

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0795H.04C
 Bill No.: HCS for SCS for SB 103
 Subject: Boards, Commissions, Committees, and Councils; Courts; Fees; Children and Minors; County Officials; County Government; Crimes and Punishment; Identity Theft and Protection; Judges; Public Records, Public Meetings
 Type: Original
 Date: April 24, 2023

Bill Summary: This proposal modifies provisions relating to judicial proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue**/+/#	(Unknown, could exceed \$1,893,026)	(Unknown, could exceed \$2,260,884)	(Unknown, could exceed \$2,281,812)
Total Estimated Net Effect on General Revenue	(Unknown, could exceed \$1,893,026)	(Unknown, could exceed \$2,260,884)	(Unknown, could exceed \$2,281,812)

*The current appropriation (12.320) for the Statewide Court Automation program includes a \$2 million General Revenue supplement – which Oversight assumes will continue with this proposal.

**Oversight also assumes the Statewide Court Automation Fund will have no transfer of the unexpended balance to the General Revenue Fund after September 1, 2023 as currently required in §476.055.1 RSMo. Oversight notes the balance for Fund 0270 at March 31, 2023 was \$4,702,311.

+Oversight assumes the bill clarifies the pay raises Court Reporters received (or were supposed to receive) on January 1, 2022, from HB 271 (2021). In the fiscal note for HB 271, Oversight assumed the pay increases, based on length of employment (5.25%, 8.25%, 8.50% & 8.75%), would be compounded (as they are specified in this bill). In that fiscal note, Oversight made the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 21+ years of service and therefore reflected an annual cost of approximately \$2 million to the General Revenue Fund for these raises. **Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which Oversight does not have) for the court reporters.**

++Oversight notes this proposal repeals (§488.650) the \$250 surcharge the state is currently allowed to collect under §488.650 to file a petition for expungement. Oversight assumes losses due to the proposal could reach the \$250,000 threshold.

#Oversight is unclear on how many claims could occur against a state employee for violating this proposal (476.1308). Oversight assumes the cost would not reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Statewide Court Automation Fund (0270)	\$1,175,595	\$1,410,714	\$1,410,714
Legal Expense Fund**	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$1,175,595	\$1,410,714	\$1,410,714

**Indicates numbers that net to zero. Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
State Court Automation Fund (0270)*	34 FTE	34 FTE	34 FTE
Total Estimated Net Effect on FTE	34 FTE	34 FTE	34 FTE

*Oversight notes these are a **continuation of current positions** and this bill simply removes the sunset of the Statewide Court Automation fund (and the funding of these positions)

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§476.055 – Statewide Court Automation Fund

In response to a previous version, officials from the **Office of the State Courts Administrator (OSCA)** assumed this proposal extends the expiration dates for provisions relating to the Statewide Court Automation Fund. The Statewide Court Automation Fund’s annual appropriation is approximately \$6.6 million and 34 FTE.

In response to a previous version, officials from the **Office of the State Public Defender** and the **Missouri Office of Prosecution Services** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes the Statewide Court Automation Fund is a statutorily created fund and was created to build and sustain "an integrated court system that renders geography largely irrelevant...with greater efficiency, wider access, and enhanced accountability" for the litigant and taxpayer. This plan includes installation and ongoing development of Show-Me Courts, Show-Me Jury, Case.net, eFiling, Track This Case, Pay-By-Web, eBench, and other software packages. The fund is set to expire September 1, 2023.

The fund has a court fee of \$7 per case and has received the following receipts during FY19 – FY22:

STATEWIDE COURT AUTOMATION FUND (0270)	
	<u>Receipts</u>
FY 19	\$ 4,205,465
FY 20	\$ 3,889,127
FY 21	\$ 3,632,708
FY 22	\$ 4,500,815
Total	\$ 16,228,115
4 year average	\$ 4,057,029
Source: State Treasurer Fund Activity Reports	

Oversight notes the appropriation for the Statewide Court Automation program is made up of General Revenue Funds and funds from the Statewide Court Automation Fund. Below is a history of the expended funds for the last three fiscal years:

STATEWIDE COURT AUTOMATION				
	<u>Appropriation</u>	<u>General Revenue</u>	<u>Statewide Court Automation Fund</u>	<u>Unexpended Fund</u>
FY 20	\$ 7,276,217	\$ 2,000,000	\$ 3,269,800	\$ 2,006,417
FY 21	\$ 7,302,126	\$ 2,000,000	\$ 2,330,611	\$ 2,971,515
FY 22	\$ 7,336,965	\$ 2,000,000	\$ 2,338,534	\$ 2,998,431
Average	\$ 7,305,103	\$ 2,000,000	\$ 2,646,315	\$ 2,658,788
Source: FY 24 OSCA Budget Requests Book				

Oversight notes this proposal will remove the sunset and extend the revenue and expenditures for the fund. Therefore, Oversight will use the average amount, from the tables above, to reflect the fiscal impact for this fund.

