

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0183-03  
Bill No.: SS for SCS for HB 799 with SA 1, SA 2 and SA 3  
Subject: Civil Procedure; Criminal Procedure; Courts; Judges; Kansas City; Attorneys;  
 Counties  
Type: Original  
Date: May 6, 2015

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Bill Summary: This proposal modifies provisions regarding judicial circuits.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>          |                          |   |                            |
|--|--------------------------|---|----------------------------|
| FUND AFFECTED  | FY 2016                  | FY 2017                                 | FY 2018                    |
| General Revenue  | (Up to \$756,663)        | (\$1,760,373 to<br>\$2,160,373)         | (Up to \$2,114,812)        |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue</b> | <b>(Up to \$756,663)</b> | <b>(\$1,760,373 to<br/>\$2,160,373)</b> | <b>(Up to \$2,114,812)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                       |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2016    | FY 2017    | FY 2018    |
| Justice Center Fund*   | \$0        | \$0        | \$0        |
| Jasper County<br>Judicial Fund*  | \$0        | \$0        | \$0        |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds*</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 17 pages.

\*Distribution increase (decrease) net to zero

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2016</b> | <b>FY 2017</b> | <b>FY 2018</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 2016</b> | <b>FY 2017</b> | <b>FY 2018</b> |
| General Revenue   | 5 FTE          | 13 FTE         | 15 FTE         |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>5 FTE</b>   | <b>13 FTE</b>  | <b>15 FTE</b>  |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                                 |                              |                              |
|--|---------------------------------|------------------------------|------------------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2016</b>                  | <b>FY 2017</b>               | <b>FY 2018</b>               |
| <b>Local Government</b>                    | <b>Greater than \$4,584,985</b> | <b>Less than \$4,515,485</b> | <b>Less than \$4,535,985</b> |

## FISCAL ANALYSIS

### ASSUMPTION

#### §67.320

In response to a previous version, officials at the **Office of the State Courts Administrator** assumed the proposed legislation specifies that Buchanan County may have a municipal court division. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

#### §211.393

**Oversight** assumes from this proposal that any juvenile court employee in a single county circuit that changed from a multi county circuit on or after August 28, 2015 shall be a state employee, receive state-provided benefits, including retirement benefits from the state retirement plan. Oversight assumes that these funds are being expended at the present moment with the employees who are currently working in multi county circuits and will reflect no fiscal impact from this proposal.

#### §476.083

Officials at the **Office of the State Courts Administrator (OSCA)** assume this proposed legislation allows the presiding judge of certain circuits to appoint a circuit court marshal. Callaway County (Circuit 13), qualifies for the appointment of a state paid circuit court marshal and St. Francois County (Circuit 24) currently has a state paid circuit court marshal. Section 476.083.2 states "the salary of a circuit court marshal shall be established by the presiding judge of the circuit..., such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit."

|                        |                 |
|------------------------|-----------------|
| Circuit Court Marshall | \$51,372        |
| Fringes                | <u>\$30,027</u> |
| Total                  | \$81,399        |

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

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

ASSUMPTION (continued)

§§478.011, 478.170, 478.188, 478.191, 478.740

In response to a previous version, officials at the **Office of the State Courts Administrator (OSCA)** assume beginning January 1, 2017, the proposed legislation would split the 38th judicial circuit consisting of Christian and Taney counties into two judicial circuits. Christian County would remain in the 38th judicial circuit and Taney County would be in a new 46th judicial circuit. The legislation would add one circuit judge to the 46th judicial circuit. A Circuit Court Judge was added by statute in Chapter 478 for 2017; however, there is no funding for this position.

