

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1563-04  
Bill No.: SCS for SB 446  
Subject: Attorneys; Circuit Clerk; Courts; Juvenile Courts; Criminal Procedure; Civil Procedure; Fees; Judges; Juries; Law Enforcement Officers and Agencies  
Type: Original  
Date: April 7, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
General Revenue	(Unknown) to \$686,513	(Unknown) to \$835,976	(Unknown) to \$868,645
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown) to \$686,513</b>	<b>(Unknown) to \$835,976</b>	<b>(Unknown) to \$868,645</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 19 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
Conservation	Unknown	Unknown	Unknown
Highway	(Unknown)	(Unknown)	(Unknown)
Road	(Unknown)	(Unknown)	(Unknown)
Statewide Court Automation	Unknown to \$640,000	Unknown to \$768,000	Unknown to \$768,000
Missouri Highway and Transportation Commission – Highway and Patrol Medical Plan	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on Other State Funds</b>	<b>(Unknown) to More Than \$640,000</b>	<b>(Unknown) to More Than \$768,000</b>	<b>(Unknown) to More Than \$768,000</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
Federal	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>Unknown to \$960,000</b>	<b>Unknown to \$1,152,000</b>	<b>Unknown to \$1,152,000</b>

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## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of Administration – Commissioner’s Office, – Administrative Hearing Commission, Department of Economic Development, Department of Elementary and Secondary Education, Department of Corrections, Department of Social Services, Department of Public Safety – Missouri State Highway Patrol, Department of Insurance, Missouri Consolidated Health Care Plan, Missouri State Employees Retirement System,** and the **State Treasurer’s Office** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of Attorney General (AGO)** assume the costs of this proposal are unknown. Possible sources of cost include new rules for jurors to postpone service which may lengthen jury selection, the deletion of attorneys from those who may be excused from jury duty, and the requirement that employees not incur annual leave for time spent on jury service. In addition, Section 488.2250 increases the transcript fees which will have a fiscal impact upon AGO appeals. Because the AGO does not know the number of appeals it will file in future years, the impact of this change is unknown.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would revise various court administrative sections, including fee payments, filing procedures, cost assessments, and fine collections. CTS assumes there are five provisions that will have a fiscal impact, and one that will not despite the restriction of fee assessments.

The first provision that would have a significant fiscal impact is contained in §488.5025. This section would allow a court to assess an additional \$25 fee for penalties, fines, and sanctions not paid in full within 30 days of imposition. Depending on the rate of assessment and collection, the range of possible collections is from \$1.25 million to \$2.4 million. The first figure, \$1.25 million, is based upon a 20% to 25% collection on misdemeanor and felony cases, and 10% on traffic. The second figure, \$2.4 million, is based on a collection rate of 50% of felonies and 75% of misdemeanors, and is the less likely amount of the two estimates.

The legislation also provides that the courts shall appoint qualified interpreters and translators in all legal proceedings in which the non-English speaking person is a party or a witness. If the person requiring an interpreter or translator during the proceeding is a party to or a witness in any

criminal proceeding, a party to, a witness, or the parent or guardian of the juvenile in any juvenile ASSUMPTION (continued)

proceeding, any juvenile investigation or interview, including intake conferences, informal adjustment conferences, pre-hearing conferences with parents, attorneys, and juvenile officers, or a party to or a witness in any domestic violence action commenced pursuant to sections 455.500 to 455.538, RSMo, such fees and expenses shall be payable by the state pursuant to a fee schedule developed by the office of the state courts administrator and from funds appropriated to the office of the state courts administrator. CTS has no way of exactly estimating the amount that this provision will cost. Based on the costs that are being paid for interpreters now, CTS will estimate that the cost may be between \$10,000 and \$25,000 for adults and between \$10,000 and \$25,000 for juveniles.

The provisions relating to court reporter page rates and fee assessments would have a fiscal impact on the courts. CTS assume the proposed legislation would increase statutory fees paid to court reporters for preparation of transcripts, and increase the court costs paid by litigants for court reporter services.