The appropriations for the Statewide Court Automation Fund includes 34 FTEs. **Oversight** assumes the 34 FTEs will also continue to be funded through the Statewide Court Automation program.

§§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 - Judicial Privacy Act

Officials from the **Department of Corrections (DOC)** assume §565.240 is modified to include posting personal information about judicial officers and their family members on the internet as a class D felony offense. These actions are considered a nonviolent class D felony offense; therefore, the intent of the bill is to create a new class D felony offense.

For each new nonviolent class D felony, the DOC estimates three people could be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the DOC is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2028.

Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
Change (After Legislation - Current Law)										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
Cumulative Populations										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
Impact										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
Population Change	8	16	24	27	30	30	30	30	30	30

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	Change to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	3	(\$9,499)	(\$23,748)	0	\$0	5	(\$23,748)
Year 2	6	(\$9,499)	(\$58,134)	0	\$0	10	(\$58,134)
Year 3	8	(\$9,499)	(\$79,062)	0	\$0	16	(\$79,062)
Year 4	8	(\$9,499)	(\$80,643)	0	\$0	19	(\$80,643)
Year 5	8	(\$9,499)	(\$82,256)	0	\$0	22	(\$82,256)
Year 6	8	(\$9,499)	(\$83,901)	0	\$0	22	(\$83,901)
Year 7	8	(\$9,499)	(\$85,579)	0	\$0	22	(\$85,579)
Year 8	8	(\$9,499)	(\$87,291)	0	\$0	22	(\$87,291)
Year 9	8	(\$9,499)	(\$89,037)	0	\$0	22	(\$89,037)
Year 10	8	(\$9,499)	(\$90,817)	0	\$0	22	(\$90,817)

* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is

1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

Officials from the **Department of Revenue (DOR)** assume the following:

Administrative Impact

To implement the proposed change, the DOR would be required to:

- Project development and oversight tasks;
- Coordinate with the Missouri Supreme Court to develop requirements for the data file specifications for electronic transfer of data;
- OA-ITSD to develop a secure process that is a format compatible with the Missouri Supreme Court system for the court to send the request with personal information attached;
- Complete programming and user acceptance testing of MODL to verify file transfer from Missouri Supreme Court and update confidential record indicators as required to restrict release of information;
- OA-ITSD Test the file generation and secure transfer process to ensure all required data elements are received as required;
- Obtain format and procedure approvals from Missouri Supreme Court as applicable;
- Test file transfer process, record updates, record sales and law enforcement inquiries to ensure accurate handling of these newly restricted record types;
- Update policies and procedures;
- Update forms, manuals, and the DOR website;
- Complete training as required.

FY2024-Driver License Bureau
Research/Data Analyst 80 hrs. @ \$25.63 =\$2,050
Administrative Manager 60 hrs. @ \$27.82 =\$1,669
Total \$3,719

FY 2024-Public Service Bureau
Associate Research/Data Analyst 20 hrs. @ \$17.20 = \$344

Total \$4,063

MVB:
Chapters in 476

• This bill creates the “Judicial Privacy Act,” which functions as a way for judges to request that their personal information not be posted or released. Judicial officers have to make a written request either directly to each agency, person, business, or association; or file through a clerk of the Supreme Court, asking them to refrain from disclosing the judicial officer’s personal information. The bill also requires that no one uses a judicial officer’s personal information in any way for the purposes of tampering with a judicial officer; being guilty of which would result in a class D felony.