For a presiding circuit judge, the annual cost is as follows:

|                      |  |
|----------------------|--|
| Circuit Court Judge: | Salary - \$145,343, Fringe - \$109,172 |
| Court Reporter:      | Salary - \$ 57,178, Fringe - \$ 29,733 |
| Secretary:           | Salary - \$ 35,568, Fringe - \$ 18,496 |
| Totals               | Salary - \$238,089, Fringe - \$157,401 |

In addition, the legislation would create a new single county circuit which would require a chief juvenile officer paid by the county and reimbursed by the state per statute 211.393. It is assumed juvenile staff will be divided between Christian and Taney counties.

Juvenile Officer: \$48,100 per year

In addition, there would be cost for computer equipment and associated costs for the Presiding Judge, Secretary and Court Reporter totaling \$6,650. In FY 2017 the cost would be at 100% or \$6,650 and 25% thereafter each year for maintenance or \$1,663.

Also, the separation of county Judiciary Information System information into two databases (if required), would cost from \$100,000 to \$500,000 in contractual services in FY 2017. The total annual cost for this legislation would be \$328,446 to \$728,446 in FY 2017 and \$445,253 in FY 2018 with 4 FTE, for both FYs 2017 and 2018 respectively.

Officials at the **Missouri State Employees' Retirement System (MOSERS)** assumed the proposed legislation would, if enacted, transfer Taney County from the 38th judicial circuit to a newly established 46th judicial circuit, and specify that the 38th judicial circuit would be comprised solely of Christian County, resulting in both being single county circuits. (Presently, the 38th judicial circuit is comprised of Taney and Christian Counties and is identified as a multi-county circuit.) The proposal also would require the circuit judge who sat in the 38th

ASSUMPTION (continued)

circuit on December 31, 2013, to be the circuit judge in Christian County for the remainder of the term to which he or she was appointed until a successor is elected and qualified. Beginning January 1, 2017, there would be a new circuit judge for the 46th circuit (Taney County).

Juvenile Court Employees

In 1998, legislation was enacted (subsequently codified under section 211.393, RSMo) that created a single county/multi-county structure which defined how juvenile court employees would be treated for purposes of salaries, retirement, health insurance and other fringe benefits. Under that legislation, a single county circuit is defined as a judicial circuit composed of a single county of the first classification and a multi-county circuit is defined as all other judicial circuits not included in the definition of a single county circuit. As a result, juvenile court employees in multi-county circuits are considered state employees and are covered by MOSERS for retirement purposes.

The schedule below illustrates the number, position, annual pay and years of service of juvenile court employees currently working in the 38th judicial (multi-county) circuit who are state employees covered by MOSERS.

| Classification       | Annual Salary | MOSERS-Covered Service |
|----------------------|---------------|------------------------|
| Juvenile Officer II  | \$36,888      | 8 years, 4 months      |
| Juvenile Officer II  | \$36,888      | 12 years, 6 months     |
| Juvenile Officer II  | \$36,888      | 17 years, 6 months     |
| Juvenile Officer II  | \$36,888      | 10 years, 2 months     |
| Juvenile Officer III | \$41,172      | 6 years, 2 months      |
| Juvenile Officer III | \$41,940      | 21 years, 2 months     |
| Juvenile Officer IV  | \$44,304      | 20 years, 7 months     |
| Secretary II         | \$27,660      | 15 years               |

According to §211.393.2 (2), juvenile officers who begin employment for the first time as a juvenile officer in a single county circuit on or after July 1, 1999 shall be county employees and participate as members in the county retirement plan. **Oversight** assumes from this proposal that the current multi county circuit in Christian County would be divided into two single county circuits. Therefore, the juvenile court employees above would not remain under the MOSERS plan according to this section. The MOSERS assumes no fiscal impact from this proposal. However, Christian County and Taney County could both have additional costs for employees participating in the county retirement plan from this proposal. Therefore, Oversight will reflect additional unknown costs for Christian and Taney Funds for the county retirement plan.

ASSUMPTION (continued)

In response to a previous version, officials at **Taney County** assumed a cost of \$156,000 for FY 2017 and FY 2018 from this proposal.

In response to a previous version, officials at **Christian County** assumed a cost of \$3,000 for FY 2017 and FY 2018 from this proposal.

