

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4246-05  
Bill No.: HCS for SB 621  
Subject: Courts; Judges; Civil Procedures; Credit and Bankruptcy; Business and Commerce; Employees- Employers; Crimes and Punishment; Department of Mental Health; Children and Minors; Guardians  
Type: Original  
Date: April 23, 2014

Bill Summary: Changes the laws regarding judicial procedures.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(\$1,400,000 to Unknown)	(\$1,400,000 to Unknown)	(\$1,400,000 to Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$1,400,000 to Unknown)</b>	<b>(\$1,400,000 to Unknown)</b>	<b>(\$1,400,000 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Joint Contingency Fund	\$0	\$0	\$0
Cyber Crime Investigation	\$0	\$0	\$0
PACARS	\$434,025	\$520,830	\$520,830
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$434,025</b>	<b>\$520,830</b>	<b>\$520,830</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 23 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Local Government</b>	<b>Less than \$3,319,580</b>	<b>Less than \$3,685,616</b>	<b>Less than \$3,685,616</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §21.880 - Creates a permanent Joint Committee on Judiciary and Justice

Officials at the **Office of the Attorney General (AGO)** assume the proposal in §21.880 creates a new committee, with the attorney general or his designee to serve on the committee. The AGO currently assumes that the costs of such committee participation could be absorbed with existing resources, but may seek additional appropriations if the time and efforts required by the committee exceed expectations.

The AGO assumes that any potential costs arising from the other provisions of the proposal can be absorbed with existing resources, but may seek additional appropriations if there is a significant increase in referrals or if the proposal results in significant litigation.

Officials at the **Joint Committee on Legislative Research**, the **Department of Economic Development**, the **Department of Revenue**, the **Department of Natural Resources**, the **Department of Social Services** and the **Office of the Governor** each assume no fiscal impact to their respective agencies from this proposal.

The proposal states the committee may "employ such personnel as it deems necessary to carry out the duties imposed by this section." **Oversight** assumes the committee may employ up to 2 FTE to accomplish the duties as directed. Oversight assumes the cost for the FTE, reimbursement of actual and necessary expenses of the committee members, and other expenses could exceed \$100,000 annually.

**Oversight** will reflect a transfer funds from the General Revenue Fund to the Joint Contingency Fund in an amount of "Could exceed \$100,000" annually to cover the expenses of the Joint Committee on Judiciary and Justice. Oversight assumes expenditures will equal funds transferred-in and will net to \$0.

#### §43.675 - Designates the Regional Justice Information Service a Criminal Justice Agency

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation (HB 2128), officials from the **Attorney General's Office**

ASSUMPTION (continued)

assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Social Services**, the **Office of Prosecution Services**, the **Department of Corrections**, and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation (HB 2128), officials at the **Office of the State Public Defender** assume no fiscal impact from this proposal.

Officials from St. Louis City and St. Louis County did not respond to **Oversight's** request for fiscal impact.

§§56.110, 478.240 & 478.610 - Changes the laws of Judicial Procedures

Officials at the **Office of the State Courts Administrator (CTS)** assume costs due to this proposal would not be in excess of \$100,000.

**Oversight** assumes that any costs from CTS relating to this proposal could be absorbed within their current appropriation level.

In response to similar legislation (HB 1448), officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Social Services** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (HB 1448), officials at the **Office of the State Public Defender** and the **Office of Administration** each assumed no fiscal impact to their respective agencies from this proposal.

§§56.807 & 488.026 - MO Prosecuting Attorneys and Circuit Attorneys' Retirement System

Officials from the **Office of the State Courts Administrator** state that the above sections of the proposal would allow a \$4 surcharge for the PACARS Fund to be assessed and against persons who pled and paid a fine through the fine collection center.

ASSUMPTION (continued)

Based on data for the past five years, FY 09 through FY 13, we assume that the average is approximately 130,207 fine collection center cases on which this \$4 surcharge could be applied. We anticipate the revenue from the surcharge would be approximately \$520,830 in any given year.