Administrative Impact

To implement the proposed legislation the DOR will be required to:

- Update procedures, correspondence letters and the DOR website;
- Update the Missouri Titling Manual and Forms;
- Send Communications to License offices and other Contracted stakeholders; and
- Train Staff

FY 2023 – Motor Vehicle Bureau
Associate Research/Data Analyst 40 hrs. @ \$19.90/hr. = \$796.00
Lead Administrative Support Asst. 20 Hrs @ \$17.05 = \$341.00
Administrative Manager 5 Hrs @ \$26.96 = \$134.80

FY 2024 – Strategy and Communications Office
Associate Research/Data Analyst 20 hrs. @ \$19.90/hr. = \$ 398

Total Cost = \$1,669.80

DOR anticipates absorbing these costs and that there will be minimal impact. If multiple bills are passed that require DOR resources, FTE may be requested through the appropriations process.

Based on the assumption that the eligible record holders will be updated through a secure file process and not by processing of individual applications, the DOR does not expect to require additional FTE. The volume of potential individual requests for removal is unknown. If the volume of request increases beyond current staffing abilities, the DOR will be required to request appropriations for FTE.

The fiscal impact estimate in this response is based on changes in the current MO Driver License System environment. The DOR is pursuing an upgraded Motor Vehicle and Driver Licensing system and to reduce duplicative development and reduce cost the sponsor may want to consider an delayed effective date that would allow the proposed changes be developed within the new proposed environment.

Oversight notes DOR anticipates having a one-time IT cost of \$33,653 for 354.24 hours of work at \$95 per hour in FY 2024.

Oversight is unclear on the timeframe for updating DOR's Motor Vehicle and Driver Licensing software system and will, therefore, reflect costs estimates as provided by DOR as if the changes were implemented starting in FY24.

Officials from the **Office of Administration (OA)** state this proposal provides restrictions on the use of a judicial officer's personal information and establishes civil remedies for violation, including costs and attorney fees. These provisions have the potential to increase costs to the Legal Expense Fund (LEF) if a claim were successfully brought against a state employee for violation of this legislation.

Oversight does not have information to the contrary and therefore, Oversight will reflect a \$0 to unknown cost to General Revenue (as reimbursement to the Legal Expense Fund) and the LEF as provided by the OA.

Officials from the **Howell County Assessor's Office** assume there will be an initial cost to implement the provisions of this proposal and an ongoing cost to maintain the provisions. An estimate for programming could be \$5,000 to \$10,000 initially and up to \$2,500 per year after implementation.

Oversight assumes the Howell County Assessor's Office is provided with core funding to handle a certain amount of activity each year. Oversight assumes the Howell County Assessor's Office could absorb the costs related to this proposal.

In response to similar legislation from this year, SS for SCS for SB 72, officials from the **Office of the State Courts Administrator** assumed 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 similar legislation from this year, SS for SCS for SB 72, officials from the **Department of Labor and Industrial Relations, the Department of Public Safety (Capitol Police, Missouri Veterans Commission), the Missouri Department of Conservation, the Department of Transportation, the Petroleum Storage Tank Insurance Fund, the Christian County Auditor's Office, the St. Joseph Police Department, the Rock Community FPD Retirement Plan, the St. Charles Community College, the Office of the Governor, the Office of the Lieutenant Governor, the Kansas City Board of Elections, the Local Government Employees Retirement System, the Blackwater Reorganized Common Sewer District, the**

Little Blue Valley Sewer District, the Missouri Higher Education Loan Authority, the Metropolitan St. Louis Sewer District Employees Pension Plan, St. Louis City, the Cole Camp Ambulance District, the Office of the State Public Defender, the Missouri House of Representatives, the Jackson County Board of Elections, the Kansas City Police Department, the Kansas City Employees' Retirement System, the Kansas City Firefighter's Pension System, the Kansas City Supplemental Retirement Plan, the Sheriff's Retirement System, the Andrew County PWSO #2, the Morgan County PWSO #2, the Missouri Office of Prosecution Services, the Missouri State Employees Retirement System and the Hancock Street Light District each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§485.060 – Court Reporters Compensation

In response to a previous version, officials from the **Office of the State Courts Administrator (OSCA)** assumed the court reporters would receive an increase each time they meet a new level of service and calculated the fiscal impact as if each court reporter would reach the highest level of salary throughout their career (21 years or more) and would be increased to the highest annual salary level indicated. Based on 147 court reporters at current salary levels, the fiscal impact would be a cost of at least \$3,272,085 and up to \$8,604,946.