**Oversight** assumes from this proposal that FY 2017 would contain cost for one half of the year since the start date would not be until January 1, 2017 and cost would be for a full year in FY 2018. Oversight has reflected these costs in the chart.

§478.330

Officials at the **Office of the State Courts Administrator** assume the proposed legislation indicates for three consecutive calendar years the need for four or more full-time judicial positions in any judicial circuit having a population of one hundred thousand or more there shall be one additional circuit judge position authorized in such circuit, subject to appropriations made for that purpose.

St. Louis County (21<sup>st</sup> Circuit) and the Greene County (31<sup>th</sup> Circuit) would each qualify for additional judicial positions in Fiscal Years (FY) 2016 and 2017. Each County would have 2 FTE judicial positions for a total of 4 FTEs annually and 8 FTEs cumulatively in FY 2017. St. Louis County would also qualify for an additional FTE judicial position in 2018 or a cumulative total of 10 FTEs through FY 2018. The cost of each position is as follows:

Fiscal Years 2016 and 2017 for St. Louis County and Greene County

|                  | Salary    | Fringe    | Annual FTEs | Annual Total | Cumulative FTEs | Cumulative Total |
|------------------|-----------|-----------|-------------|--------------|-----------------|------------------|
| Circuit Judge    | \$145,343 | \$111,037 | 2           | \$512,760    | 2               | \$512,760        |
| Court Reporter   | \$ 56,612 | \$ 24,640 | 2           | \$162,504    | 2               | \$162,504        |
| Fiscal Year 2016 |           |           | 4           | \$675,264    | 4               | \$675,264        |
| Fiscal Year 2017 |           |           | 4           | \$675,264    | 8               | \$1,350,528      |

Fiscal Year 2018 for St. Louis County

|                | Salary    | Fringe    | Annual FTEs | Annual Total | Cumulative FTEs | Cumulative Total |
|----------------|-----------|-----------|-------------|--------------|-----------------|------------------|
| Circuit Judge  | \$145,343 | \$111,037 | 1           | \$256,380    | 5               | \$1,281,900      |
| Court Reporter | \$ 56,612 | \$ 24,640 | 1           | \$ 81,252    | 5               | \$ 406,260       |
| Total 2018     |           |           | 2           | \$337,632    | 10              | \$1,688,160      |

ASSUMPTION (continued)

Currently the Judicial Weighted Work Load (JudWWL) for St. Louis County is 12.54 FTE, this proposal would reduce the need to 11.54 in FY 2016, 10.54 in FY 2017 and 9.54 in FY 2018. The 31st Circuit JudWWL is 6.35, this proposal would reduce the need to 5.35 on FY 2016, and 4.35 in FY 2017 and 3.35 in FY 2018.

§478.463

Officials at the **Office of the State Courts Administrator** assume the proposed legislation moves the 12<sup>th</sup> Division of the 16<sup>th</sup> Judicial Circuit Court from the City of Kansas City to the City of Independence. 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 a previous version, officials at the **City of Kansas City** assume no fiscal impact from this proposal.

In response to a previous version, officials at **St. Louis County** assumed no fiscal impact from this proposal.

§479.155

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation requires each municipal court to report its existence to the Clerk of the Supreme Court by December 31, 2015. 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 **City of Columbia** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Kansas** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of O'Fallon** assumed no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Jefferson** responded but did not provide **Oversight** with a response on fiscal impact.

**Oversight** assumes from this proposal that reporting requirements regarding municipal divisions are being updated and will reflect no impact on this fiscal note.

ASSUMPTION (continued)

§488.2206

Officials at the **Office of the State Courts Administrator** assume this section provides all single county noncharter counties shall collect a surcharge of up to ten dollars for all civil and criminal cases. There are 109 single county noncharter counties. This is to be deposited in the County Justice Center Fund. Based on FY 2014, there were 164,153 filed civil cases and 276,451 filed criminal cases. We anticipate the surcharge could be up to approximately \$4,406,040 ( $164,153 + 276,451 = 440,604 * \$10 = \$4,406,040$ ).