Court reporters are statutory state employees who are paid fees in addition to their statutory salary. The per page rate for original civil transcripts would increase from \$1.50 to \$2.25, or a \$.75 increase (50%); and, the rate for a page of copy would increase from \$.35 to \$.50, or an increase of \$.15 per page (43%). Indigent criminal transcripts would increase even more because the current copy rate is \$.20, so the increase would be \$.30 or 150%. These costs are paid by the State Public Defender. In a typical civil appeal, an original and three copies are prepared (one for each party, one for the trial court file and one for the appellate court file) and, in some cases, more copies are required.

While most transcript costs are paid by private litigants, there are some costs borne by the judiciary, State Public Defender, and state agencies who are parties to appeals. The current budget for court reporter fees paid by the judiciary is approximately \$100,000. Under this proposal, those costs would increase considerably, depending on the mix of original pages and copies. Public Defender and the Attorney General may be able to estimate other state costs.

The statutory court cost charged litigants in cases where the record is preserved using a court reporter would increase by \$10, from \$15 to \$25. This is income to general revenue. Some of these costs will be borne by the state through the criminal costs bills paid by the Office of Administration. There were about 87,000 cases in FY 2002 to which the costs could apply. If fully collected, these costs would generate upwards of \$870,000 in new revenue. Indigent cases, acquittals, dismissals, etc. will reduce receipts considerably, but it would be safe to say the

revenue would increase anywhere from \$600,000 to \$750,000.

ASSUMPTION (continued)

The legislation also gives court reporters a COLA for transcripts based on the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. CTS is unable to predict what that increase or decrease might be, but do not expect it to be great.

The provisions relating to an income tax refund set-off would have a fiscal impact on the courts. There are currently \$23.4 million unpaid fines, fees and costs on criminal cases. However, CTS has no way of knowing how many fines, fees and costs will be collected as a result of refund offsets. CTS assumes since the interest earned on the funds realized is to be used to pay the offset administrative costs of this proposal, then no costs would be incurred by CTS for this proposal.

The proposed legislation relating to an additional circuit court judge in the 113<sup>th</sup> circuit would have a fiscal impact on the courts. The proposed legislation would add an additional circuit court judge in the 113<sup>th</sup> judicial circuit, beginning January 1, 2007. Currently, the salary for a circuit court judge is \$108,000 per year, plus fringe benefits, for a total cost of \$177,680. Section 485.040, RSMo requires that all circuit court judges have a court reporter. At present, the salary for a court reporter is \$48,660 per year, plus fringe benefits, for a total cost of \$68,352. CTS estimates the Fiscal Year 2007 costs to total \$123,016 using FY 03 dollars.

Finally, the legislation would also modify various provisions relating to the filing of orders of protection, including prohibiting the assessment of filing fees, court costs, or bonds for orders of protection. Because of the low rate of assessment and collection of costs and fees, for these cases, this bill would neither cost nor save a significant amount of revenue for the judiciary. (Federal law currently prohibits the assessment of costs and fees to the petitioner.)

**Oversight** assumes a \$25 fee for penalties, fines, and sanctions not paid within 30 days of imposition would result in an increase in fine revenue to counties to improve the administration of justice, an increase in the Statewide Court Automation Fund, and an increase in the General Revenue Fund.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume proposed §595.045.8, RSMo, requires that in addition to convictions, which are presently included, pleas of guilty and findings of guilt entered in certain felony and misdemeanor criminal cases be subject to fines earmarked to the Crime Victims' Compensation Fund. Since pleas of guilty are

presently entered as convictions by Missouri's circuit courts, this provision will only increase revenue into the fund in cases where a suspended imposition of sentence (SIS) are entered by the court. While the DOL cannot estimate the number of class A or B felonies, class C or D felonies, ASSUMPTION (continued)

or misdemeanor cases that are resolved with a suspended imposition of sentence, the DOL believes that this provision will significantly increase fund revenue. Conservatively, the Department assumes that this provision will provide at least \$100,000 of additional revenue.