Oversight has requested additional information from the OSCA regarding their response to court reporter salaries. Upon the receipt of this information, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note if needed.

Oversight notes that the \$22,259.15 is the difference of the rate at the highest year of service (21+ years) less the base salary. OSCA used \$64,643 as a base salary. Oversight will assume court reporters will realize their increase in salary based on the schedule of the years of service:

Current salary		\$64,643
06-10 years of service (initial 5.25% raise)	-	\$68,037
11-15 years of service (...plus a 8.25% raise)	-	\$73,650
16-20 years of service (...plus a 8.50% raise)	-	\$79,910
21+ years of service (...plus a 8.75% raise)	-	\$86,902

Oversight notes officials from OSCA provided a previous listing of the current court reporters from 2021, but would not provide a start date (to calculate years of service) for each. Therefore, Oversight will make the assumption that the 147 court reporters are distributed evenly on the experience spectrum of 0 years to 21+ years of service.

Oversight reflected the following cost of the raises in 2021 fiscal note for TAFP HB 271:

	FY 2022 (6 months)	FY 2023	FY 2024
Personal Service	(\$691,224)	(\$1,432,687)	(\$1,533,165)
Fringe Benefits	(\$233,288)	(\$ 483,532)	(\$ 517,443)
Total Cost to General Revenue	(\$930,975)	(\$1,916,219)	\$2,050,608)

Oversight assumed a fringe benefit rate of roughly 33.75% for retirement, social security, long-term disability, basic life insurance, unemployment compensation, and workers' compensation. Oversight assumes medical insurance fringe benefit expense per employee would not be impacted.

Oversight notes the actual fiscal impact could vary greatly depending upon actual years of service (which Oversight does not have) for the court reporters.

Oversight notes it has already reflected the fiscal impact of these pay increases in the fiscal note for TAFP HB 271 in 2021, that were supposed to occur beginning January 1, 2022. Therefore, Oversight will make the assumption that this language is clarifying and therefore will not reflect an additional fiscal impact from this bill.

§488.650 – Repeals \$250 surcharge on expungements

Oversight notes the provisions of this proposal repeal the \$250 surcharge the state is currently allowed to collect under §488.650 to file a petition for expungement. Oversight contacted the MHP and was provided with the following number of expungements processed through the Patrol for the previous three (3) calendar years:

2020 – 797
2021 – 957
2022 – 678

For purposes of this fiscal note, Oversight will take an average of these three years ($797 + 957 + 678 = 2,432 / 3 = 811$) and will reflect the loss to General Revenue as could exceed (\$168,958) for FY 2024 (10 months) and could exceed (\$202,750) for subsequent years. Oversight notes these proceeds are payable to the General Revenue Fund.

In response to a previous version, officials from the **Missouri Department of Transportation**, the **Missouri Office of Prosecution Services**, the **Kansas City Police Department** and the **St. Joseph Police Department** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§509.520 – Court Pleadings, Attachments, and Exhibits

Officials from **Department of Corrections (DOC)** assume this section prohibits the court from including some personal identifying information in judgments or orders, therefore, making it difficult for staff to verify identity before individual can be accepted for incarceration. Due to the small number of minors received into the DOC, assume little to no impact on this section.