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

§§488.2244 and 488.2257

Officials from the **Office of the State Courts Administrator (OSCA)** assume §488.2244 of the proposal provides Jasper County shall collect a surcharge of ten dollars for civil cases filed, twenty-five dollars for misdemeanor cases filed and fifty dollars for felony criminal cases filed.

Based on FY 2014 there were 501 filed civil cases, 3,226 filed associate civil – small claims, 1,515 probate and simple probate cases, 1,331 filed misdemeanor criminal cases and 865 filed felony criminal cases. We anticipate the surcharge would be approximately \$5,010 filed civil cases ( $501(\$10)=\$5,010$ ), \$32,260 filed associate civil – small claims ( $3,226(\$10)=\$32,260$ ); \$15,150 probate and simple probate cases ( $1,515(\$10)=\$15,150$ ), \$33,275 filed misdemeanor criminal cases ( $1,331(\$25)=\$33,275$ ) and \$43,250 felony criminal cases ( $865(\$50)=\$43,250$ ).

§488.2257 provides that Howell County shall collect a ten dollar surcharge in criminal cases to be used for a criminal justice center. Based on the average data from FY 2010 through FY 2014, there were approximately 3,949 filed guilty pleas. We anticipate the surcharge would be approximately \$39,490 in any given year.

**Oversight** assumes the surcharges from both sections are being paid by the defendant and will therefore have no fiscal impact to the state from this legislation.

In response to similar legislation this year for §488.2257, HB 183, officials at **Howell County** assumed a projected income of \$60,000 with no or nominal expense to the county.



ASSUMPTION (continued)

**Oversight** assumes that once §488.2257 has passed, collection of the additional court costs can take place immediately. An action by the governing authorities in Howell County will need to approve a plan for the justice center and then begin the process of construction. Oversight assumes there will be several years of collection of the additional court costs that will take place before the expenditures will start to show for the justice center. Therefore, Oversight will reflect a \$0 cost for Howell County since the expenditures will be outside of this fiscal note period. Once the expenditures take place, the distribution of income and cost should net to zero.

Officials at the City of West Plains did not respond to **Oversight's** request for fiscal impact.

In response to similar legislation this year, SCS for HCS for HB 807, officials at the **Office of the State Treasurer** assume no fiscal impact from this proposal.

Officials at the following counties: Bollinger, Cape Girardeau, Christian, Cole, Jasper, Maries, Montgomery, New Madrid, Ozark, Perry, Pulaski, St. Francois and Wayne did not respond to **Oversight's** request for fiscal impact.

§488.2265 (SA 3)

In response to similar legislation from 2014, TAFP SCS for HB 1238, officials at the **Office of the State Courts Administrator** assumed 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.

**Oversight** assumes this bill has similar language for the Justice Center Fund, however it represents a different county. The county in this case is Cole County. Since Oversight did not have the information on the number of violations for this county, Oversight will assume an Unknown revenue impact for Cole County and offset the revenue with transfers out of the same about to the Justice Center Fund. The net impact will be zero. Also, Oversight will reflect a positive unknown revenue impact for Cole County in local political subdivisions.

ASSUMPTION (continued)

§600.042

In response to a previous version, officials from the **Office of the State Public Defender (SPD)** stated this bill postpones the required implementation date for public defender district offices to realign themselves concurrently with judicial circuits until after the 2020 realignment of judicial circuits authorized under Section 478.073, avoiding the likelihood that SPD would realign its offices to match existing judicial circuits by 2018 only to have to re-do those efforts two years later.