FY 09	120,507
FY 10	120,443
FY 11	127,663
FY 12	144,130
<u>FY 13</u>	<u>138,325</u>
Total	651,038
Average	130,207

**Oversight** assumes this proposal will modify the county contribution to PACARS. The legislation proposes a variable county contribution tied to the PACARS funded ratio:

Funded Ratio	County Contribution
120% and higher	No monthly sum transmitted
Greater than 110% to less than 120%	Monthly sum reduced by 50%
90% to 110%	Standard monthly sum transmitted
80% to less than 90%	Monthly sum increased by 50%
Less than 80%	Monthly sum increased by 100%

The PACARS actuarial value, as of July 1, 2012, which is most recent, was 86%. According to the proposal, the counties will each have an increased contribution of 50%.

According to Section 56.807, RSMo, the current monthly county contributions are as follows:

- 1st Class: \$646
- 2nd Class: \$271
- 3rd Class: \$187
- 4th Class: \$187

ASSUMPTION (continued)

**Oversight** assumes based on current actuarial value this would change their contributions to:

1st Class: \$969	Increase of: \$323
2nd Class: \$407	Increase of: \$136
3rd Class: \$281	Increase of: \$94
4th Class: \$281	Increase of: \$94

**Oversight** assumes that the increased cost to counties would create a negative fiscal impact on local governments. There are 17 first class counties, 4 second class counties, 89 third class counties, and 4 fourth class counties in Missouri. The increased cost to local governments would be (\$14,777) per month or (\$177,324) annually, if the funded ratio remains between 80% and 90%.

Officials at the **Department of Social Services** assume no fiscal impact from this proposal.

§67.320 - Modifies provisions relating to county courthouses in Jefferson and Franklin Counties

Officials at the **Office of the State Public Defender**, the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the Jefferson County and Franklin County did not respond to **Oversight's** request for fiscal impact.

§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230 & 525.310 - Changes the law regarding garnishments

Officials at the **Office of Administration (OA)** assume there is an unknown cost to the state from this proposal with the waiver of sovereign immunity in respect to garnishment of pay. OA currently receives approximately 5,000 writs per year. Currently, all writs are paid to the Cole County Sheriff. If any entity can serve OA by mail, it will complicate the process of garnishing wages and paying vendors.

**Oversight** assumes OA-Accounting is provided with core funding to handle a certain amount of activity each year. Oversight assumes OA-Accounting could absorb the costs related to this proposal. If multiple bills pass which require duties at substantial costs, OA-Accounting could request funding through the appropriation process.

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator (CTS)** assume the proposed legislation allows circuit court clerks to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted.

Based on data for the past four years, FY09 through FY12, CTS assumes that the average is approximately 237,354 executions and garnishments on which this surcharge could be applied. CTS assumes all circuit courts would collect a \$10.00 surcharge and anticipates the revenue would be approximately \$2,373,540 in any given year.

FY 09	211,043
FY 10	231,258
FY 11	250,212
FY 12	<u>256,904</u>
Total	949,417
Average	237,354

**Oversight** assumes all circuit court clerks will collect this fee and will reflect ten months of impact in FY 2015, or \$1,977,950 ( $\$2,373,540/12 \times 10$ ).

Officials at the **University of Missouri System** assume a fiscal impact of the proposed legislation would add approximately \$100,000 over a four-year period in administrative costs by the Curators of the University of Missouri.

**Oversight** assumes this cost can be absorbed by the University System.

Officials at the **City of Columbia** assume an unknown fiscal impact from this proposal. §25.310.1 potentially makes the City responsible for payment of a garnishee's debt for a ministerial error by a City employee.

**Oversight** assumes that fiscal impact due to §25.310.1 would not happen unless a city employee makes an error. If this happens, the city will have to address the situation through the budget process.

Officials at the **Department of Social Services, the Office of Prosecution Services, the Missouri Department of Transportation, the Department of Conservation and the Department of Insurance, Financial Institutions and Professional Registration** each assume

ASSUMPTION (continued)

no fiscal impact to their respective agencies from this proposal.

In response to similar legislation (HB 1612), official at the **Office of the State Public Defender** assume no fiscal impact from this proposal.

Officials at the **Mississippi County Recorder of Deeds** assume no fiscal impact from this proposal.

In response to similar legislation (HB 1612), officials at the **Cape Girardeau County Recorder of Deeds**, the **City of Jefferson**, the **City of Kansas City** and the **St. Charles County Recorder of Deeds** each assume no fiscal impact to their respective organizations from this proposal.

