

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0981-04
Bill No.: Perfected SS for SCS for SB 267
Subject: Criminal Procedure; Courts; Revenue Dept.; Fees; Saint Louis County; Libraries;
Landlords and Tenants; Civil Procedure
Type: Original
Date: March 8, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Unknown)	(Unknown)	(Unknown)
Missouri CASA	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Cities	\$210,840	\$217,165	\$223,680
Local Government	\$210,840	\$217,165	\$223,680

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

CASA Funding

In response to a similar proposal, officials from the **Office of State Courts Administrator** (OSCA) state the proposed legislation would create a fund for receiving and disbursing funds for support of CASA (court appointed special advocates) programs in the state. However, there is no defined revenue stream, just sources authorized. OSCA officials state since the income into the fund cannot be determined, all they can say is that income and expenses are unknown.

Officials from the **Office of State Treasurer** (STO) state the proposed legislation has no impact on their agency.

Oversight assumes the entire amount of funds transferred to the Missouri CASA Fund will be spent on programs. Oversight also assumes the amount appropriated to the CASA Fund by the General Assembly is unknown at this time.

Court Procedures

In response to a similar proposal in the prior session, officials from the **Office of State Courts Administrator** (OSCA) assumed the requirement to provide interpreters and translators for parties to court cases could be absorbed with existing resources.

Oversight assumes the requirements to use only certified court reporters, to allow courts to consider a defendant's mental retardation, and to enforce time limits for adjudicating custody proceedings, could be absorbed by OSCA with existing resources.

In response to a prior version of this proposal, officials from the **Office of State Courts Administrator** (OSCA) assumed the proposed legislation would make changes to the law on fingerprinting persons convicted of a crime and not previously fingerprinted; permit associate circuit judges to issue subpoenas; authorize direct transfer of orders of protection from the court automated system to MULES; provide for the originating county to cover costs in civil change of venues; modify closed records provisions; and, provide for direct distribution of parenting handbooks.

The proposed legislation would also make a number of technical and clarifying changes to statutes dealing with the operation and procedure in courts. While the provisions may result in making some things easier or more efficient, OSCA would not anticipate any appreciable impact on the costs or revenues of the judiciary.

ASSUMPTION (continued)

In response to similar proposals, officials from the **Office of State Courts Administrator** assume the replacement of a court commissioner in Boone County with an Associate Circuit Judge, and the provision for election of family court commissioners would have no fiscal impact on the agency.

Court Fee Surcharges

In response to a similar proposal, Officials from the **Office of State Courts Administrator** responded that the St. Louis City circuit clerk's office reported an income of \$737,940 from the current fee of \$35 in FY 2000, and a projected income of approximately \$900,000 in FY 2001. Projecting this to a \$45 fee, the increased income to the fund could range from \$210,840 to \$257,130.

Officials from the **City of St. Louis** responded that the current surcharge brings in about \$700,000 per year. That figure divided by the current surcharge is 20,000. An additional \$10 surcharge multiplied by those 20,000 cases results in an impact of an additional \$200,000 in revenue.

Oversight assumes the increased revenue would be approximately \$210,840 per year and has adjusted this estimate for an annual increases in cases filed.

MULES System

In response to a similar proposal in the prior session, officials from the **Department of Public Safety – Missouri Highway Patrol (MHP)** assumed the proposal would have a significant impact on the rules relating to orders of protection that are entered into the MULES system. This information is currently entered by the chief law enforcement officer responsible for maintaining the MULES system. However, the proposal would allow orders of protection to be entered using a direct automated data transfer from the court's automated system. MHP assumes OSCA could require their agency to comply with the provisions outlined in the proposal. Therefore, MHP would have to review the training and audit processes within the MULES program with MHP's Communications Division and appropriate MULES committee members. The process of validation of entries, clearing, modifying and deleting would have to be considered and addressed.

As a result of the change in procedure as outlined above, MHP assumes that any costs associated with this legislation will be provided through federal grant money that is currently available for such purposes. Accordingly, MHP assumed no additional costs would result from the proposal.

ASSUMPTION (continued)

Domestic Violence Reporting

Oversight assumes the cost of mandatory reporting of domestic violence in the “Missouri crime Index “ is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

<u>Cost</u> - Missouri Highway Patrol			
Domestic Violence Reporting	(Unknown)	(Unknown)	(Unknown)
<u>Loss</u> - Transfer to the CASA Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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CASA FUND

<u>Revenue</u> - Transfer from General Revenue	unknown	unknown	unknown
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<u>Costs</u> - Expenditures on CASA programs	(unknown)	(unknown)	(unknown)
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ESTIMATED NET EFFECT ON CASA FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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CITIES

<u>Income</u> - City of St. Louis			
Filing fees	\$210,840	\$217,165	\$223,680

ESTIMATED NET EFFECT ON CITIES	<u>\$210,840</u>	<u>\$217,165</u>	<u>\$223,680</u>
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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:

Create a state CASA Fund, limit state agency usage of private attorneys, make technical changes in court evidence rules involving privileged communications, mandate the preservation of DNA evidence in felony cases, provide for direct orders of supervision in lieu of points assessment in certain cases, enforce time limits for adjudicating custody proceedings, authorize direct transfer of orders of protection from the court automated system to MULES, require court reporters to be certified, add an associate circuit judge in place of a court commissioner in Boone County, provide for direct distribution of parenting handbooks, provide for the appointment of family court commissioners by a majority of the circuit and associate circuit judges in the circuit, allow a majority of the circuit and associate circuit judges in the circuit to appoint family court commissioners where a family court exists, allows the continuation of civil case surcharges in effect as of August 28, 2001, mandates the inclusion of domestic violence in the "Missouri Crime Index", mandates state payment of interpreter or translator fees, provides for the originating county to cover costs in civil change of venue cases, and allows court consideration of a defendant's mental retardation.

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



Jeanne Jarrett, CPA
Director
March 8, 2001