Finally, the DOL assumes proposed §595.045.8, RSMo, simply changes the statutory section that currently lists the inclusion of crimes that are subject to fines payable to the Crime Victims' Compensation Fund to a list that excludes the crimes that are not payable into the fund. This simple change in statutory wording has no fiscal impact.

This proposal also repeals §§595.045.9 and 595.045.10, RSMo, eliminating the requirement subjecting county circuit court records of payment surcharge and fine payments into the fund to an audit by the State Auditor and eliminating the mandatory reporting of delinquent surcharge and fine payments by county clerks to the Department of Revenue. The fiscal impact of these provisions is impossible to determine.

The fiscal impact of the entire proposal is to the Crime Victims' Compensation Fund nearly impossible to determine. For purposes of this fiscal note, the DOL assumes that all provisions will balance one another out and the overall fiscal impact will be \$0.

Officials from the **Department of Transportation (MoDOT)** assume the following sections of the proposed legislation could have a fiscal impact on MoDOT and/or the Missouri Highways and Transportation Commission (MHTC):

Section 376.433 – The Highway and Patrol Medical Plan has a reimbursement policy, which allows the MoDOT/MSHP Medical Plan to recover medical claims expense from the subscriber/participant whenever the subscriber/participant receives payments for physical or mental treatment from individuals, insurance companies, settlements, or court verdicts. Any reimbursement shall not exceed the amount actually paid by the Plan. Subrogation would also allow MHTC and the Plan to file a lawsuit against the third party, without including the subscriber/participant in the suit, for the difference in the reimbursement received and the costs of the medical claims paid by the plan. There may be fiscal impact to the MHTC for intangible costs for litigation. This cost cannot be determined. There may be a positive fiscal impact to the medical plan, but this cost cannot be determined.

Section 488.2250 – This section increases the fees charged by court reporters for transcripts, and further adds an inflationary index to apply for further fee computations for transcripts. This does apply to MoDOT, and all other public and private entities who may order transcripts of court proceedings. It increases the transcript costs by at least 25 percent now; and in future years, as ASSUMPTION (continued)

the inflationary index is applied, it will further increase MoDOT transcript costs. This provision would have a fiscal impact on MHTC/MoDOT for court transcript costs, however the amount can not be determined.

Section 488.2253 – This section increases the sum taxed as court costs in any case or proceeding when a court reporter is appointed, regardless of whether a transcript is ever prepared or ordered, or not. This section applies to MoDOT, and all other public and private entities that may be involved in state court litigation in a court of record. The estimated cost for the \$10/case charge for MHTC/MoDOT would be between \$200 and \$1,500 per year.

Sections 494.425 and 494.430 – These sections govern persons who are disqualified from, or who may be excused from, service on a petit or grand jury. It applies to MHTC/MoDOT, in their use of petit juries for state court trials. This would make attorneys at law, plus medical and osteopathic doctors, dentists, and chiropractors all eligible for jury service. The effect of this provision on MoDOT would primarily be when one of our employed attorneys is called for jury service. The net effect on MHTC/MoDOT is unknown.

Section 494.460 – This section prohibits all employers (including MoDOT) from requiring or requesting employees to use annual leave, vacation or sick leave for the time they serve on juries. It also provides that if an employee is not eligible for annual leave, vacation or sick leave benefits under company policies, then the employer does not have to provide them while the employee is on jury service. This applies to MoDOT, but the effect is unknown, and probably negligible.

Section 537.800 – Authorizes special motion to dismiss in Strategic Litigation Against Public Participation (SLAPP). Missouri courts generally follow the “American Rule” in which all parties are responsible for its own costs. This legislation proposes to implement the “English Rule,” which provides that the prevailing party be reimbursed for their attorneys fees and costs. MoDOT is unable to estimate the number of cases that may fall under this provision, therefore the fiscal impact is unknown.