§475.072 - Form petition for the appointment of a guardian

In response to similar legislation (HB 1205), officials at the **Office of the State Courts Administrator** assume the development of court forms for statewide use falls under the authority of the State Judicial Records Committee. It is assumed the Missouri Bar would work with the State Judicial Records Committee on the creation and distribution of the new form. The cost of creating the form is unknown but expected to be less than \$100,000.

Officials at the **Department of Social Services Children's Division** and the **Division of Legal Services** each assume no fiscal impact from this proposal.

**Oversight** assumes the Office of the State Courts Administrator could absorb the one-time cost associated with the creation and distribution of the new form.

§§476.001, 476.320, 476.330 & 476.340 - Administration of the Judicial System

Officials at the **Office of State Courts Administrator (CTS)** assume the proposed legislation modifies various provisions of law relating to the administration of the judicial system. There may be some unknown costs, however, they would not anticipate a fiscal impact in excess of \$100,000 on all statutes other than Section 476.330. Section 476.330 brings the judges together to develop and make recommendations which is required by this statute. This portion of the proposal will result in a cost of \$146,000. Currently, CTS does their meeting annually in the fall. This proposal does not say that the meeting will be held in "odd-numbered years" but that "it



ASSUMPTION (continued)

shall be called at least once every odd-numbered year". CTS assumes that the proposal does not mean it will only occur in odd-numbered years but that it can also occur every year. The chart below is additional information of the \$146,000 costs that are associated with the Judicial Conference:

In State Travel	\$90,100
Supplies	2,000
Registration Fee for conference (\$250/judge)	50,000
Printing costs	1,200
Booth Rentals	400
Equipment Rental	800
Miscellaneous	<u>1,500</u>
Total Costs	\$146,000

**Oversight** assumes this proposal requires the meeting to be held at least every odd-numbered year, which makes the next meeting in calendar year 2015 and would result in a savings in those years the meeting was not held. Oversight notes the CTS assumes they will continue to have yearly meetings so no savings will be realized. Oversight will show this proposal as having no fiscal impact.

Officials at the **Department of Social Services** assume no fiscal impact from this proposal.

§488.2206 - May collect a surcharge in the 31st Judicial Circuit

Officials at the **Office of the State Courts Administrator** assume the proposed legislation provides that a surcharge may be collected in criminal proceedings filed in the Thirty-First Judicial Circuit. During the past five years (2009 to 2013) there was an average of 7,750 cases with guilty outcomes for all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law. In addition, the Fine Collection Center (FCC) has received a five year average of 3,425 violations disposed by guilty plea. Based on the surcharge of up to \$10 and an average collection rate of 80%, the projected annual increase would be \$89,400. We currently have no way to determine how many guilty outcomes or paid guilty outcomes would occur. The surcharge increase would be an increase of \$89,400 to unknown.

Officials at the **Department of Social Services** assume no fiscal impact from this proposal.

Officials at Greene County did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

§542.375 - Requires a search warrant for a government entity

Officials at the **University of Missouri System** assume a negligible financial impact to the University.

Officials from the **Office of Prosecution Services**, the **Department of Social Services** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation (HB 1388), officials at **Office of the State Public Defender** assume no fiscal impact from this proposal.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal is not anticipated to cause a fiscal impact in excess of \$100,000.

**Oversight** assumes CTS could implement the proposal with existing resources.

**Oversight** assumes the proposal would not have a direct fiscal impact.

§§632.480, 632.483 & 632.484 - Sexually violent offense conviction in another state

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

In response to similar legislation (HB 1231), officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in referrals or if the proposal results in significant litigation.

Officials from the **Department of Mental Health** state to the extent that referrals for sexually violent predator (SVP) in Missouri as a result of convictions in other states is increased, the fiscal impact will increase. The fiscal impact is unknown.

Officials from the **Department of Corrections (DOC)** state currently, they cannot predict the number of new commitments or extended incarcerations which may result from the expansion of a sexually violent predator as outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

ASSUMPTION (continued)

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional costs to the department and the exact fiscal impact is unknown.

In response to similar legislation (HB 1741), officials from the **Office of the State Public Defender (SPD)** state clients charged as sexually violent offenders are extremely expensive to defend. The average cost of each SVP case opened by the SPD was approximately \$20,000. If just 5 additional SVP cases were assigned to the SPD, the resulting cost would be \$100,000 per year.

