

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0980-01
Bill No.: SB 316
Subject: Courts; Criminal Procedure
Type: Original
Date: April 19, 2013

Bill Summary: This proposal creates a court surcharge in municipal traffic violation cases.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government*	\$0	\$0	\$0

* Revenue and expenses net to zero.

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of State Courts Administrator** assume that during FY2012 there were 15,193 alcohol/drug related traffic cases disposed by guilty outcomes and 899,965 other traffic cases disposed by guilty outcomes in the municipalities. Based on the maximum \$7 surcharge fine amount and an average collection rate of 80%, the projected annual increase in the municipalities would be \$6,406,103.

Officials at the **City of Kansas City** assume that if the City adopts an ordinance there will be an increase in revenue of \$326,667 (8 months of FY 2014), \$490,000 in FY 2015 and FY 2016. This revenue increase would be offset by the proposal that requires the money to be spent to fund indigent legal representation for veterans.

Officials at the **City of Columbia** and the **Office of the State Public Defender** each assume there is no fiscal impact to their organization from this proposal.

No other Cities responded to **Oversight's** request for fiscal impact.

Oversight will reflect the revenue from the surcharge on local political subdivision as \$0 (no political subdivisions adopt the required ordinance) to the estimate provided by Office of State Courts Administrator. Additionally this proposal, requires that the money be used to fund indigent legal representation for veterans. It is assumed all the money would be spent according to the guidelines established in this proposal. Oversight will reflect 10 months of impact in FY 2014.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - surcharge on municipal traffic violations of \$7	\$0 to \$5,338,419	\$0 to \$6,406,103	\$0 to \$6,406,103
<u>Cost</u> - legal representation for indigent veterans	\$0 to <u>(\$5,338,419)</u>	\$0 to <u>(\$6,406,103)</u>	\$0 to <u>(\$6,406,103)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act allows municipalities to collect a surcharge of up to seven dollars for municipal traffic violations. The surcharge, however, may be waived when the defendant is indigent. This act provides that the money collected from the surcharge is to be used to pay for the representation of indigent veterans in civil matters involving certain disputes. Fifty percent of the funds collected may also be used to fund representation of indigent persons in civil matters.

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

City of Columbia
 City of Kansas City
 Office of State Courts Administrator
 Office of the State Public Defender



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April 19, 2013

RS:LR:OD