**Oversight** assumes Section 376.433 could result in some cost savings could be passed on to the State, but is unable to determine that amount. **Oversight** also assumes other public entities could

experience cost savings.

Officials from the **Department of Revenue (DOR)** assume the proposed legislation would allow the offset of income tax refund for unpaid court costs (Section 488.5028.1). MINITS programming will be needed to allow for this offset. DOR estimates that 346 hours of programming will be needed at a cost of \$11,543. Also, DOR is required to mail offset letters to ASSUMPTION (continued)

taxpayers who have had their income tax returns intercepted. This will result in unknown postage costs to DOR.

Officials from the **Department of Conservation (MDC)** assume Section 376.433 of this proposed legislation could have a positive impact on MDC's self-insured health plan. The amount of impact is unknown.

Officials from the **Office of Secretary of State (SOS)** assume the proposal modifies provisions of court procedure. The executive council of the judicial conference could promulgate rules to implement the provisions of this act. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations, and forms issued by the Committee could require as many as 16 pages in the *Code of State Regulations* and half again as many pages in the *Missouri Register*, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. Based on these costs, the estimated cost of the proposal is \$984 in FY 04 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Office of State Public Defender (SPD)** assume they spend, on average, \$8,750 per week (\$455,000) on court reporter fees. The proposed legislation is a 50% increase in the original per page fee, amounting to an annual increase of \$227,500. In addition, a circuit judge would be added in the thirteenth judicial circuit. Although this legislation will not add to the State Public Defender caseload, it will make it necessary for Assistant Public Defenders to appear in more places at the same time. Therefore, an additional ½ FTE Attorney is required for



the county receiving the additional Circuit Judge. The SPD estimates the cost of the FTE to be \$37,436 in FY 04; \$39,699 in FY 05; and \$40,716 in FY 06. The SPD estimates the total cost of the proposal to be \$226,944 in FY 05; \$274,024 in FY 05; and \$282,071 in FY 06.

**The proposed legislation may increase total state revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
<b>GENERAL REVENUE FUND</b>			
<u>Revenues</u> – Department of Revenue			
Time payment fee (§488.5025)	Unknown to \$400,000	Unknown to \$480,000	Unknown to \$480,000
<u>Revenues</u> – Office of State Courts Administrator			
Increased court reporter fees (§§488.2250,488.2253)	\$500,000 to \$625,000	\$600,000 to \$750,000	\$600,000 to \$750,000
<u>Costs</u> – Office of State Courts Administrator			
Interpreter/translator fees (§476.810)	(\$16,667 to \$41,667)	(\$20,000 to \$50,000)	(\$20,000 to \$50,000)
Increased transcript costs (§§488.2250,488.2253)	(\$83,333)	(\$100,000)	(\$100,000)
Additional circuit court judge (§478.610)*	\$0	\$0	\$0
<u>Total Costs</u> – CTS	(\$100,000 to \$125,000)	(\$120,000 to \$150,000)	(\$120,000 to \$150,000)
<u>Costs</u> – Office of Attorney General			
Jury duty/Increased transcript fees	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Office of State Public Defender			
Personal Service (½ FTE) (§478.610)	(\$20,116)	(\$24,742)	(\$25,361)
Fringe Benefits (§478.610)	(\$8,141)	(\$10,013)	(\$10,264)
Equipment and Expense (§478.610)	(\$9,179)	(\$4,944)	(\$5,092)

Increased court reporter fees (§§488.2250,488.2253)	<u>(\$189,508)</u>	<u>(\$234,325)</u>	<u>(\$241,355)</u>
<u>Total Costs</u> – (SPD)	(\$226,944)	(\$274,024)	(\$282,072)

	FY 2004 (10 Mo.)	FY 2005	FY 2006
<u>Costs</u> – Department of Revenue			
Programming (§488.5028.1)	(\$11,543)	\$0	\$0
Postage (§488.5028.1)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs</u> – Department of Revenue	(\$11,543 to Unknown)	(Unknown)	(Unknown)

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(Unknown) to <u>\$686,513</u></b>	<b>(Unknown) to <u>\$835,976</u></b>	<b>(Unknown) to <u>\$868,645</u></b>
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\* Costs estimated to exceed \$100,000, beginning FY 07.