Officials from the **Department of Social Services** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

§650.120 - Internet Cyber Crime

Officials at the **Department of Public Safety's Missouri Highway Patrol** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Department of Social Services** assume no fiscal impact from this proposal. Since one legislature cannot bind a future legislature to a particular budget item, deleting the requirement that the General Assembly appropriate a specific sum of money to the Cyber Crime Investigation Fund in future fiscal years has no real effect. According to STAT, the Department of Public Safety has never received more than \$1.5 million, which is the same amount proposed in the current budget. In FY 2014, STAT received \$76,420 under the Cyber Crime Investigation Fund Grant. STAT considers these funds to be above and beyond STAT's normal budget. Therefore, there is no fiscal impact to STAT.

In response to similar legislation (HB 1448), officials from the **Columbia Police Department** and the Cole County Sheriff's Department assumed the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

In response to similar bill from 2013 (HB 299), officials from the **Springfield Police Department** stated the proposal would result in savings of roughly \$39,000 to their agency for proceeds spent on overtime, training, license renewals, covert internet service and internet aircard.

In response to a similar proposal from 2012 (HB 1750), officials from the **Boone County Sheriff's Office** stated they currently receive funding for two detectives, equipment, training and overtime for their Cyber Crimes Unit. 2011's grant provided \$173,300. 2012's grant totals \$153,305 in funding. With these grants, the Sheriff's Office does not then have to come from the department's general budget. It is not known whether Boone County would be able to cover the loss of these funds to continue to employ two of the Cyber Crimes Unit detectives and/or keep the unit operational.

**Oversight** completed a sunset review of the program in 2011. Below is information Oversight compiled during that sunset review:

Beginning with fiscal year 2010 and each subsequent year, the General Assembly was to appropriate three million dollars to the Cyber Crime Investigation Fund to fund the program; however, this appropriation is removed in this bill. The Department of Public Safety administers the fund.

State funding of the Internet Cyber Crime Grant (ICCG) program began in Fiscal Year 2007 and lasted for three years. The program was funded through the state's General Revenue Fund and expenditures in the program for those three years were:

1. \$ 184,558 in FY 2007 (2007 ICCG);
2. \$1,025,285 in FY 2008 (2008 ICCG); and
3. \$1,357,748 in FY 2009 (2009 ICCG).

In 2009, the American Recovery and Reinvestment Act (ARRA), commonly known as the federal stimulus program, was signed into law which provided additional funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) for state and local law enforcement agencies. In 2010, DPS stopped funding the ICCG program and started a very similar program funded with federal stimulus funds and named the new program the Multi-Jurisdictional Cyber Crime Grant Program (MJCCG) to distinguish it from the ICCG.

ASSUMPTION (continued)

For the past five years, all Missouri cyber crime grants have been awarded under the MJCCG program. Federal funding of the MJCCG began in State Fiscal Year 2010 and lasted into FY 2014. Expenditures/awards in the program for those years are:

4. \$1,407,009 of expenditures in FY 2010 (2009 MJCCG);
5. \$1,419,768 of awards in FY 2011 (2010 MJCCG); and
6. \$1,516,699 of awards in FY 2012 (2011 MJCCG).

<b>Program Year</b>	<b>Program</b>	<b>Contract Period</b>	<b>Grantees</b>	<b>Award</b>	<b>Funding Source</b>
2007	ICCG	7/1/06 - 6/30/07	11	\$242,388	General Revenue
2008	ICCG	7/1/07 - 5/31/08	15	\$1,208,527	General Revenue
2009	ICCG	6/1/08 - 5/31/09	15	\$1,455,398	General Revenue
2009	MJCCG	6/1/09 - 6/30/10	13	\$1,499,597	ARRA
2010	MJCCG	7/1/10 - 6/30/11	14	\$1,419,768	ARRA
2011	MJCCG	7/1/11 - 6/30/12	14	\$1,516,699	ARRA

ASSUMPTION (continued)

This table shows the various task forces throughout the state that received funding in a recent fiscal year (FY 2011) through the federal program (MJCCG).

