

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0252-02
Bill No.: SB 154
Subject: Crimes and Punishment; Courts; Judges; Victims of Crime
Type: Original
Date: January 26, 2017

Bill Summary: This proposal establishes and defines restorative justice conferences.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Restorative Justice Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

*Fees & Expenditures of approximately \$650,000 annually net to zero.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

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 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Revenue (DOR)** assume \$488,100 provides for one dollar assessed costs from the courts on all civil and criminal cases involving violations of municipal or county ordinances. The legislation requires the DOR to deposit all amounts collected under this section to the Restorative Justice Fund (\$559,021). The administrative impact to the Excise Tax area would require changes in the SAGE accounting software. There is a potential for this legislation to create a large number of payments. Excise Tax requires one Revenue Processing Technician I (\$24,360 annually) for every 2,000 payments received annually.

In summary, the following costs would be associated with a Revenue Processing Technician I:

2018	\$43,030
2019	\$43,407
2020	\$43,754

Oversight assumes current DOR staff could absorb the additional workload resulting from this proposal. If, however, the number of payments received reach the numbers estimated by the DOR, the department could seek additional funding through the appropriations process.

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation establishes and defines restorative justice conferences. 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 State Treasurer**, the **Department of Social Services**, the **Department of Corrections** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Callaway County Commission**, the **City of Kansas City** and the **City of Columbia** each assume no fiscal impact to their respective entities from this proposal.

Oversight inquired OSCA about estimating the number of civil/criminal cases per year that could be affected from this proposal. OSCA could not provide an estimate. Oversight also inquired OSCA if they had a Statewide Court Automation Fund Fee Collection Report and if the \$4,418,843 in receipts on the Fund Activity Report from the Office of the State Treasurer for the Statewide Court Automation Fund was correct for year ending June 30, 2016. OSCA does not have a Statewide Court Automation Fund Fee Collection Report and acknowledged that the amount represented receipts from the imposed \$7 fee.

ASSUMPTION (continued)

Oversight assumes this proposal uses similar language provided in §488.027 for the Statewide Court Automation Fund. According to the Office of the State Treasurer's Fund Activity Report, the following are the receipts of the Statewide Court Automation Fund for the last 3 years:

FY 2016 = \$4,418,844

FY 2015 = \$4,660,309

FY 2014 = \$4,539,522

A 3 year average of these amounts would be \$4,539,558. The Court Automation Fund Fee is \$7. By dividing the 3 year average by the fee amount, this will equal 648,508 transactions done by the courts each year. Applying the \$1 fee for the Restorative Justice Fund, Oversight will reflect revenues from fees up to \$648,508 per year.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, Daviess, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Louis, St. Francois, Taney, Warren, Wayne, Webster 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, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Peculiar, Pineville, 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.

This proposal will increase Total State Revenues.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
RESTORATIVE JUSTICE FUND			
<u>Income</u> - filing fee of \$1 on civil and criminal cases	Up to \$540,423	Up to \$648,508	Up to \$648,508
<u>Costs</u> - program expenses	(Up to <u>\$540,423</u>)	(Up to <u>\$648,508</u>)	(Up to <u>\$648,508</u>)
ESTIMATED NET EFFECT ON RESTORATIVE JUSTICE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

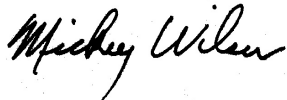
This act creates a procedure by which criminal offenders may participate in a restorative justice process as a condition of probation, and describes the rights and responsibilities of offenders, victims, and other participants in the process. The restorative justice process includes discussion facilitated by a court-appointed mediator between the offender and the victim, victim's representatives and supporters. Offenders are not eligible to participate in the restorative justice process if they are convicted of crimes requiring registry as a sexual offender, or crimes involving domestic violence, stalking, or violating an order of protection.

The act also creates the "Restorative Justice Fund" and imposes a filing fee of one dollar in most civil and criminal cases for deposit in the fund.

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 Revenue
Office of the State Courts Administrator
Office of the State Treasurer
Department of Social Services
Department of Corrections
Office of Prosecution Services
Callaway County Commission
City of Kansas City
City of Columbia



Mickey Wilson, CPA
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January 26, 2017

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January 26, 2017