

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0535-06
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SS for SCS for SB 67
Subject: Courts
Type: Original
Date: June 4, 2015

Bill Summary: This proposal modifies provisions related to court costs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Up to \$81,399)	(Up to \$81,399)	(Up to \$81,399)
Total Estimated Net Effect on General Revenue	(Up to \$81,399)	(Up to \$81,399)	(Up to \$81,399)

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

* Revenue and Transfers Out to Jasper County assumed to net to zero.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 12 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	Up to \$335,850	Up to \$403,020	Up to \$403,020

FISCAL ANALYSIS

ASSUMPTION

§67.320

Officials at the **Office of the State Courts Administrator** assume 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.

§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

§479.155

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation requires the presiding judge of circuit courts to report the existence of municipal courts in their circuit to the Clerk of the Supreme Court by September 1, 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.

In response to a previous version, officials at the **City of O'Fallon**, the **City of Kansas City** and the **City of Columbia** each assumed no fiscal impact to their respective entities from this proposal.

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)

§§488.2244, 488.2257, 488.2258

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. These fees are deposited at the treasury in the Jasper County Judicial Fund.

Based on FY 2014 there were 6,239 filed civil cases, 1,515 filed probate cases, 748 filed juvenile cases, 2,569 filed felony criminal cases and 5,182 filed misdemeanor cases. We anticipate the surcharge would be approximately \$62,390 filed civil cases ($6,239(\$10)=\$62,390$); \$7,480 for filed juvenile cases ($748(\$10)=\$7,480$); \$15,150 probate and simple probate cases ($1,515(\$10)=\$15,150$); \$128,450 felony criminal cases ($2,569(\$50)=\$128,450$); and \$129,550 filed misdemeanor criminal cases ($5,182(\$25)=\$129,550$).

§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.

§488.2258 provides a surcharge of one dollar assessed as costs in each court proceeding filed in any court in the state located in a regional juvenile detention district established under §211.500. The counties of Christian, Taney, Douglas, Ozark and Wright would be affected by this proposal. There were 20,446 filed court proceedings in fiscal year 2014. OSCA anticipates the surcharge would be approximately \$20,446 ($20,446 (\$1)=\$20,446$).

Officials at **Jasper County** assume from this proposal new fees and costs for the period of one year will generate \$100,000 in revenue with little significant cost to administer.

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

In response to a previous version, 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.

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

§§534.350, 535.030, 535.110, 535.160

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

In response to a previous version, officials at the **Cole County Sheriff's Department** and the **Boone County Sheriff's Department** each assumed no fiscal impact to their respective entities from this proposal.

Bill as a whole

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Public Defender**, the **Department of Mental Health**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Agriculture**, the **Department of Conservation**, the **Department of Revenue**, the **Office of Prosecution Services**, the **Department of Higher Education**, the **Office of the State Treasurer**, the **Department of Corrections**, the **Department of Health and Senior Services**, the **Department of Public Safety's Missouri Highway Patrol**, the **Missouri State Employees Retirement System** and the **Office of Administration's Division of Accounting** and the **Division of General Services** each assume no fiscal impact to their respective agencies from this proposal.

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

ASSUMPTION (continued)

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

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017	FY 2018
	(10 Mo.)		

GENERAL REVENUE

<u>Cost - OSCA - Circuit Court Marshall for Callaway County (\$476.083)</u>	<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

ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>	<u>(Up to \$81,399)</u>
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Estimated Net FTE Change for General Revenue	1 FTE	1 FTE	1 FTE
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JASPER COUNTY JUDICIAL FUND

<u>Revenue - surcharges on cases in the 29th Judicial Circuit (\$488.2244)</u>	Up to \$285,850	Up to \$343,020	Up to \$343,020
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<u>Transfers Out - to Jasper County (\$488.2244)</u>	<u>(Up to \$285,850)</u>	<u>(Up to \$343,020)</u>	<u>(Up to \$343,020)</u>
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ESTIMATED NET EFFECT TO THE JASPER COUNTY JUDICIAL FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Local Government

FY 2016
(10 Mo.)

FY 2017

FY 2018

LOCAL POLITICAL SUBDIVISIONS

Revenue - Jasper County - §488.2444 -
surcharge on cases in judicial circuit

Up to \$285,850

Up to \$343,020

Up to \$343,020

Revenue - Howell County - §488.2257
surcharge for criminal justice center and
any court located in a specific regional
juvenile detention district §488.2258

Less than
\$50,000

Less than
\$60,000

Less than
\$60,000

ESTIMATED NET EFFECT ON

LOCAL POLITICAL SUBDIVISIONS

Up to \$335,850

Up to \$403,020

Up to \$403,020

FISCAL IMPACT - Small Business

Small business landlords could be impacted by this proposal.