The SPD has 33 trial district offices serving 45 judicial circuits and 115 counties. By statute, office space for these district offices is provided and paid for by the counties served by that district office, each county paying a proportion of the total rent and utilities according to comparative population. Each time the geographic boundaries of a defender office's area of service are changed, the leases which the counties have signed and the respective payment obligations of all the counties involved, are also impacted. Because of the significant complications involved in realignment of offices, avoiding the necessity of back to back realignments makes fiscal and operational sense.

As stated by the SPD above, without this bill several office realignments may need to occur in 2018, which is shortly before the 2020 realignment of judicial circuits occurs (as authorized under Section 478.073). Therefore, **Oversight** concurs that this proposal may, in effect, save money for the state's SPD as well as the counties who help support them. It is not possible to measure the amount of potential savings to the state and counties until the details of the 2020 realignment are available.

For example, as part of the report submitted to fulfill requirements of Section 600.042, the SPD stated that currently there is a PD District office in Callaway County (Fulton). Callaway County is currently part of the 13th Judicial Circuit along with Boone County. A PD District Office already exists in Columbia, so the office in Fulton will need to move to another location within the 12th Judicial Circuit (currently Audrain, Montgomery and Warren Counties). However, the 2020 realignment may possibly move Callaway County out of the 13th Judicial Circuit and into the 12th Judicial Circuit, which could allow the PD District Office to be moved back to Fulton.

At the very least, this bill will delay the expense of implementing the SPD office realignments from 2018 to 2021.

ASSUMPTION (continued)

For purposes of this fiscal note, **Oversight** will reflect a savings of More than \$100,000 in FY 2018 to the state as well as local political subdivisions, as the SPD realignment will be delayed until after the 2020 realignment of judicial circuits. In some cases, the costs may simply be delayed until 2020; however, in some cases, a cost avoidance (of moving twice in three years) may occur.

Officials at the **Office of Administration's Division of Accounting** assume no fiscal impact from this proposal.

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

In response to a previous version, officials from the **Office of the State Courts Administrator** assumed the proposal would not fiscally impact their agency.

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

Bill as a whole

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

Officials at the **Office of the State Treasurer**, the **Office of Prosecution Services**, the **Office of Administration Division of Accounting** and the **Department of Mental Health** each assume no fiscal impact to their respective agencies from this proposal.

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

Officials at the **City of Columbia** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Kansas City** assume no fiscal impact from this proposal.

| <u>FISCAL IMPACT - State Government</u>   | FY 2016<br>(10 Mo.)                              | FY 2017   | FY 2018  |
|---|--|---|--|
| <b>GENERAL REVENUE</b>  |  |   |  |
| <u>Costs - OSCA</u>   |  |   |  |
| Personal Service  | \$0  | (\$143,095)   | (\$286,189)  |
| Fringe Benefits   | \$0  | (\$78,701)  | (\$157,401)  |
|   |  | (\$106,650 to   |  |
| Equipment and Expense   | <u>\$0</u>                                       | <u>\$506,650</u>  | <u>(\$1,663)</u>                                   |
| <u>Total Costs - OSCA</u> (§§478.011,<br>478.170, 478.188, 478.191, 478.740)                                | <u>\$0</u>                                       | (\$328,446 to<br><u>\$728,446</u> )                         | <u>(\$445,253)</u>                                 |
| FTE Change - OSCA   | 0 FTE  | 4 FTE   | 4 FTE  |
| <br><u>Cost Avoidance and/or Cost Delaying -</u>  |  |   |  |
| SPD - delaying the realignment of SPD<br>offices until after the judicial circuit<br>realignment (§600.042) | \$0  | \$0   | More than<br>\$100,000                             |
| <br><u>Cost - St. Louis County and 31<sup>st</sup> Circuit</u>  |  |   |  |
| additional judicial positions (§478.330)  | (\$675,264)                                      | (\$1,350,528)   | (\$1,688,160)                                      |
| FTE Change - St. Louis County<br>and 31 <sup>st</sup> Circuit   | 4 FTE  | 8 FTE   | 10 FTE   |
| <br><u>Cost - OSCA - Circuit Court Marshall for</u>   |  |   |  |
| Callaway County (§476.083)  | <u>(Up to \$81,399)</u>                          | <u>(Up to \$81,399)</u>                                     | <u>(Up to \$81,399)</u>                            |
| FTE Change - OSCA   | 1 FTE  | 1 FTE   | 1 FTE  |
| <br><b>ESTIMATED NET EFFECT ON</b>  |  |   |  |
| <b>GENERAL REVENUE</b>  | <b><u>(Up to</u></b><br><b><u>\$756,663)</u></b> | <b><u>(\$1,760,373 to</u></b><br><b><u>\$2,160,373)</u></b> | <b><u>(Up to</u></b><br><b><u>\$2,114,812)</u></b> |
| <br>Estimated Net FTE Change for General<br>Revenue   |  |   |  |
|   | 5 FTE  | 13 FTE  | 15 FTE   |