In response to similar legislation from this year, SS for SCS for SB 72, officials from the **Department of Public Safety (Missouri Veterans Commission)**, the **Office of the State Public Defender**, the **Missouri House of Representatives**, the **Jackson County Board of Elections**, the **Kansas City Police Department**, the **Kansas City Employees' Retirement System**, the **Kansas City Firefighter's Pension System**, the **Kansas City Supplemental Retirement Plan**, the **Metro St. Louis Sewer District Employees Pension Plan**, the **Sheriff's Retirement System**, the **Andrew County PWS #2**, the **Morgan County PWS #2**, the **Missouri Office of Prosecution Services**, the **Missouri State Employees Retirement System** and the **Hancock Street Light District** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Administration - Budget and Planning**, the **Department of Economic Development**, the **Department of Social Services**, the **Attorney General's Office**, the **Office of Administration - Administrative Hearing Commission**, the **Department of Commerce and Insurance**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety (Division of Alcohol and Tobacco Control, Fire Safety, Office of the Director, the Missouri Gaming Commission, Missouri Highway Patrol, State Emergency Management Agency)**, the **Missouri Department of Agriculture**, the **Missouri Ethics Commission**, the **Missouri National Guard**, the **MoDOT & Patrol Employees' Retirement System**, the **City of Kansas City**, the **City of Springfield**, the **St. Louis County Board of Elections**, the **Platte County Board of Elections**, the **Newton County Health Department**, the **St. Louis County Health Department**, the **Lincoln County Assessor**, the **Clay County Auditor**, the **Phelps County Sheriff**, the **Branson Police Department**, the **St. Louis County Police Department**, the **County Employees Retirement Fund**, the **Kansas City Public School Retirement System**, the **Public Education Employees' Retirement System**, the **South River Drainage District**, the **St. Charles County PWS #2**, the **Wayne County PWS #2**, the **Office of the State Auditor**, the **Joint Committee on Administrative Rules**, the **Joint Committee on Education**, the **Joint Committee on Public Employee Retirement**, **Legislative Research**, the **Oversight Division**, the **Missouri Senate**, the **Missouri Lottery**, **Missouri State University**, the **University of Central Missouri**, the **Missouri Consolidated Health Care Plan** and the **State Tax Commission** each assume the proposal will have no fiscal impact on their

respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. **The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.** However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Metropolitan St. Louis Sewer District** assume a minimal impact from this proposal.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local election authorities, county health departments, recorder of deeds, nursing homes, county assessors, county auditors, circuit clerks, county collectors, county prosecutors, county treasurers, county public administrators, local law enforcement, fire protection districts, ambulance districts, school districts, hospitals and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
GENERAL REVENUE			
<u>Cost – OSCA – continuation of expenditures §476.055 p.5</u>	(\$1,666,667)	(\$2,000,000)	(\$2,000,000)
<u>Cost – DOC - Increased incarceration costs §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p.6</u>	(\$23,748)	(\$58,134)	(\$79,062)
<u>Cost – DOR – One-time IT Costs §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p.9</u>			

	(\$33,653)	\$0	\$0
<u>Loss</u> – §488.650 - Repeal of \$250 expungement surcharge p.11	Could exceed (\$168,958)	Could exceed (\$202,750)	Could exceed (\$202,750)
<u>Cost</u> – OA – potential payout of claims to LEF against a state employee for violating this proposal §§476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313 & 565.240 p.9	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could exceed \$1,893,026)</u>	<u>(Unknown, could exceed \$2,260,884)</u>	<u>(Unknown, could exceed \$2,281,812)</u>
Estimated Net FTE Change on General Revenue	0 FTE	0 FTE	0 FTE
LEGAL EXPENSE FUND (0692)			
<u>Transfer In</u> – increase in appropriations to cover additional payouts §509.520 p. 9	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost</u> – OA – potential payout claims against a state employee for violating this proposal §509.520 p. 9	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LEGAL EXPENSE FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
STATEWIDE COURT AUTOMATION FUND (0270)			
<u>Revenue</u> – OSCA – continuation of receipts received from \$7 court fee (§476.055) p.4	\$3,380,858	\$4,057,029	\$4,057,029

<u>Cost – OSCA – continuation of expenditures (§476.055) p.5</u>	<u>(\$2,205,263)</u>	<u>(\$2,646,315)</u>	<u>(\$2,646,315)</u>
FTE Change (continuation) – OSCA p.5	34 FTE	34 FTE	34 FTE
ESTIMATED NET EFFECT ON THE STATEWIDE COURT AUTOMATION FUND	<u>\$1,175,595</u>	<u>\$1,410,714</u>	<u>\$1,410,714</u>
Estimated Net FTE Change (continuation) for the Statewide Court Automation Fund	34 FTE	34 FTE	34 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses which do not follow the provisions of the proposal could be fiscally affected and could be charged criminally.

FISCAL DESCRIPTION

§476.055 – Statewide Court Automation Fund

This act modifies provisions relating to court automation, including increasing the number of members of the Court Automation Committee and extending the expiration date of the provision regarding the court automation.

Currently, there are twenty-three members of the Court Automation Committee. This act increase the number of members to twenty-five by adding two employees who work full-time in a municipal division of a circuit court.

This act repeals the provision requiring the Court Automation Committee to complete its duties by September 1, 2025, and repeals the expiration date for the provision establishing the Statewide Court Automation Fund and the Court Automation Committee.

