assume this section of the legislation authorizes the 13th judicial circuit to appoint or retain a commissioner pursuant to section 478.003. The total cost of this section of the legislation is potentially \$116,858 plus fringes. In addition, section 478.610.3 authorizes one more additional associate circuit judge position in Boone County than is provided currently in section 478.320. If this authorizes one associate circuit judge in addition to those currently authorized then the total cost of this section of the legislation is potentially \$133,716 plus fringes.

§483.140 - Maintaining the rolls and records of the court

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

§488.014 - Court Costs for violations

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, unquantifiable at this time, impact. Any significant changes will be reflected in future budget requests.

§488.2206 Thirty-First Judicial Circuit Surcharge

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 (Greene County). During the past five years (2009 to 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.

§488.2245 - City of Florissant may charge court cost for upkeep of courthouse

Officials from the **Office of the State Courts Administrator** assume the proposed legislation allows the City of Florissant to charge an additional \$10 court cost for upkeep of the municipal courthouse.

During the past year, there were 32,080 municipal ordinance violations files. The city may provide for additional court cost in an amount up to ten dollars per case for each municipal ordinance violation case. Based on the maximum \$10 court cost and average collection rate of 80%, the projected maximum increase would be \$256,640. The projected increase would be an increase of unknown to \$256,640.

§516.350 - Allows liens of judgments to be revived

In response to a previous version, officials at the **Office of the Attorney General (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** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

§537.602 - Limited civil immunity

In response to a previous version, officials at the **Office of the Attorney General (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 Public Defender**, the **Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of Administration** and the **Department of Conservation** each assume no fiscal impact to their respective agencies from this proposal.

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

Officials at **Platte County** assume no fiscal impact from this proposal.

In response to a previous version, officials at **Cole County**, **St. Louis County** and the **Platte County Board of Election Commission** each assumed no fiscal impact from this proposal.

§574.160 - Prohibits protest activities at funeral services

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.

ASSUMPTION (continued)

For the purpose of the proposed legislation, and as a result of excessive caseloads, the Office of the State Public Defender can not assume existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of unlawful protest at a funeral - a new Class B Misdemeanor, subsequent offenses would be escalated to a new Class A Misdemeanor.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Office of the State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

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

§ 575.153 - Disarming a peace officer:

Officials from the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their agencies.

In response to similar legislation (SB 615), officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of false identification to a law enforcement officer - a new class B misdemeanor or with the enhanced crime of removing a firearm, deadly weapon or any other equipment that an officer is required to carry as a part of his or her official uniform or use in the performance of his or her official duties. These offenses are a defined class C felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

ASSUMPTION (continued)

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

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

Officials at Office of the Secretary of State did not respond to **Oversight's** request for fiscal impact.

§632.520 - Criminal penalties for acts of violence

In response to a previous version, officials from the **Office of Administration (OA) - Division of General Services (GS)** stated this legislation (§632.520.2) could potentially result in savings to the state's workers' compensation program with the following assumption:

That an offender residing in a state mental health facility would be deterred from acting out violently against an employee of the facility knowing that the punishment could result in charges and a possible conviction of a class B felony.

Oversight assumes an unknown savings to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state the penalty provision component of this bill resulting in a potential fiscal impact for the DOC is for up to a class B felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on 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 costs either through incarceration (FY 13 average of \$18.014 per offender, per day, or an annual cost of \$6,575 per inmate) or through supervision provided by the Board of Probation and Parole (FY 13 average of \$5.07 per offender, per day, or an annual cost of \$1,851 per offender).

Therefore, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Sixteen (16) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

ASSUMPTION (continued)

For the purpose of the proposed legislation, and as a result of excessive caseloads, the Office of the **State Public Defender** can not assume existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of knowingly committing violence to an employee of the Department of Mental Health or knowingly damaging any building owned or operated by the Department of Mental Health - a new Class B or C felony respectively.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Office of the State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

In response to a previous version, officials from the **Office of Attorney General (AGO)** assumed 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 from the **Office of State Courts Administrator** indicate they would not expect the proposal to have a significant fiscal impact on the courts. However, if other similar bills pass that result in additional duties to the courts, the combined impact could result in a request for additional appropriations.