| <u>FISCAL IMPACT - State Government</u><br>(continued)   | FY 2016<br>(10 Mo.)          | FY 2017                      | FY 2018                      |
|--|------------------------------|------------------------------|------------------------------|
| <b>JUSTICE CENTER FUND</b>   |                              |                              |                              |
| <u>Revenue</u> - \$10 surcharge on cases in the<br>31 <sup>st</sup> Judicial Circuit (§488.2206) | Up to<br>\$4,406,040         | Up to<br>\$4,406,040         | Up to<br>\$4,406,040         |
| <u>Transfers Out</u> - to Greene County<br>(§488.2206)   | (Up to<br>\$4,406,040)       | (Up to<br>\$4,406,040)       | (Up to<br>\$4,406,040)       |
| <u>Revenue</u> - \$10 surcharge on cases in Cole<br>County (§488.2265)                           | Unknown                      | Unknown                      | Unknown                      |
| <u>Transfers Out</u> - to Cole County<br>(§488.2265)   | <u>(Unknown)</u>             | <u>(Unknown)</u>             | <u>(Unknown)</u>             |
| <b>ESTIMATED NET EFFECT ON<br/>JUSTICE CENTER FUND</b>   | <b><u>\$0</u></b>            | <b><u>\$0</u></b>            | <b><u>\$0</u></b>            |
| <b>JASPER COUNTY JUDICIAL FUND</b>   |                              |                              |                              |
| <u>Revenue</u> - \$10 surcharge on cases in the<br>29 <sup>th</sup> Judicial Circuit (§488.2244) | Up to \$128,945              | Up to \$128,945              | Up to \$128,945              |
| <u>Transfers Out</u> - to Jasper County<br>(§488.2244)   | (Up to<br><u>\$128,945</u> ) | (Up to<br><u>\$128,945</u> ) | (Up to<br><u>\$128,945</u> ) |
| <b>ESTIMATED NET EFFECT ON<br/>JASPER COUNTY JUDICIAL FUND</b>                                   | <b><u>\$0</u></b>            | <b><u>\$0</u></b>            | <b><u>\$0</u></b>            |

| <u>FISCAL IMPACT - Local Government</u>  | <u>FY 2016</u><br><u>(10 Mo.)</u>      | <u>FY 2017</u>                      | <u>FY 2018</u>                      |
|--|--|-------------------------------------|-------------------------------------|
| <b>LOCAL POLITICAL SUBDIVISIONS</b>  |  |                                     |                                     |
| <u>Cost</u> - Christian and Taney Counties - additional court staffing from this proposal and county retirement plan (§§478.011, 478.170, 478.188, 478.191, 478.740) | \$0                                    | (\$79,500 to Unknown)               | (\$159,000 to Unknown)              |
| <u>Revenue</u> - Jasper County (§488.2244) - surcharge on cases in judicial circuit  | Up to \$128,945                        | Up to \$128,945                     | Up to \$128,945                     |
| <u>Revenue</u> - Howell County - surcharge for criminal justice center (§488.2257)   | Less than \$50,000                     | Less than \$60,000                  | Less than \$60,000                  |
| <u>Revenue</u> - Cole County - surcharge of \$10 on criminal cases and traffic cases (§488.2265)   | Unknown                                | Unknown                             | Unknown                             |
| <u>Cost Avoidance and/or Cost Delaying</u> - SPD - delaying the realignment of SPD offices until after the judicial circuit realignment (§600.042)                   | \$0                                    | \$0                                 | More than \$100,000                 |
| <u>Revenue</u> - Greene County (§488.2206)   | Up to <u>\$4,406,040</u>               | Up to <u>\$4,406,040</u>            | Up to <u>\$4,406,040</u>            |
| <b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>  | <b>Greater than <u>\$4,584,985</u></b> | <b>Less than <u>\$4,515,485</u></b> | <b>Less than <u>\$4,535,985</u></b> |