§485.060 – Court Reporters Compensation

This act modifies the annual salary of court reporters for a circuit judges by providing that the percentage based on each court reporter's cumulative years of service with the circuit courts shall include the percentage increases for the previous range of years of service. Additionally, this act repeals the provision stating that a court reporter may receive multiple adjustments as his or her years of service increase, but that only one percentage increase shall apply to the annual salary at a time.

JUDICIAL PRIVACY ACT (476.1300 to 476.1313)

This act establishes the "Judicial Privacy Act", which provides restrictions on the use of a judicial officer's personal information.

Upon receiving a written request, a government agency, as defined in the act, shall not publicly post or display a judicial officer's personal information in publicly available content, which includes documents or records that may be obtained by any person or entity, from the internet, upon request to the government agency, or in response to a request pursuant to the Missouri Sunshine Law or the federal Freedom of Information Act. A written request is a written or electronic notice signed by the judicial officer and submitted to the clerk of the Supreme Court of Missouri, or for a federal judicial to that judicial officer's clerk of the court, for transmittal to the government agency, person, business, or association.

Additionally, after receiving a written request, the government agency shall remove the judicial officer's personal information from publicly available content within five business days. After removal, the government agency shall not publicly post or display the information and such information shall be exempted from the Missouri Sunshine Law, unless the government agency has received written consent from the judicial officer to make the information available to the public. If a government agency fails to comply with a written request, the judicial officer may bring an action for injunctive or declaratory relief in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the court may award costs and reasonable attorney's fees to the judicial officer.

No person, business, or association shall publicly post or display on the internet content that includes a judicial officer's personal information, provided that the judicial officer has made a written request to the person, business, or association that it refrain from disclosing the personal information. Additionally, this act provides that no person, business, or association shall solicit, sell, or trade on the internet a judicial officer's personal information for purposes of harassing, intimidating, or influencing a judicial officer in violation of the offense of tampering with a judicial officer or with the intent to pose an imminent and serious threat to the health and safety of the judicial officer or the judicial officer's immediate family.

A person, business, or association shall have five business days to remove the judicial officer's personal information after receiving a written request. Additionally, after receiving a request, the person, business, or association shall continue to ensure that the judicial officer's personal information is not made available on any website controlled by the person, business, or

association and shall not make public through any medium the judicial officer's personal information to any other person, business, or association.

If a judicial officer's personal information is made public in violation of this act, the judicial officer may bring an injunctive or declaratory action in any court of competent jurisdiction. If the court grants injunctive or declaratory relief, the person, business, or association responsible for the violation shall be required to pay the judicial officer's costs and reasonable attorney's fees.

No government agency, person, business, or association shall have violated this act if the judicial officer fails to submit a written request calling for the protection of the officer's personal information. A written request shall be valid if the judicial officer sends a written request directly to a government agency, person, business, or association, or if the judicial officer complies with a Missouri Supreme Court rule for filing of a written request to the clerk of the Missouri Supreme Court or the clerk's designee to notify government agencies.

Each calendar quarter, the clerk of the Missouri Supreme Court shall provide a list of all state judicial officers who have submitted a request to the appropriate officer with ultimate supervisory authority for a government agency. The officer shall promptly provide a copy to all agencies under his or her supervision. Receipt of the clerk's written request list shall constitute a written request to the agency for purposes of this act.

Additionally, this act provides that the clerk of the court where the judicial officer serves may submit a written request on the judicial officer's behalf, provided that the judicial officer gives written consent to the clerk and provided that the clerk agrees to furnish a copy of that consent with the written request.

A judicial officer's written request shall specify what personal information shall be maintained as private. If a judicial officer wishes to identify a secondary residence as a home address, the designation shall be made in the written request. A judicial officer shall disclose the identity of his or her immediate family and indicate that the personal information of the family shall be also be excluded to the extent that it could reasonably be expected to reveal the personal information of the judicial officer.

A judicial officer's written request is valid until the judicial officer provides a written consent to release the personal information. A judicial officer's written request expires on such judicial officer's death. Additionally, this act shall not apply to disclosures required by provisions of law regarding lobbyist activities and campaign finance.