	Task Force	Project Title	Requested Funding	Award
1	Boone County, Cyber Task Force	Boone County Sheriff's Department Cyber Crimes Task Force	\$204,378	\$152,305
2	Clayton, RCCEEG	Regional Computer Crime Education & Enforcement Group	\$139,655	\$138,802
3	Dent County, Cyber Task Force	South Central Missouri Computer Crime Task Force	\$44,186	\$44,186
4	Independence, Cyber Unit	Northeastern Jackson County Cyber Crimes Working Group Against Internet Crime	\$138,851	\$121,092
5	Joplin, Cyber Task Force	Southwestern Missouri Cyber Crime Task Force	\$177,586	\$177,182
6	Kirksville, Cyber Task Force	Kirksville Regional Computer Crimes Unit	\$59,742	\$59,742
7	Missouri Department of Social Services, STAT	Operation Cyber-Safe	\$97,362	\$84,512
8	Missouri State Highway Patrol, Cyber Crime Unit	Computer Forensic Unit	\$42,057	\$31,989
9	Platte County, PCMEG	Western Missouri Cyber Crimes Task Force	\$423,006	\$202,677
10	Poplar Bluff, SEMO Cyber Unit	SEMO Cyber Crimes Task Force	\$129,215	\$105,206
11	Springfield, Cyber Crime Task Force	2012 Internet Cyber Crime Initiative	\$237,582	\$73,748
12	St Charles County, Cyber Task Force	St. Charles County Internet Crimes Against Children	\$191,584	\$190,864
13	St. Louis County, Cyber Task Force	2011 MJCCG - Special Investigations Personnel Upgrade	\$181,622	\$63,746
14	Stone County, Tri-Lakes Cyber Task Force	Tri-Lakes Regional Internet Crimes Task Force	\$93,490	\$70,646
	<b>Total Funding</b>		<b>\$2,160,318</b>	<b>\$1,516,698</b>

ASSUMPTION (continued)

**Oversight** assumes the federal stimulus funding for this program is exhausted. Therefore, Oversight will assume an annual cost to the General Revenue Fund to continue this program in FY 2015 and beyond. The Department of Public Safety is allowed to retain up to three percent of the funding for administrative expenses.

This proposal removes the sunset provision and extends the expiration date to 2024. It also removes the \$3 million appropriation from the section. Therefore, Oversight will assume an annual appropriation of roughly \$1.4 million (average of Fiscal Years 2008 - 2011) will be used to fund this program.

Two state agencies (Missouri Highway Patrol and the Department of Social Services) have previously received funding through this program. Therefore, Oversight will show potentially not all of the appropriation being distributed to local political subdivisions (some of the money could be granted to state agencies that work in this field and Department of Public Safety - Director's Office could retain a percentage for administrative expenses).

Officials from the Buchanan County Sheriff's Department and the St. Louis County Department of Justice did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
<b>GENERAL REVENUE FUND</b>			
<u>Transfer Out</u> - to Joint Contingency Fund (\$21.880) - for expenses associated with Joint Committee on Judiciary and Justice	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Transfer Out</u> - to the Cyber Crime Investigation Fund - to continue the Internet Cyber Crime Grant Program (\$650.120)	(\$1,400,000)	(\$1,400,000)	(\$1,400,000)
<u>Costs</u> - Department of Mental Health potential treatment of additional SVP cases because of additional referrals (§§632.480, 632.483, 632.484)	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<u>Costs</u> - Department of Corrections potential additional incarceration expense for additional SVP referrals (§§632.480, 632.483, 632.484)	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - Office of the State Public Defender - potential for increased SVP- defense cases (§§632.480, 632.483, 632.484)	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$1,400,000 to <u>Unknown</u>)</b>	<b>(\$1,400,000 to <u>Unknown</u>)</b>	<b>(\$1,400,000 to <u>Unknown</u>)</b>



**JOINT CONTINGENCY FUND**

<u>Transfer-in</u> from General Revenue Fund			
Transfer-in to cover expenses of the Joint Committee on Judiciary and Justice (§21.880)	Could exceed \$100,000	Could exceed \$100,000	Could exceed \$100,000
<u>Costs</u> - Expenses of Joint Committee on Judiciary and Justice (§21.880)	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON THE JOINT CONTINGENCY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**CYBER CRIME INVESTIGATION**