FISCAL IMPACT - Small Business

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

## FISCAL DESCRIPTION

### §67.320

This authorizes Buchanan County to prosecute and punish violations of its county orders in the circuit court.

### §476.083

This allows the presiding judge of a circuit with a diagnostic and reception center or mental health facility which houses individuals found not guilty by reason of mental disease or defect and provides sex offender rehabilitation and treatment services to appoint a court marshal.

### §478.330

This act provides that when an annual judicial performance report indicates for three consecutive years that a judicial circuit with a population of one hundred thousand people or more is in need of four or more full-time judicial positions then, subject to appropriations, there shall be one additional circuit judge position authorized in that circuit. The act also repeals sections of law referencing the appointment of a janitor-messenger in the circuit court of the City of St. Louis.

### §479.155

This requires, by September 1, 2015, the presiding judge of each municipal division of a circuit court to report its name and address and any other requested information to the clerk of the supreme court. If a municipality elects to abolish or establish a municipal division, the presiding judge of the municipal division must report the dissolution or establishment to the clerk of the supreme court.

### §§488.2244, 488.2257

This proposal creates in the state treasury the "Jasper County Judicial Fund". The moneys shall be used to pay for the costs associated with the purchase, lease, and operation of a county juvenile center and county judicial facility.

This proposal also provides that the court shall, upon adoption of an ordinance, assess a surcharge of up to ten dollars for civil and criminal cases filed in Howell County. The surcharge shall not be assessed when the case has been dismissed or if the court costs are to be paid by the state, county, or municipality. The money collected shall be used by the county to pay for the land assemblage and purchase, construction, maintenance, and upkeep of a county justice center.

Finally, this proposal also provides a surcharge of one dollar to be assessed as costs in each court proceeding filed in any court in the state located in a regional juvenile detention district.

FISCAL DESCRIPTION (continued)

§600.042

Current law allows the director of the Missouri State Public Defender System to delegate the legal representation of any person to any licensed attorney. This act specifies that the director can delegate the legal representation of people who are eligible for representation by the Public Defender System.

In addition, current law allows unexpended funds of up to \$150,000 to remain in the Legal Defense and Defender Fund at the end of the fiscal year. This act removes the cap, so all unexpended money remains in the fund.

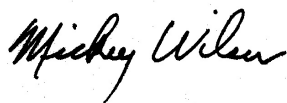
Under current law, the director of the State Public Defender System must implement a plan to establish district offices that align with judicial circuit boundaries by December 31, 2018. This proposal extends the date of implementation to December 31, 2021.

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 Corrections  
Department of Mental Health  
City of Kansas City  
City of Columbia  
City of O'Fallon  
Missouri State Employees' Retirement System  
Christian County  
Taney County  
St. Louis County  
City of Jefferson  
Howell County  
Office of the State Treasurer  
Office of the State Public Defender  
Office of Prosecution Services  
Office of Administration  
    Division of Accounting  
Office of the Attorney General



Mickey Wilson, CPA  
Director  
May 6, 2015

Ross Strobe  
Assistant Director  
May 6, 2015