Officials from the **Department of Mental Health** state the proposed legislation imposes no additional duties nor threatens current revenues. No fiscal impact is anticipated.

Based on discussions with DMH staff, **Oversight** notes that the DMH would not expect to have significant savings as a result of sending one or two people to the DOC as a result of this proposal. The DMH receives funding for a “ward”, rather than for the number of people in their care. The DMH does not believe they would ever send enough individuals to the DOC in a year to save the cost of an entire ward.

Officials from the **Office of Prosecution Services**, the **Department of Public Safety's Missouri State Highway Patrol** and the **OA - Facilities Management, Design and Construction** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

§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 from the **Department of Social Services** stated their State Technical Assistance Team (STAT) is a recipient of a grant under the Cyber Crime Investigative Fund Grant Program, for which in FY 2014, we received \$76,420.28, which is used to train employees in advanced high technology forensic investigative techniques, as well as purchase software, equipment and supplies for conducting high tech children's events investigations. Loss of this grant funding would have a negative impact in the above listed areas, which could also be reflected in the ability to protect Missouri children from high tech predators. As the grant funds are above and beyond STAT's budget, there is no fiscal impact.

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

In response to a similar bill from 2013 (HB 299), officials from the **Springfield Police Department** stated the proposal would result in savings of roughly \$39,000 to their agency for proceeds spent on overtime, training, license renewals, covert internet service and internet aircard.

In response to a similar proposal from 2012 (HB 1750), 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:

1. \$ 184,558 in FY 2007 (2007 ICCG);
2. \$1,025,285 in FY 2008 (2008 ICCG); and
3. \$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:

4. \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
5. \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
6. \$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	Kirkville, Cyber Task Force	Kirkville 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 our request for fiscal impact.

Bill as a Whole

Officials at the **Department of Higher Education**, the **Department of Elementary and Secondary Education**, the **Department of Agriculture**, the **Joint Committee on Administrative Rules**, the **State Tax Commission**, the **Administrative Hearing Commission**, the **Office of the State Treasurer** and the **Department of Labor and Industrial Relations** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at the **St. Louis County Board of Election Commission** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **Springfield Police Department** assumed no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
GENERAL REVENUE			
<u>Costs - OA-GS (\$105.711)</u>			
Expansion of medical malpractice coverage	(Unknown)	(Unknown)	(Unknown)
<u>Costs - DPS-DO (\$334.950)</u>			
Personal service	(\$21,310)	(\$25,828)	(\$26,086)
Fringe benefits	(\$10,869)	(\$13,174)	(\$13,305)
Equipment and expense	(\$7,418)	(\$649)	(\$665)
Provider reimbursement (Section 8.050 of FY 2015 approved budget)	<u>(\$1,452,000)</u>	<u>(\$1,452,000)</u>	<u>(\$1,452,000)</u>
<u>Total Costs - DPS-DO</u>	<u>(\$1,491,597)</u>	<u>(\$1,491,651)</u>	<u>(\$1,492,056)</u>
FTE Change - DPS	1 FTE	1 FTE	1 FTE
<u>Transfer Out - to Joint Contingency Fund (\$21.880) - for expenses associated with Joint Committee on the Justice System</u>	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Transfer Out - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program (\$650.120)</u>	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
<u>Savings - 21st Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)</u>	\$117,987	\$235,974	\$235,974