<u>Transfer In</u> - from the General Revenue Fund (§650.120)	\$1,400,000	\$1,400,000	\$1,400,000
<u>Costs</u> - Department of Public Safety is allowed to retain up to 3% of funding for administrative expenses(§650.120)	(Up to \$42,000)	(Up to \$42,000)	(Up to \$42,000)
<u>Costs</u> - grants to multi jurisdictional internet cyber crime law enforcement task forces(§650.120)	(At least <u>\$1,358,000</u> )	(At least <u>\$1,358,000</u> )	(At least <u>\$1,358,000</u> )
<b>ESTIMATED NET EFFECT TO THE CYBER CRIME INVESTIGATION</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**PACERS FUND**

<u>Revenue</u> - \$4 Fine Collection Center Surcharge(§56.807 & 488.026)	<u>\$434,025</u>	<u>\$520,830</u>	<u>\$520,830</u>
<b>ESTIMATED NET EFFECT ON PACARS FUND</b>	<b><u>\$434,025</u></b>	<b><u>\$520,830</u></b>	<b><u>\$520,830</u></b>

<u>FISCAL IMPACT - Local Government</u>	<u>FY 2015</u> <u>(10 Mo.)</u>	<u>FY 2016</u>	<u>FY 2017</u>
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Income</u> - grants from the Missouri Department of Public Safety for the Internet Cyber Crime Grant program (§650.120)	Up to \$1,400,000	Up to \$1,400,000	Up to \$1,400,000
<u>Revenue</u> - Circuit Courts - Surcharge assessed and collected in cases where garnishment is granted (§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230 & 525.310)	Up to \$1,977,950	Up to \$2,373,540	Up to \$2,373,540
<u>Costs</u> - Counties - Increased PACARS contribution (§§56.807 & 488.026)	(\$147,770)	(\$177,324)	(\$177,324)
<u>Revenue</u> - Local Political Subdivisions - from court surcharges (§488.2206)	Could exceed <u>\$89,400</u>	Could exceed <u>\$89,400</u>	Could exceed <u>\$89,400</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b>Less than</b> <b><u>\$3,319,580</u></b>	<b>Less than</b> <b><u>\$3,685,616</u></b>	<b>Less than</b> <b><u>\$3,685,616</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§21.880

The proposal creates a permanent Joint Committee on Judiciary and Justice.

§§56.807 & 488.026

Currently, each county treasurer must transfer a specified sum of money each month to the

Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund for use by the fund.  
FISCAL DESCRIPTION (continued)

Beginning August 28, 2015, the proposal requires that the county contribution be adjusted in accordance with the following schedule based on the retirement system's annual actuarial valuation report:

- (1) If the system's funding ratio is 120% or more, no monthly sum must be transmitted;
- (2) If the system's funding ratio is more than 110% but less than 120%, the monthly sum transmitted must be reduced 50%;
- (3) If the system's funding ratio is at least 90% and up to 110%, the monthly sum transmitted must remain the same;
- (4) If the system's funding ratio is at least 80% and less than 90%, the monthly sum transmitted must be increased 50%; and
- (5) If the system's funding ratio is less than 80%, the monthly sum transmitted must be increased 100%.

Currently, a surcharge of \$4 is assessed and collected in all criminal cases filed in court, including any violation of a county ordinance or any violation of the state's criminal or traffic laws, including infractions. The proposal adds any person who has pled guilty and paid a fine through a fine collection center to the list of those who are to be assessed the surcharge. In addition, the proposal allows prosecuting attorneys, in all counties that elect to make the position of prosecuting attorney a full-time position, to participate in the retirement system for prosecuting and circuit attorneys. The prosecutor is eligible for the same benefits as a full-time prosecutor in a county of the first classification.

§§408.040, 488.305, 525.040, 525.070, 525.080, 525.230, & 525.310

This bill specifies that judgments must accrue interest on the judgment balance, which is the total amount of the judgment awarded on the day judgment is entered including, but not limited to, principal, prejudgment interest, and all costs and fees. Post-judgment payments or credits must be applied first to post-judgment costs, then to post-judgment interest, and then to the judgment balance. In a case where a garnishment is granted, the clerk of the circuit court may charge and collect a surcharge of up to \$10 for the clerk's duties. The moneys collected from this surcharge must be placed in a fund to be used at the discretion of the clerk to maintain and improve case processing and record preservation.