FISCAL DESCRIPTION

This act modifies provisions of law regarding the establishment of a county municipal court in Buchanan County, the appointment of a court marshal in circuits with a SORTS facility, municipal court reporting requirements, court surcharges, and landlord tenant proceedings.

BUCHANAN COUNTY MUNICIPAL COURT

The act provides that Buchanan County may prosecute violations of county orders in the circuit court or in a county municipal court if the creation of such court is approved by order of the county commission (67.320).

APPOINTMENT OF A CIRCUIT COURT MARSHAL

The act allows the presiding judge of any circuit containing a diagnostic and reception center operated by the Department of Corrections and a mental health facility operated by the Department of Mental Health which houses certain persons specified in the act to appoint a circuit court marshal (476.083).

MUNICIPAL COURT REPORTING REQUIREMENTS

By September 1, 2015, the presiding judge of a circuit court in which a municipal division is located shall report to the clerk of the Supreme Court the name and address of the municipal division and any other information regarding the municipal division requested by the clerk on a standardized form developed by the clerk. The presiding judge of a circuit shall also notify the clerk if a municipal division is abolished or established in the circuit, and the presiding judge of the new municipal division shall also report information to the clerk of the Supreme Court (479.155).

JASPER COUNTY JUDICIAL FUND

This act provides that cases filed in the Twenty-Ninth Judicial Circuit shall have an additional cost assessed. Civil cases shall be assessed a surcharge of ten dollars, misdemeanor criminal cases shall be assessed a surcharge of twenty-five dollars, and felony criminal cases shall be assessed a surcharge of fifty dollars. The judge may waive the assessment of the surcharge in cases where the defendant is determined to be indigent.

FISCAL DESCRIPTION (continued)

The money collected from such surcharge shall be placed in the Jasper County Judicial Fund and used to pay the costs associated with the purchase, lease, and operation of a county juvenile center and the county judicial facility in Jasper County (488.2244).

HOWELL COUNTY COURT SURCHARGE

This act provides that a surcharge of up to ten dollars may be collected in all civil and criminal proceedings, excluding violations of traffic laws or ordinances, filed in Howell County. In criminal cases the surcharge must first be authorized by a county or municipal order, ordinance, or resolution.

The moneys collected from the surcharge must be used for the costs associated with the land assemblage, construction, maintenance and operation of any county or municipal judicial facility. The county or municipality shall maintain a separate account known as the "justice center fund" which is limited to the uses specified in the act (488.2257).

REGIONAL JUVENILE DETENTION DISTRICT SURCHARGE

The act states that a surcharge of one dollar shall be assessed in each civil and criminal court proceeding filed in any court located in certain regional juvenile detention districts. The moneys collected from the surcharge shall be kept in an account called the "regional juvenile detention district fund," and shall be used to pay for the costs associated with the repair, maintenance, and operation of regional juvenile detention district facilities (488.2258). The provisions of this section will expire on August 28, 2025.

LANDLORD TENANT PROCEEDINGS

Currently, in unlawful detainer and forcible entry and detainer suits an execution of the judgment may be issued at any time after judgment, but the restoration of the property cannot occur until after the expiration of time allowed to file an appeal. This act provides that in these types of suits the judge shall not issue an execution of the judgment until ten days after the judgment. If an appeal is filed and the losing party posts an appeal bond, then the execution of the judgment shall be temporarily suspended while the appeal is pending (534.350).

The act moves the provision of law specifying that if it appears to the officer executing the judgment that the defendant is hindering or delaying the seizure of property then rents, profits, damages, and costs may be seized before the expiration of the time allowed for taking an appeal to a new section and repeals the current section of law (534.350).

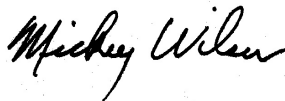
FISCAL DESCRIPTION (continued)

Currently, in rent and possession suits an appeal shall stay execution of the judgment if the defendant gives bond within ten days "after it becomes due." The act specifies that the bond must be deposited with the court within ten days after an entry of judgment (535.110).

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the State Treasurer
Department of Corrections
Department of Mental Health
City of Kansas City
City of Columbia
City of O'Fallon
Howell County
Cole County Sheriff's Department
Boone County Sheriff's Department
Missouri State Employees Retirement System
Office of Administration
 Division of Accounting
 Division of General Services
Department of Health and Senior Services
Department of Higher Education
Department of Revenue
Office of the Attorney General
Office of the State Public Defender
Department of Insurance, Financial Institutions and Professional Registration
Department of Agriculture
Department of Conservation
Office of Prosecution Services
Office of the State Treasurer
Department of Public Safety
 Missouri Highway Patrol
Jasper County
St. Francois County



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