

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5154-02  
Bill No.: Truly Agreed To and Finally Passed SCS for HB 1238  
Subject: Courts; Fees  
Type: Original  
Date: May 21, 2014

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Bill Summary: This proposal modifies various provisions of law regarding court costs.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 8 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Local Government</b>	<b>Unknown greater than \$1,732,940</b>	<b>Unknown greater than \$1,753,835</b>	<b>Unknown greater than \$1,753,835</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §488.426 - Extends expiration date for court filing fees in Franklin County

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal. In Franklin County there is currently \$10 assessed on the standard Law Library surcharge of \$15 for all civil filings except adoptions and small claims for a total Law Library surcharge of \$25. There are 4,179 cases per year that were subject to the \$25 fee. Total collections on those cases were \$104,475. The fee would make up to forty percent of that total or \$41,790.

Officials at Franklin County failed to respond to **Oversight's** request for fiscal impact.

**Oversight** will show 6 months of impact in FY 15.

#### §488.607 - Domestic Violence Shelter Fee

Officials at the **Office of the State Courts Administrator (CTS)** assume the proposed legislation would increase the \$2 surcharge for criminal cases in cities or counties with domestic violence shelters to \$4. Based on FY 2012 data, there are approximately 416,666 filed civil cases. Since there is a certain number of cases where the fines will not be collected, CTS anticipates the increase in the surcharge would be approximately \$626,000 in any given year.

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

In response to a previous version, officials at the **City of Kansas City** assumed, based on the current citation volume for their city, they would collect \$404,800 annually if the legislation passed. The City currently collects \$202,400 annually.

In response to similar legislation (SB 636), officials at **St. Louis County** assumed this proposal, if enacted, would permit an increase in annual revenue from the surcharge for criminal cases from \$416,577 (projected 2014) to \$833,150.

In response to a previous version, officials at the **City of O'Fallon** assumed an unknown positive fiscal impact.

ASSUMPTION (continued)

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

In response to a previous version, officials at the **Boone County Collector**, **Cole County** and the **City of Jefferson** each assumed no direct fiscal impact to their respective organizations from this proposal.

**Oversight** assumes the number represented in the local political subdivisions is an increase from a \$2 surcharge to \$4. Oversight did not receive enough fiscal impact responses from political subdivisions to make a determination whether political subdivisions would experience increased costs from this proposal. Therefore, Oversight will reflect a Unknown greater than \$626,000 impact in the fiscal note.

§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.

§488.2235 - Allows Kansas City to impose an additional five dollars in court costs

Officials at the **Office of the State Courts Administrator** assumed the proposed legislation allows Kansas City to impose an additional five dollars in court costs for each municipal ordinance violation case for the restoration, maintenance, and upkeep of the municipal courthouse. During FY 2013, there were 199,329 municipal ordinance violations (1,048 alcohol/drug, 138,083 other traffic and 30,198 non-traffic) that may be eligible. Based on the \$5 court cost for each violation, the projected annual increase would be \$996,645 to unknown.

ASSUMPTION (continued)

In response to similar legislation (SB 854), officials at the **City of Kansas City** assumed this would provide annual revenue in the amount of \$309,000 from this proposal.

**Oversight** will reflect in the fiscal note the numbers provided by the Office of the State Courts Administrator.

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

Legislation as a whole

Officials at the **City of Columbia**, the **Mississippi County Recorder of Deeds**, the **St. Louis County Board of Election Commission** and the **Platte County Board of Election Commission** each assume no fiscal impact to their respective organizations from this proposal.

Officials at the following counties: Andrew, Audrain, Barry, Bates, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cooper, DeKalb, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, Pacific, Peculiar, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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**LOCAL POLITICAL SUBDIVISIONS**

<u>Revenue</u> - Franklin County - civil filing fees §488.426	\$20,895	\$41,790	\$41,790
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<u>Revenue</u> - Local Political Subdivisions - from court surcharges §488.2206	Could exceed \$89,400	Could exceed \$89,400	Could exceed \$89,400
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<u>Revenue</u> - Local Political Subdivisions - increase surcharge on criminal cases from \$2 to \$4 §488.607	Unknown greater than \$626,000	Unknown greater than \$626,000	Unknown greater than \$626,000
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<u>Revenue</u> - City of Kansas City - additional court fees (§488.2235)	\$996,645 to <u>Unknown</u>	\$996,645 to <u>Unknown</u>	\$996,645 to <u>Unknown</u>
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<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>Unknown greater than <u>\$1,732,940</u></b>	<b>Unknown greater than <u>\$1,753,835</u></b>	<b>Unknown greater than <u>\$1,753,835</u></b>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§488.426

Currently, Franklin county may impose an additional court fee of \$10, excluding cases concerning adoption and those in small claims court. This bill extends the expiration date of this section from December 31, 2014 to December 31, 2019.

§488.607

Currently, cities or counties with domestic violence shelters can add a surcharge of two dollars for criminal cases. This act states that a surcharge of up to four dollars may be collected for each criminal case in cities or counties with domestic violence shelters.

§488.2206

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 construction, maintenance and operation of any county or municipal judicial facility.

§488.2235

This bill allows the City of Kansas City to impose an additional court cost of up to \$5 for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge. The judge may waive the assessment of the additional cost if the judge finds the defendant to be indigent and unable to pay the costs. The city can only use the additional costs for the restoration, maintenance, and upkeep of the municipal courthouse.

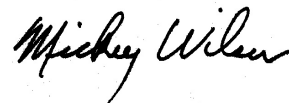
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

Office of the State Courts Administrator  
Department of Social Services  
City of Columbia  
Platte County Board of Election Commission  
City of Kansas City  
St. Louis County  
City of O'Fallon  
Boone County Collector  
Cole County  
City of Jefferson  
St. Louis County Board of Election Commission  
Mississippi County Recorder of Deeds

**NOT RESPONDING**

Franklin County  
Greene County



Mickey Wilson, CPA  
Director  
May 21, 2014

Ross Strope  
Assistant Director  
May 21, 2014