NM:LR:OD

FISCAL DESCRIPTION (continued)

Writs of garnishment which would otherwise have equal priority must have priority according to the date of service on the garnishee. If the employee's wages have been attached by more than one writ of garnishment, the employer must inform the inferior garnisher of the existence and case number of all senior garnishments. The garnishee may deduct a one-time sum of up to \$20, or the fee previously agreed upon between the garnishee and judgment debtor where the garnishee is a financial institution, for his or her trouble and expenses in answering the interrogatories and withholding the funds, to be withheld from any funds garnished, in addition to the moneys withheld to satisfy the court-ordered judgment. This fee must not be a credit against the court-ordered judgment and must be collected first. The garnishee may file a motion with the court for additional costs, including attorney fees, reasonably incurred in answering the interrogatories, and the court may make an award as it deems reasonable. The motion must be filed on or before the date the garnishee makes payment or delivers property subject to garnishment to the court.

The bill repeals the current provisions regarding a judgment against an officer, appointee, or employee of this state or any municipal corporation or other political subdivision of the state and specifies that the provisions constitute a waiver of sovereign immunity with respect to garnishment of the pay of state, municipal, or other political subdivision employees. The state, municipal, or other political subdivision employer served with a garnishment must have the same duties and obligations as those imposed upon a private employer when served with garnishment. Pay of any officer, appointee, or employee of the state or any municipal corporation or other political subdivision of the state must be subject to garnishment to the same extent as in any other garnishment, and all garnishments against the employee must proceed in the same manner as any other garnishment except service of legal process to a department, municipal corporation, or other political subdivision of the state may be accomplished by certified mail, return receipt requested, or by personal service upon the appropriate agent designated for receipt of the service of process or the head of the department, municipal corporation, or other political subdivision of the state if no agent has been designated.

§§632.480, 632.483 & 632.484

This bills specifies that a conviction in this state or any other jurisdiction for a sexually violent offense can be considered when determining if a person is a sexually violent predator for purposes of confinement and treatment.

FISCAL DESCRIPTION (continued)

§650.120

This bill specifies that when a special prosecutor is appointed in any case, he or she may not be otherwise employed by a party other than the State of Missouri in any criminal case or proceeding in that circuit for the duration of that appointment and must be considered an appointed prosecutor for purposes of Section 56.360, RSMo. The presiding judge is authorized to assign a judge to hear the trial of a felony case when he or she has previously conducted the preliminary hearing in that case if the defendant has signed a written waiver permitting the same judge to hear both the preliminary hearing and the trial. The bill authorizes the 13th Judicial Circuit to appoint or retain a commissioner pursuant to Section 478.003. The bill adds the executive director of the Missouri office of prosecution services, or his or her designee, to those individuals on the panel in the Department of Public Safety that awards grants to law enforcement agencies that are investigating internet sex crimes against children. The bill adds assistant prosecuting and circuit attorneys to the list of individuals who are eligible to have their salaries paid through the grant. In any case in which the defendant is acquitted or in which a person must be committed or recognized to answer for a felony and no indictment is issued against the person, the costs must be paid by the state. The bill repeals the provision that requires the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person and prohibits the state or county from paying the costs in that type of case.

The provisions regarding Internet cyber crime law enforcement task forces and the Cyber Crime Investigation Fund expired on June 5, 2012. This bill extends these provisions to August 28, 2024 and removes appropriations for the fund.

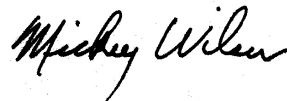
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of the Attorney General  
Joint Committee on Legislative Research  
Department of Economic Development  
Department of Revenue  
Department of Natural Resources  
Department of Social Services  
Office of the Governor  
Office of Prosecution Services  
Department of Corrections  
Department of Public Safety's Missouri Highway Patrol  
Office of the State Public Defender  
Office of Administration  
University of Missouri System  
City of Columbia  
Missouri Department of Transportation  
Department of Conservation  
Department of Insurance, Financial Institutions and Professional Registration  
Mississippi County Recorder of Deeds  
Cape Girardeau Recorder of Deeds  
City of Jefferson  
City of Kansas City

SOURCES OF INFORMATION (continued)

St. Charles County Recorder of Deeds  
Department of Mental Health  
Columbia Police Department  
Springfield Police Department  
Boone County Sheriff's Office



Mickey Wilson, CPA  
Director  
April 23, 2014

Ross Strobe  
Assistant Director  
April 23, 2014