

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4147-01
Bill No.: SB 1175
Subject: Juries; Attorneys; Judges; Health Care Professionals; Law Enforcement Officers and Agencies
Type: Original
Date: February 23, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Lengthy Trial	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, Department of Labor and Industrial Relations, Department of Public Safety – Capitol Police, – Missouri State Water Patrol, – Missouri State Highway Patrol, and the Office of the Secretary of State** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would modify several provisions of the law relating to jury service, and provide a means by which prospective jurors can obtain a postponement of jury service. A person who fails to appear or fails to obtain a postponement is subject to a civil penalty, not to exceed \$500. Community service could be performed in lieu of the fine if approved by the court.

There are often many people who fail to appear, and there may be an increase in the number of criminal cases filed. However, after a period of time and awareness of the penalty, CTS would anticipate substantial compliance and would not expect a significant impact on the workload of the court. There may be an increase in workload relating to the processing of requests for postponement, but CTS has no way of predicting that impact.

ASSUMPTION (continued)

The proposal also would create a “Lengthy Trial Fund,” to be funded by a \$20 fee on some civil cases. The fee is to be paid by the attorney filing the case, and used to provide wage supplementation to jurors who serve as petit jurors for more than ten days. The fund is to be administered as provided by the Supreme Court. The Supreme Court is to report on the administration of the fund in the Annual Judicial Report.

Because of the various exemptions to payment into the fund, CTS is unable to provide an estimate of the number of cases that might qualify for assessment. CTS reports that there were 35,124 general civil cases filed in FY 03; 162,388 Chapter 517 (procedure before certain associate judges) cases; 96,880 domestic relations cases (excluding motions to modify); and 9,478 motions to modify. Also in FY 03, there were 522 (2%) general civil cases disposed by jury trial and 81 (0%) Chapter 517 cases disposed by jury trial. The majority of lengthy jury trials are held in St. Louis City. Number-of-days data is not available for Jackson County and St. Louis County. Excluding these two counties, there were six trials that were longer than 10 days in FY 03, with a reimbursement cost of \$7,710.

Oversight assumes the administrative salaries and costs paid from the Lengthy Trial Fund would not exceed the fund’s revenues.

Officials from the **Office of Attorney General** did not respond to Oversight’s request for fiscal impact. However, in response to a similar proposal from a previous session, officials assumed the costs of this proposal were unknown but would likely be less than \$100,000 per year. Possible sources of cost included 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.

Oversight assumed the AGO could absorb the cost of the proposed legislation within existing resources.

Officials from the **Kansas City Police Department** and the **St. Louis Metropolitan Police Department** did not respond to Oversight’s request for fiscal impact.

Oversight assumes local law enforcement agencies could experience increased costs in the form of previously exempted employees now serving jury duty.

FISCAL IMPACT - State Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

LENGTHY TRIAL FUND

Revenues – Office of State Courts
 Administrator

Court filing fees

Unknown

Unknown

Unknown

Costs – Office of State Courts
 Administrator

Administrative salaries and costs

(Unknown)

(Unknown)

(Unknown)

Juror wage replacement/supplement

(Unknown)

(Unknown)

(Unknown)

Total Costs – Office of State Courts
 Administrator

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 LENGTHY TRIAL FUND**

\$0 to Unknown

\$0 to Unknown

\$0 to Unknown

FISCAL IMPACT - Local Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

POLITICAL SUBDIVISIONS

Costs – Local Law Enforcement

Employees serving jury duty

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 POLITICAL SUBDIVISIONS**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

The proposed legislation could fiscally impact small businesses.

DESCRIPTION

The proposed legislation would modify provisions relating to jury service.

Qualified persons would be required to serve as jurors unless excused (Section 494.400).

Licensed attorneys would no longer be disqualified from serving as a juror. Persons with mental and physical disabilities would be required to provide the court with documentation in order to be disqualified for up to 24 months (Section 494.425).

Persons who have served as juror in the past two years would be excused from jury duty. Physicians, chiropractors, dentists, and pharmacists would no longer be excused from jury duty. Persons for whom jury duty would impose an undue or extreme physical or financial hardship would be excused, provided certain conditions are met. The proposal would define what is meant by undue or extreme physical or financial hardship. The court would be charged with making the determination. Such persons would submit documentation to the judge to support the request to be excused. After two years, such person would become eligible again for jury duty, unless the court finds that the grounds for excuse are permanent in nature (Section 494.430).

Police officers would no longer be excused from jury duty (Section 494.431).

Persons scheduled for jury duty would have the one time right to postpone their initial appearance, if the person agrees to a new date for jury duty within six months. Subsequent requests for postponement would only be granted in the case of an extreme emergency (Section 494.432).

A person who fails to appear for jury duty, and has not obtained a postponement, would be in civil contempt of court. Currently, such a person would be in criminal contempt of court. Following a show cause hearing, the court would fine the person in an amount of not more than \$500 or community service, or both (Section 494.450).

The Missouri Supreme Court would promulgate rules to establish a "Lengthy Trial Fund." The Fund would be used to provide wage supplementation for jurors who serve more than 10 days and who receive less than their regular wages from their employer during the period of jury duty. Each trial court would collect a fee of \$20 from each attorney who files a civil case, with some exceptions for certain attorneys and causes of action. The wage supplementation is limited to a maximum of \$300 per day (Section 494.455).

DESCRIPTION (continued)

Employers could not require employees to use personal or sick leave for time spent responding to a summons for jury duty. A court would automatically postpone and reschedule jury duty for an employee of a company with five or fewer employees if another employee of the company has been summoned during the same period (Section 494.460).

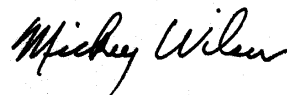
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration
– Administrative Hearing Commission
Office of State Courts Administrator
Department of Labor and Industrial Relations
Department of Public Safety
– Missouri State Water Patrol
– Capitol Police
– Missouri State Highway Patrol
Office of the Secretary of State

NOT RESPONDING

Office of the Attorney General
Kansas City Police Department
St. Louis Metropolitan Police Department



Mickey Wilson, CPA
Director

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