

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3007-01
BILL NO.: SB 678
SUBJECT: Courts; Family Law; Sunshine Law; Civil and Criminal Procedure
TYPE: Original
DATE: January 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	\$0 or (\$99,826)	\$0 or (\$59,895)	\$0 or (\$59,895)
Total Estimated Net Effect on <u>All</u> State Funds	\$0 or (\$99,826)	\$0 or (\$59,895)	\$0 or (\$59,895)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make a number of technical and clarifying changes to statutes dealing with the operation and procedure in courts. While the provisions may result in certain tasks becoming easier or more efficient for judiciary personnel, CTS officials do not anticipate any appreciable impact on the costs or revenues of the judiciary.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal would have a significant impact on the rules relating to orders of protection that are entered into the MULES system. This information is currently entered by the chief law enforcement officer responsible for maintaining the MULES system. However, the proposal would allow orders of protection to be entered using a direct automated data transfer from the court's automated system. MHP assumes CTS could require their agency to comply with the provisions outlined in the proposal. Therefore, MHP would have to review the training and audit processes within the MULES program with MHP's Communications Division and appropriate MULES committee members. The process of validation of entries, clearing, modifying and deleting would have to be considered and addressed.

As a result of the change in procedure as outlined above, MHP assumes their agency would be required to hire an outside consultant to out source the interface. The cost to out source the interface would have to be incurred to enable even one county to enter orders of protection via direct automated data transfer from the court's automated system. Therefore, MHP assumes their agency would be required to hire a consultant to build the actual interface (150 hours), to test the interface and application (90 hours), to process documentation (60 hours), and for operation and monitoring procedures (30 hours). Therefore, the initial cost would be \$49,913 (330 hours at \$151.25 per hour). MHP further assumes their agency would require 396 consultant hours annually for ongoing support. The ongoing support would include the recurring maintenance for the software and hardware after the application and interface is developed and implemented. Software maintenance would be required in the areas of application, operating system, actual interface, network and the middle ware (IMP's MQ Series). Hardware maintenance would include support of the network hardware, such as routers. The ongoing support would be provided through consulting services. MHP assumes their agency would require 396 outside consultant hours for ongoing support at a cost of \$59,895 annually (396 hours at \$151.25 per hour). Overall, MHP reports total costs of \$99,826 for FY 01 (\$49,913 initial outlay plus ten months of ongoing support) and \$59,895 annually thereafter.

ASSUMPTION (continued)

Oversight agrees that MHP's costs would be reasonable if CTS requires orders of protection to be entered using a direct automated data transfer from the court's automated system as authorized in the proposal. However, the proposal states that the information contained in an order of protection may be entered in the MULES system using a direct automated data transfer from the court automated system to the law enforcement system. Oversight assumes MHP would not incur any additional costs if the process of entering orders of protection does not change. Therefore, Oversight assumes the net effect would be zero or the costs reported by MHP – depending on the action taken by CTS.

Officials from the **Department of Revenue**, the **Office of the Attorney General**, the **Department of Public Safety – Division of Fire Safety**, **Missouri Water Patrol**, **Missouri Capitol Police**, and the **Department of Mental Health** assume the proposal would have no fiscal impact on their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Cost</u> – Missouri State Highway Patrol (Consultant Programming Costs)	\$0 or (\$99,826)	\$0 or (\$59,895)	\$0 or (\$59,895)
TOTAL NET EFFECT ON GENERAL REVENUE FUND	<u>\$0 or (\$99,826)</u>	<u>\$0 or (\$59,895)</u>	<u>\$0 or (\$59,895)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

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The proposed legislation would make a number of technical and clarifying changes to statutes dealing with operation and procedure in the state court system as follows: 1) streamline the process of ordering a law enforcement agency to fingerprint defendants being sentenced or committed to the Department of Mental Health; 2) allow associate circuit attorneys to request the issuance of subpoenas; 3) allow courts to provide a handbook to parties in a dissolution or legal separation of marriage at the time the petitions are filed rather than mailing the handbook; 4) allow information contained in an order of protection to be entered into the MULES system directly from the court automated system; 5) extend the time during which a fee may be imposed upon the issuance of a marriage license from January 1, 2000 to January 1, 2001; 6) revise language relating to the filing of cases in small claims court; 7) mandate an appellant or plaintiff in error to pay court costs for cases before the state Supreme Court or the state appellant system; and 8) provide that civil cases with a change of venue pay court costs from the county in which the case was originally instituted to the county in which the case is actually tried or where the prisoner is confined.

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

The proposed legislation would not affect Total State Revenues.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Public Safety – Missouri State Highway Patrol; Division of Fire Safety;
Missouri Water Patrol; and Missouri Capitol Police
Department of Revenue
Office of the Attorney General
Department of Mental Health



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Director
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