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2015	FY 2016	FY 2017
<u>Costs</u> - 38th Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)	(\$25,415)	(\$50,829)	(\$50,829)
<u>Savings</u> - OA-GS Reduction in workers' compensation program costs ; Damage of Mental Health Facility (§§574.160 & 632.520)	Unknown	Unknown	Unknown
<u>Costs</u> - DOC (§§574.160 & 632.520) Incarceration and probation costs; Damage of Mental Health Facility	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> - 31st and 11th Judicial Circuits - additional judges (§§478.513, 478.600)	(\$598,535)	(\$1,197,070)	(\$1,197,070)
<u>Costs</u> - Office of the State Courts Administrator - salary and fringe for 1 Commissioner (§478.610)	<u>\$0 to (\$207,548)</u>	<u>\$0 to (\$207,548)</u>	<u>\$0 to (\$207,548)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Unknown to (Less than \$3,805,108)</u>	<u>Unknown to (Less than \$4,311,124)</u>	<u>Unknown to (Less than \$4,311,529)</u>
Estimated Net FTE Change on the General Revenue Fund	1 FTE	1 FTE	1 FTE

<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>

FISCAL IMPACT - Local Government FY 2015 FY 2016 FY 2017

LOCAL POLITICAL SUBDIVISIONS

Revenue - City of Florissant - additional court fees §488.2245 Up to \$256,640 Up to \$256,640 Up to \$256,640

Income - 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

Revenue - 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 \$1,087,873 Up to \$2,373,540 Up to \$2,373,540

Revenue - Local Political Subdivisions - from court surcharges §488.2206 Could exceed \$89,400 Could exceed \$89,400 Could exceed \$89,400

Costs - Counties
 Increased PACARS contribution (§§56.807 and 488.026) \$0 (\$147,770) (\$177,324)

ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS **Up to \$2,833,913** **Up to \$3,971,810** **Up to \$3,942,256**

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill changes the laws regarding judicial procedures.

JOINT COMMITTEE ON THE JUSTICE SYSTEM (Section 21.880, RSMo) The Joint Committee on the Justice System is established consisting 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 must 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.

PROSECUTING ATTORNEYS AND CIRCUIT ATTORNEYS RETIREMENT SYSTEM (Sections 56.807 and 488.026) Currently, each county must transfer a certain sum of money to the prosecuting attorneys and circuit attorneys' retirement system fund. The bill provides that each county's contribution must be adjusted in accordance with the retirement system's funded ratio and a schedule provided in the bill. The bill also states that a \$4 surcharge, payable to the retirement system, must be assessed in cases where a person pleads guilty and pays a fine through a fine collection center.

IMMUNITY FOR LAW ENFORCEMENT OFFICERS (Section 57.095) The bill provides law enforcement officers with immunity from any civil or criminal liability while conducting service of process.

COMMUNITY HEALTH CENTERS (Section 105.711) Federally funded community health centers and rural health clinics are excluded from the description of nonprofit community health centers for the purposes of the State Legal Expense Fund.

DRIVER'S AND NON-DRIVER'S LICENSES (Sections 302.065 and 302.067) The bill specifies that a person who has presented documents to obtain a driver's license, nondriver's license, or instruction permit must not be required to present the documents again to obtain a renewal or replacement except for documents that demonstrate lawful presence of an applicant who is not a citizen, if it is reasonably believed by the Department of Revenue that the prior license may have been issued as a result of a fraudulent act of the applicant, or the applicant is applying for or renewing a commercial driver's license or instruction permit.

SAFE CARE EXAMINATIONS (Section 334.950) The Department of Public Safety must establish rules and make payments to SAFE CARE providers, out of appropriations made for that

FISCAL DESCRIPTION (continued)

purpose, who provide forensic examinations of individuals under 18 years of age who are alleged victims of physical abuse. The department must establish maximum reimbursement rates for charges and must only reimburse providers for forensic evaluations and case reviews. The department must establish maximum reimbursement rates for charges submitted which must reflect the reasonable cost of providing the forensic exam. The department must only reimburse providers for forensic evaluations and case reviews. The department must not reimburse providers for medical procedures, facility fees, supplies, or laboratory/radiology tests. In order for the department to provide reimbursement, the child must be the subject of a child abuse investigation or reported to the children's division as a result of the examination. A minor may consent to examination, and such consent is not subject to disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of the minor is not required for such examination.