#### CONSERVATION FUND

<u>Savings</u> – Department of Conservation			
Self-insured health plan (§376.433)	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

<b>ESTIMATED NET EFFECT ON CONSERVATION FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
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#### HIGHWAY FUND

<u>Costs</u> – Department of Transportation			
Various sections	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<b>ESTIMATED NET EFFECT ON HIGHWAY FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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#### ROAD FUND

<u>Costs</u> – Department of Transportation			
Various sections	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

**ESTIMATED NET EFFECT ON  
ROAD FUND**

**(Unknown)**  
FY 2004  
(10 Mo.)

**(Unknown)**  
FY 2005

**(Unknown)**  
FY 2006

**STATEWIDE COURT  
AUTOMATION FUND**

Revenues – Office of State Courts  
Administrator

Time payment fee (\$488.5025)

Unknown to  
\$640,000

Unknown to  
\$768,000

Unknown to  
\$768,000

**ESTIMATED NET EFFECT ON  
STATEWIDE COURT  
AUTOMATION FUND**

Unknown to  
\$640,000

Unknown to  
\$768,000

Unknown to  
\$768,000

**MISSOURI HIGHWAY AND  
TRANSPORTATION COMMISSION  
(MHTC) - HIGHWAY AND PATROL  
MEDICAL PLAN**

Savings – Health benefit reimbursements  
from third party tortfeasors (\$376.433)\*\*

Unknown

Unknown

Unknown

**ESTIMATED NET EFFECT ON  
MHTC - HIGHWAY AND PATROL  
MEDICAL PLAN\*\***

**Unknown**

**Unknown**

**Unknown**

**\*\*Savings could exceed \$100,000 per fiscal year**

**FEDERAL FUNDS**

Savings – Health benefit reimbursements  
from third party tortfeasors (\$376.433)\*\*

Unknown

Unknown

Unknown

**ESTIMATED NET EFFECT ON  
 FEDERAL FUNDS**

Unknown

Unknown

Unknown

**\*\*Savings could exceed \$100,000 per fiscal year**

FISCAL IMPACT - Local Government

FY 2004  
 (10 Mo.)

FY 2005

FY 2006

**COUNTIES**

Revenues – Counties

Unknown to  
 \$960,000

Unknown to  
 \$1,152,000

Unknown to  
 \$1,152,000

Time payment fee (\$488.5025)

Savings – Health benefit reimbursements  
 from third party tortfeasors (\$376.433)\*\*

Unknown

Unknown

Unknown

**ESTIMATED NET EFFECT ON  
 LOCAL GOVERNMENTS**

Unknown to  
\$960,000

Unknown to  
\$1,152,000

Unknown to  
\$1,152,000

**\*\*Savings could exceed \$100,000 per fiscal year**

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would modify a number of provisions relating to court procedures:

DEFINITION OF COURT – Define “court” in terms of tax credits and refunds. (Section 143.782)

JUVENILE COURT TO NOTIFY SCHOOL DISTRICTS OF VIOLATIONS OF  
 COMPULSORY SCHOOL ATTENDANCE – Require the juvenile court to notify and report to the school district any violations of 167.031, RSMo. The school district would immediately refer all private, parochial, or home school matters to the prosecuting attorney. Public school

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violations of Section 167.031, RSMo, could be referred to the prosecuting attorney. (Section 211.031)

**SUBROGATION RIGHTS OF PUBLIC ENTITIES** – Public entities which provide health insurance coverage to their employees through a self- insured plan could file a subrogation claim or otherwise seek reimbursement from a third party tortfeasor. (Section 376.433)

**DESCRIPTION** (continued)

**PROTECTIVE ORDERS** – No filing fees or guardian ad litem fees would be assessed to a petitioner in an action seeking a protective order. Once an order is filed, the clerk would issue a copy, as well as any subsequent order of termination, to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system (MULES). Copies of the petition and date for hearing would be issued to the local juvenile office. (Sections 455.027, 455.504, and 455.516)

