

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0653-02
Bill No.: SCS for SB 169
Subject: Courts; Civil and Criminal Procedure
Type: Original
Date: March 23, 2017

Bill Summary: This proposal modifies provisions relating to the cost of a court reporter to prepare transcripts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue*	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

*Depending on fee change (if any)

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

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 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*	(Unknown)	(Unknown)	(Unknown)

*Depending on fee change (if any)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (MSPD)** assume this proposal relates to fees paid to court reporters. The current law, §488.2250, sets the rate for appeal transcripts or proceedings in any circuit court. This would be \$3.50 per page, except for in forma pauperis appeal transcripts which are \$2.60 per page. The proposed change would set the rate only for appeal transcripts or no change in rate.

Court reporters would not be regulated in what they charge for transcripts of hearings, daily transcripts of trials, etc. The proposal would allow court reporters to charge whatever the market will bear except for appeal transcripts. Presumably, costs would go up to MSPD and other litigants. There would be a significant fiscal impact as MSPD frequently orders court transcripts for purposes other than appeal. For trial preparation, MSPD frequently orders transcripts of proceedings such as:

- preliminary hearings
- suppression hearings
- 491 hearings on admissibility of hearsay statements of alleged child sex victims
- trial transcripts when a first trial ended in a hung jury
- transcripts of a co-defendant's trial, etc

As the amount a court reporter will charge for these items will no longer be set by statute, and it is unknown what the court reporter will charge, it is impossible to place a firm fixed cost on this proposed legislation. Historically speaking, this proposal could cost MSPD more than \$100,000. The increase in costs of this proposal would limit the MSPD's ability to meet its other core responsibilities.

Officials at the **Callaway County Commission** assume an unknown impact from this proposal.

Officials at **Boone County** assume a cost of less than \$100,000 for this proposal.

Officials at the **City of Kansas City** assume this proposal may have a negative fiscal impact on the City in an indeterminate amount. The City assumes the cost of court transcripts from Circuit Court clerks could increase.

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation modifies provisions relating to the cost of a court reporter to prepare transcripts. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

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 Prosecution Services** 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.

Oversight notes FY 2013, Truly Agreed To and Finally Passed CCS for HCS for SB 100, was the last time the court fee rate was changed for transcripts from court reporters. Officials from OSCA stated the rate changed from \$2.00 per page to \$3.50 per page and \$2.60 for indigents. OSCA responded with a fiscal impact of less than \$100,000. Because this proposal does not set the rate in statute for hearings, daily transcripts of trial, etc., the fiscal impact could be significant for both state and local political subdivisions. Therefore, Oversight will reflect a negative fiscal impact that could exceed \$100,000 for MSPD and a negative unknown fiscal impact to local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Costs</u> - MSPD - Potential increase in court reporter fees	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE*	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
*Depending on fee change (if any)			

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost</u> - increase in court reporter fees from municipal courts	(<u>Unknown</u>)	(<u>Unknown</u>)	(<u>Unknown</u>)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS*	(<u>Unknown</u>)	(<u>Unknown</u>)	(<u>Unknown</u>)
*Depending on fee change (if any)			

FISCAL IMPACT - Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal.

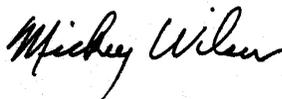
FISCAL DESCRIPTION

This bill repeals provisions of law that specify that court reporters shall receive \$3.50 per page in proceedings in any circuit court. Also, the bill repeals the provision specifying that the court reporter is to be reimbursed three dollars and fifty cents per legal page for the preparation of transcripts.

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 Attorney General
Office of the State Public Defender
Office of the State Courts Administrator
Office of Prosecution Services
Callaway County Commission
Boone County
City of Kansas City
St. Louis County



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Director
March 23, 2017

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March 23, 2017