GARNISHMENTS (Sections 408.040, 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310) The bill specifies that judgments must accrue interest on the judgment balance, which is the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits must be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance. In a case where a garnishment is granted, the clerk of the circuit court may charge and collect a surcharge of up to \$10 for the clerk's duties. The moneys collected from this surcharge must be placed in a fund to be used at the discretion of the clerk to maintain and improve case processing and record preservation. The bill adds that the notice of garnishment must have the effect of attaching all personal property at the time of service or in the case of continuous wage garnishment, until the judgment is paid in full, or until the employment relationship is terminated.

Writs of garnishment which would otherwise have equal priority must have priority according to the date of service on the garnishee. If the employee's wages have been attached by more than one writ of garnishment, the employer must inform the inferior garnisher of the existence and case number of all senior garnishments. The garnishee may, if applicable, 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. 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.

The garnishee may deduct a one-time sum of up to \$20, or the fee previously agreed upon between the garnishee and judgment debtor where the garnishee is a financial institution, for his

FISCAL DESCRIPTION (continued)

or her trouble and expenses in answering the interrogatories and withholding the funds, to be withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. This fee must not be a credit against the court-ordered judgment and must be collected first. The garnishee may file a motion with the court for additional costs, including attorney fees, reasonably incurred in answering the interrogatories, and the court may make an award as it deems reasonable. The motion must be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court. The bill repeals the current provisions regarding a judgment against an officer, appointee, or employee of this state or any municipal corporation or other political subdivision of the state and specifies that the provisions constitute a waiver of sovereign immunity with respect to garnishment of the pay of state, municipal, or other political subdivision employees.

The state, municipal, or other political subdivision employer served with a garnishment must have the same duties and obligations as those imposed upon a private employer when served with garnishment. Pay of any officer, appointee, or employee of the state or any municipal corporation or other political subdivision of the state must be subject to garnishment to the same extent as in any other garnishment, and all garnishments against the employee must proceed in the same manner as any other garnishment. These provisions have an effective date of January 15, 2015.

HANDBOOKS FOR PARENTS (Section 452.556) Currently, the court must mail a handbook to individuals involved in a dissolution with minor children. The bill specifies that the court must "provide" a handbook, meaning it could be emailed or sent via postal mail.

ADMINISTRATIVE CHILD SUPPORT ORDERS (Section 454.500) The bill allows for a child to be added to an existing administrative child support order. If the Family Support Division within the Department of Social Services has entered an administrative child support order and an additional child or children not the subject of the order are born to the parties, the division may, under certain circumstances, modify the underlying child support order to include a single child support obligation for all children of the parties in conformance with Missouri Supreme Court child support guidelines.

FISCAL DESCRIPTION (continued)

ORDERS OF PROTECTION (Section 455.007) Currently, the public interest exception to the mootness doctrine applies to a full order of protection which has expired and subjects the person against whom the order was issued to significant collateral consequences by the mere existence of the order after its expiration. The bill removes the requirement that it subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

TRUST PROVISIONS (Sections 456.950, 456.4-420, and 474.395) Property held by a husband and wife as tenants by the entirety, as joint tenants, or other form of joint ownership with right of survivorship must be treated as being held as tenants by the entirety upon the property's transfer to a qualified spousal trust. Currently, a no-contest clause in a will or trust is enforceable, which generally means that a beneficiary forfeits interest in the will or trust property if he or she contests the trust or will. The bill specifies that when an irrevocable trust contains a no-contest clause, as defined in the bill, an interested person may file a petition with a court for a ruling on whether a particular claim for relief would trigger application of the no-contest clause or trigger a forfeiture that is enforceable under applicable law and public policy. The petition for a ruling may be filed as a separate judicial proceeding or along with other claims for relief in a single judicial proceeding. The bill specifies that when ruling on the petition, the court must consider the text of the clause and the context to the terms of the trust as a whole and in the context of the verified factual allegations in the petition.