Written requests transmitted to a recorder of deeds shall only include information specific to eligible documents maintained by that county. Not more than five business days after the date on which the recorder of deeds receives the written request, the recorder shall shield the eligible documents listed in the written request and shall electronically reply to the written request with a list of any document not found in the records maintained by that recorder. In order to shield subsequent eligible documents, the judicial officer shall present a copy of their written request to

the recorder at the time of recording and the recorder shall ensure that the eligible document is shielded within five business days. Eligible documents shall remain shielded until the recorder receives a court order or notarized affidavit signed by the judicial officer directing the recorder to terminate shielding. No recorder shall be liable for any damages under this provision, provided the recorder made a good faith effort to comply with such provisions and no recorder shall be liable for the release of any eligible document or any data from such documents that were released or accessed prior to the document being shielded.

§488.650 – Repeals \$250 surcharge on expungements

This act repeals provisions relating to the \$250 surcharge to file a petition for expungement.

EXCLUSION OF PERSONAL INFORMATION OF MINORS IN COURT DOCUMENTS
(SECTION 509.520)

This act also provides that beginning August 28, 2023, pleadings, attachments, or exhibits filed with the court in any case, as well as judgments issued by the court, shall not include any personal information of a minor and, if applicable, any next friend. However, such information shall be provided in a confidential filing sheet, which shall not be subject to public inspection or availability.

UNLAWFUL POSTING OF CERTAIN INFORMATION (SECTION 565.240)

Currently, the unlawful posting of certain information of any law enforcement officer, corrections officer, parole officer, judge, commissioner, or prosecuting attorney, or of any immediate family member of such person, that intends to or threatens to cause great bodily harm or death shall be a class E felony. This act provides that if such unlawful posting of certain information that intends to or threatens to cause great bodily harm or death actually results in bodily harm or death to such person or immediate family member, the offense shall be a class D felony.

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

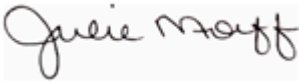
SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
Office of Administration
 Administrative Hearing Commission
 Budget and Planning
Attorney General's Office
Department of Revenue
Missouri Department of Transportation
Kansas City
City of Springfield
Branson Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Office
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Labor and Industrial Relations
Department of Social Services
Joint Committee on Administrative Rules
Joint Committee on Public Employee Retirement
Missouri Lottery Commission
Missouri Consolidated Health Care Plan
Missouri Department of Conservation
Missouri House of Representatives
Office of Administration
Office of the State Auditor
Missouri Senate
Office of the State Public Defender
MODOT & Patrol Employees' Retirement System
Petroleum Storage Tank Insurance Fund
Jackson County Board of Elections
Kansas City Board of Elections
Platte County Board of Elections
St. Louis County Board of Elections
Newton County Health Department

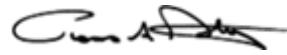
St. Louis County Health Department
Lincoln County Assessor's Office
Christian County Auditor's Office
Clay County Auditor's Office
St. Joseph Police Department
County Employees Retirement Fund
Kansas City Employees' Retirement System
Kansas City Firefighter's Pension System
Kansas City Public School Retirement System
Kansas City Supplemental Retirement Plan
Local Government Employees Retirement System
Public Education Employees' Retirement System
Sheriff's Retirement System
Blackwater Reorganized Common Sewer District
Little Blue Valley Sewer District
Morgan County PWSD #2
South River Drainage District
Wayne County PWSD #2
Missouri State University
University of Central Missouri
St. Charles Community College
Joint Committee on Education
Legislative Research
Oversight Division
Missouri Higher Education Loan Authority
Missouri State Employees Retirement System
Hancock Street Light District
State Tax Commission
Metropolitan St. Louis Sewer District Employees Pension Plan
Office of the Governor
Office of the Lieutenant Governor
Missouri Office of Prosecution Services
St. Louis City
Cole Camp Ambulance District
Rock Community FPD Retirement Plan
St. Charles County PWSD #2
Andrew County PWSD #2
Department of Public Safety
 Capitol Police
 Missouri Veterans Commission
 Division of Alcohol and Tobacco Control
 Fire Safety
 Office of the Director
 Missouri Gaming Commission

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Missouri Highway Patrol
State Emergency Management Agency
Missouri National Guard
Howell County Assessor's Office
Metropolitan St. Louis Sewer District
Department of Corrections
Office of the Secretary of State



Julie Morff
Director
April 24, 2023



Ross Strobe
Assistant Director
April 24, 2023