

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4154-01
Bill No.: SB 1138
Subject: Attorneys; Circuit Clerk/ Courts; Juvenile Courts; Criminal Procedure; Civil
Procedure; Judges; Liens
Type: Original
Date: February 9, 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
Crime Victims Compensation	\$0 to \$100,000	\$0 to \$100,000	\$0 to \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 to \$100,000	\$0 to \$100,000	\$0 to \$100,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 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 **Department of Revenue, Missouri House of Representatives, Missouri Senate, Office of Secretary of State, and the State Treasurer's Office** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Social Services (DOS)** assume the proposal could produce a minor fiscal impact to their agency due to a change in language that requires juvenile courts to appoint a qualified interpreter in all legal proceedings in which a non-English speaking person is a party or witness. The proposal allows for payment of reasonable fees and travel expenses for interpreters based upon court approval, but does not state whether the Children's Division would be responsible for paying the fees or expenses outside of those funds appropriated for criminal proceedings. Based on data from the Office of State Courts Administrator, DOS assumes the minimum cost to the Children's Division for the appointment of a qualified interpreter in all juvenile legal proceedings in which a non-English speaking person is a party or witness for language is \$7,402. This number potentially could be higher. Because this amount is rather small, DOS assumes a zero fiscal impact and assumes costs could be absorbed by the Children's Division.

ASSUMPTION (continued)

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume the provisions in §595.045.8 of the proposal require that pleas of guilty and findings of guilt entered in certain felony and misdemeanor criminal cases will 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 may increase revenue into the fund in cases where a suspended imposition of sentence (SIS) is entered by the court. This will occur if a SIS falls within the definition of a plea of guilty or finding of guilt. The Division of Workers' Compensation believes this provision may increase fund revenue. Conservatively, the Division assumes this provision may provide approximately \$100,000 of additional revenue if a SIS in fact falls within the definition of "findings of guilt." The DOLIR estimates the additional revenue of the proposed legislation to be \$0 to \$100,000 per fiscal year.

Officials from the **Greene County Recorder of Deeds Office** assume the fiscal impact on recorders would be difficult to estimate since this bill completely changes the scope of what recorders do. Mechanic's Liens are a court function. Because of the many interactions with the mechanic's lien, officials assume additional staff would be required.

Officials from the **Boone County Recorder of Deeds, Callaway County Recorder of Deeds, St. Charles County Recorder of Deeds, and the St. Louis City Recorder of Deeds** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
CRIME VICTIMS COMPENSATION FUND			
<u>Revenues</u> – Department of Labor and Industrial Relations			
Increased fines	<u>\$0 to \$100,000</u>	<u>\$0 to \$100,000</u>	<u>\$0 to \$100,000</u>
ESTIMATED NET EFFECT ON CRIME VICTIMS COMPENSATION FUND	<u>\$0 to \$100,000</u>	<u>\$0 to \$100,000</u>	<u>\$0 to \$100,000</u>

FISCAL IMPACT - Local Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

POLITICAL SUBDIVISIONS

Costs – Recorders of Deeds

Administration of Mechanic's Liens

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
POLITICAL SUBDIVISIONS**

(Unknown)

(Unknown)

(Unknown)

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 provisions relating to courts.

JUVENILE COURT (Sections 211.141 and 211.327) – In certain matters referred to the juvenile court, the juvenile officer would make a risk and needs assessment of the child. The results of the assessment would be provided to the Office of State Courts Administrator.

MECHANIC'S LIENS (Sections 429.032 to 429.540 and 478.725) – The proposal would provide that liens be filed directly with the recorder of deeds instead of the circuit court. Section 429.470 would be modified by requiring the judgement creditor to forward a certified copy of the judgement to the secretary of state.

CHILD SUPPORT GUIDELINES (Section 452.340) – The time frame for review of child support guidelines would be increased once every three years to once every four years.

DOMESTIC RELATIONS RESOLUTION FUND (Section 452.554) – Moneys from the fund could be used to provide services to support domestic relations cases.

FOREIGN LANGUAGE INTERPRETERS (Sections 476.800 to 476.820 and 491.300) – The proposal would repeal the current section regarding the fees for interpreters and would enact three new sections on interpreters for non-English speaking persons. Courts would be required to appoint qualified interpreters in all legal proceedings in which the non-English speaking person is a party or witness. The person could waive the appointment of an interpreter. Interpreters in civil, juvenile, and criminal proceedings would be allowed a reasonable fee approved by the court, but would not be compensated for travel time.

DESCRIPTION (continued)

BASIC CIVIL LEGAL SERVICES FUND (Section 488.031) – The fee for filings in the probate division would be \$8.

LAW LIBRARY SURCHARGE (Section 488.429) – The proposal would authorize any county to use moneys from the law library fund for the county or circuit family services and justice fund or for courtroom renovation and technology enhancement.

DOMESTIC VIOLENCE SHELTER SURCHARGE (Section 488.445) – The proposal would remove the effective date for an ordinance to be effective in order to impose the surcharge.

CRIMINAL CASE FEES (Sections 488.4014 and 488.5320) – The proposal would provide that the county fee and sheriff's fee be assessed upon a guilty plea or a finding of guilt.

CRIME VICTIM'S COMPENSATION (Section 595.045) – The proposal would assess the crime victim's compensation judgement upon a guilty plea or finding of guilt. The judgement is assessed on all misdemeanors, except certain traffic, conservation and wildlife offenses.

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 State Courts Administrator
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Missouri House of Representatives
Missouri Senate
Office of Secretary of State
State Treasurer's Office
Greene County Recorder of Deeds

L.R. No. 4154-01
Bill No. SB 1138
Page 6 of 6
February 9, 2004

NOT RESPONDING

**Boone County Recorder of Deeds
Callaway County Recorder of Deeds
St. Charles County Recorder of Deeds
St. Louis City Recorder of Deeds**

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

Mickey Wilson, CPA
Director
February 9, 2004