Any evidence beyond the pleadings and the trust must not be taken except as required to resolve an ambiguity in the no-contest clause. An order or judgment on a petition regarding a no-contest clause must be subject to appeal as with other final judgments. Following the ruling, if a claim is subsequently filed in which differing facts are asserted from those that the no-contest clause judgment was based, the party in whose favor the order or judgment was entered has no protection from enforcement of the no-contest clause. The bill also specifies the types of circumstances in which a no-contest clause is enforceable such as objections to venue or a claim for relief concerning an accounting error. In these situations, the court may award attorney fees and costs to any party.

The bill also specifies that if a will contains a no-contest clause, an interested person may file a petition with the court for a determination on whether a court action would trigger the application of the no-contest clause or trigger a forfeiture that is enforceable under applicable law and public policy.

FISCAL DESCRIPTION (continued)

COURT OF APPEALS (Sections 477.160, 477.170, and 477.180) The bill modifies the number of judges to serve in each district of the court of appeals, in order to reflect the current total number authorized by statute.

JUDICIAL CIRCUITS (Sections 478.437, and 478.740) Beginning in Fiscal Year 2015, there must be 20 circuit judges in the 21st Judicial Circuit, and they must sit in 20 divisions. There must be one additional judge position in the 21st Judicial Circuit starting in Fiscal Year 2015, and this judgeship must not be included in the statutory formula for authorizing additional judges per county. There must be two additional judges in the 38th Judicial Circuit, and these judges must sit in divisions numbered one and two. The division two judge must be elected in 2016 and the position will begin January 1, 2017. The division one judge must be elected in 2018.

The bill specifies that in the 16th Judicial Circuit there must be 10 associate circuit judges, and they must sit in 10 divisions, which must be numbered beginning with number 25. Division 34 must sit in the location determined by the court en banc. The 10th associate circuit judgeship must not be included in the statutory formula for authorizing additional associate circuit judgeships per county (Section 478.464). Beginning in Fiscal Year 2015, there must be one additional associate circuit judge in the 31st Judicial Circuit, and there must continue to be the associate judge position authorized in Fiscal Year 2014; these judges must not be included in the statutory formula for authorizing additional associate circuit judgeships per county (Section 478.513).

Beginning in the Fiscal Year 2015, there must be one additional associate circuit judge in the 11th Judicial Circuit. This judge must be elected in 2016 and it must not be included in the statutory formula for authorizing additional circuit judgeships per county (Section 478.600, RSMo). The 13th Judicial Circuit is authorized to appoint or retain a commissioner pursuant to Section 478.003 (Section 478.610).

COURT RECORDS (Section 483.140) The provisions of Section 483.140 must not be construed to permit the adoption of any local court rule that grants a judge the discretion to remove or direct the removal of any pleading, file or communication from a court file or record without the agreement of all parties.

MUNICIPAL COURT FUNDS (Section 488.0014) Specifies that any overpaid funds owed to a municipal division of the circuit court may be retained by the municipality for the operation of the municipal court.

FISCAL DESCRIPTION (continued)

SURCHARGES (Section 488.2206) A surcharge of up to \$10 must be assessed as costs in court proceedings filed within the 31st Judicial Circuit in all criminal cases with specified limitations. The funds must be used to pay for costs associated with the land assemblage and purchase, construction, maintenance, and operation of any county or municipal courthouse.

COURT COSTS FOR MAINTENANCE OF THE FLORISSANT MUNICIPAL COURTHOUSE (Section 488.2245) This bill allows the City of Florissant to impose an additional court cost of up to \$10 for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge. The city can only use the additional costs for land assemblage and purchase, construction, maintenance, and upkeep of a municipal courthouse.