**LEGAL FEES** – A court could order a party to pay the other party's guardian ad litem fees. A court could also order a respondent to pay a reasonable amount for attorney's fees and guardian ad litem fees incurred prior to commencement of proceeding or after entry of judgment, depending on the financial resources of both parties. (Sections 455.075 and 455.536)

**NONPROBATE TRANSFERS** – This act allows a creditor, surviving spouse or person acting for an unmarried child to commence an action for nonprobate transfer if the personal representative fails to commence an action within thirty days of a written request. If the personal representative fails to commence the action, he or she is under a duty to disclose information related to the identity of any beneficiary of a nonprobate transfer made by the decedent. If the representative does not disclose the information, the statute of limitations is tolled until the information is provided. If the personal representative is the beneficiary of the nonprobate transfer, the court may appoint an administrator ad litem to represent the estate in any proceeding. (Section 461.300)

**STATE COURT ADMINISTRATION REVOLVING FUND** – Any moneys received in connection with preparation of court transcripts would be deposited in the fund. (Section 476.058)

**FINE COLLECTION CENTER** – This would expand the Fine Collection Center to accept tickets for littering. (Section 476.385)

**FOREIGN LANGUAGE INTERPRETERS/TRANSLATORS** – Courts would appoint qualified

interpreters in all legal proceedings where party or witness is non-English speaker. The proposal would provide that interpreters and translators cannot be compelled to testify to information that is otherwise attorney-client privileged. The interpreter/translator would be allowed a reasonable fee and the proposal would provide when that fee shall be paid by the Office of State Courts Administrator. (Sections 476.800, 476.805, and 476.810)

DESCRIPTION (continued)

13th JUDICIAL CIRCUIT – Beginning on January 1, 2007, the number of circuit judges in the 13th judicial circuit would increase from three to four. The fourth circuit judge would be elected in 2006 for a two-year term and thereafter in 2008 for a full six-year term. (Section 478.610)

APPOINTMENT OF CERTAIN CIRCUIT CLERKS – The circuit clerk of the City of St. Louis and Clay county would be appointed by a majority of the judges of such circuit. The circuit clerk would be removable for cause by a majority of the circuit judges. This provision would become effective January 1, 2004. (Sections 483.015 and 483.083)

FEE FOR FUNDING FOR SHELTERS – The proposal would remove the expiration date for counties to impose a fee on marriage licenses and surcharges on civil cases to provide funding for shelters. (Section 488.445)

COURT REPORTER FEES – The proposal would increase the fees for court reporters to collect on transcripts and copies of transcripts. Beginning January 1, 2004, the fees could be increased or decreased depending on certain indexes. The proposal would increase the fee to be paid by the clerk of the circuit court to the Director of Revenue in every contested case, or case in which evidence is to be preserved, from \$15 to \$25. (Sections 488.2250 and 488.2253)

FAMILY SERVICES AND JUSTICE FUND – The proposal would provide that the judgment collected in juvenile proceedings is payable to the fund. The surcharge would only be assessed to the respondent. (Section 488.2300)

CRIME VICTIMS' COMPENSATION JUDGEMENT AND COUNTY FEE – The fee payable in felony and nonfelony criminal violations would be paid upon the plea of guilty or upon a finding of guilt. Exceptions would be made for certain misdemeanors. The surcharge for the crime victims' compensation fund would be increased from \$5 to \$7.50. (Sections 488.4014, 488.5320 and 595.045)

TIME PAYMENT FEE – The proposal would create the time payment fee. Courts could impose such a fee of \$25 on all fines, fees, or sanctions not paid in full within 30 days. The proposal would provide for distribution of the fee to the local court, court automation fund, and general revenue fund. (Section 488.5025)