STATUTE OF LIMITATIONS FOR INJURIOUS FALSEHOODS (Section 516.140) The bill adds an action for injurious falsehood to the two-year statute of limitations.

JUDGMENT FOR UNPAID RENT (Section 516.350) The bill specifies that any judgment, order, or decree awarding unpaid rent may be revived upon publication, consistent with the publication requirements of Section 506.160, and does not need to be personally served on the defendant.

CIVIL IMMUNITY FOR SUPERVISION OF COMMUNITY SERVICE WORK (Section 537.602) The bill specifies that any entity that supervises community service work performed as a requirement for deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor or any entity that derives benefits from the performance of community service work must be immune from any suit by the person performing the community service work or by any person deriving a cause of action from the person performing the community service work if that cause of action arises from the supervision of the work performed. The entity supervising the work must not be immune from any suit for an intentional tort.

PROTESTS AT FUNERAL SERVICES (Section 574.160) The bill specifies that a person commits the offense of unlawful funeral protest, a class B misdemeanor, if he or she pickets or engages in other protest activities within 300 feet of a residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of any funeral or burial service at that place. These provisions do not apply to a funeral procession while it is in transit beyond the 300-foot zone. It is a class A misdemeanor if a person who has previously been found guilty of a violation of these provisions commits the offense again. The bill repeals Sections 578.501, 578.502, and 578.503, commonly referred to as "Spc. Edward Lee Myers' Law."

FISCAL DESCRIPTION (continued)

DISARMING A POLICE OFFICER (Section 575.153) The bill includes removing any less lethal weapon, to include blunt impact, chemical or conducted energy devices, used in the performance of his or her official duties to the crime of disarming a peace officer.

CRIMES BY SEXUALLY VIOLENT PREDATORS (Section 632.520) The bill specifies that a sexually violent predator ordered or committed to the Department of Mental Health who knowingly commits violence to an employee of the department or to another offender housed in a secure facility operated by the department will be guilty of a class B felony. An offender who knowingly damages any building or other property owned or operated by the department will be guilty of a class C felony.

CYBER CRIME INVESTIGATION FUND (Section 650.120) The bill reauthorizes the provisions regarding the Cyber Crime Investigation Fund and extends the expiration date to December 31, 2024.

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

Department of Agriculture
Department of Conservation
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety -
 Director's Office
 Missouri State Highway Patrol
Department of Revenue
Department of Social Services
Joint Committee on Administrative Rules

SOURCES OF INFORMATION (continued)

Joint Committee on Legislative Research
Joint Committee on Public Employee Retirement
Office of Administration -
 Administrative Hearing Commission
 Facilities Management, Design and Construction
 General Services Division
Office of Attorney General
Office of the Governor
Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender
Office of the State Treasurer
Prosecuting and Circuit Attorney's Retirement System (PACARS)
Boone County Sheriff's Department
Cape Girardeau County Recorder of Deeds
City of Columbia
City of Jefferson
City of Kansas City
Christian County
Cole County
Cole County Sheriff's Department
Columbia Police Department
Metropolitan St. Louis Sewer District
Mississippi County Recorder of Deeds
Platte County
Platte County Board of Election Commission
Springfield Police Department
State Tax Commission
St. Charles County Recorder of Deeds
St. Louis County
St. Louis County Board of Election Commission
University of Missouri System

L.R. No. 4472-06

Bill No. Truly Agreed To and Finally Passed CCS for SS for SCS for HCS for HB 1231

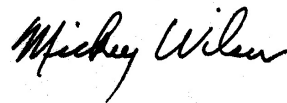
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SOURCES OF INFORMATION (continued)

Not Responding

Office of the Secretary of State
Missouri Department of Transportation



Mickey Wilson, CPA
Director
June 16, 2014

Ross Strobe
Assistant Director
June 16, 2014