COLLECTION OF COURT COSTS THROUGH SET-OFF – Allow a court to collect unpaid court costs in excess of \$25 by seeking a set-off of the person's tax refund. A court could contract with a private or public agency to collect on past due court ordered penalties. (Sections



488.5028 and 488.5030)

DESCRIPTION (continued)

MASTER JURY LIST - Beginning July 1, 2004, the names on the master jury list would be chosen from certain source lists. The names of potential jurors on the list would not be considered a public record. (Section 494.410)

DISQUALIFICATION FROM JURY SERVICE – The proposal would disqualify persons from jury service who are unable to communicate effectively in English with or without auxiliary aids and services. Currently, a person is disqualified from jury service if the person is unable to read, speak and understand the English language. The proposal would also make attorneys at law and persons with physical illness qualified to be jurors. (Section 494.425)

PERSONS EXCUSED FROM JURY SERVICE – Certain health care professionals, clergy, persons with employment in areas where their absence would affect the public safety, St. Louis City police officers and persons upon whom jury service would pose an extreme hardship are currently excused from jury service. This proposal would make them eligible to serve as jurors. Certain individuals upon whom jury duty would cause undue or extreme physical or financial hardship or individuals with confirmed mental or physical conditions that causes them to incapable of performing jury service could apply to be excused from jury duty for a period of up to 24 months. The proposal would define what constitutes “undue or extreme physical or financial hardship” and would provide that the certain documentation must be filed and that a judge would make the determination. After 24 months, the person would again be eligible for jury duty unless the judge decides that the person should be permanently excused. (Section 494.430)

POSTPONEMENT OF JURY SERVICE – Individuals have the right to ask for a postponement of the date of initial appearance for jury duty. First requests would be granted once the person provides the court with a new date within six months when such person shall appear for jury duty. A person who fails to appear for jury duty or who fails to obtain a postponement would be guilty of a Class C misdemeanor. (Sections 494.431 and 494.450)

DAYS OF JURY ATTENDANCE – Currently, after January 1, 2005, no person shall be required to attend court for more than two days unless selected for a jury panel. This proposal would delete the January 1, 2005 date and would provide that a person shall not be required to attend court for more than one day unless selected for a jury panel. (Section 494.445)

USE OF EMPLOYEE LEAVE WHEN SERVING AS JUROR – Employees cannot be required

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to use annual, vacation or sick leave when taking time to serve as juror. This would not require an employer to provide paid leave to an employee who is not otherwise entitled to such leave. (Section 494.460)

DESCRIPTION (continued)

**MOTION TO DISMISS IN STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION** – The proposal would grant early consideration of any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery would be suspended pending a final decision on the motion. The proposal would also mandate that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party would be awarded. If the court would find the motion to dismiss is frivolous, the court would award costs and attorney fees to the prevailing party. If a party would raise the motion under the provisions of this act, the party would have the right to an expedited appeal. (Section 537.800)

**SELECTION OF GRAND JURORS** – The names of grand jurors would be chosen from the master jury list. The grand jury list would be repealed. (Sections 540.011 and 540.021)

**UNIFORM LAW ENFORCEMENT SYSTEM RECORDS** – The proposal would modify the types of case dispositions that must be reported. (Section 577.051)

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 Attorney General  
Office of Administration  
    – Commissioner's Office  
    – Administrative Hearing Commission  
Office of State Courts Administrator  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Transportation  
Department of Corrections  
Department of Labor and Industrial Relations

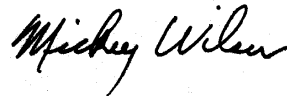
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L.R. No. 1563-04  
Bill No. SCS for SB 446  
Page 19 of 19  
April 7, 2003

Department of Revenue  
Department of Social Services  
Department of Public Safety  
– Missouri State Highway Patrol  
Department of Insurance

SOURCES OF INFORMATION

Missouri Consolidated Health Care Plan  
Department of Conservation  
Missouri State Employees Retirement System  
Office of Prosecution Services  
Office of State Public Defender  
Office of Secretary of State  
State Treasurer's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
April 7, 2003