

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4094-01
Bill No.: HB 1188
Subject: Counties; Prisons and Jails
Type: Original
Date: February 24, 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	More than \$100,000	More than \$100,000	More than \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	More than \$100,000	More than \$100,000	More than \$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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** and the **State Treasurer's Office** assume the proposal 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 Labor and Industrial Relations (DOLIR)** assume proposed §595.045.8, RSMo, requires that in addition to convictions, which are presently included, pleas of guilty and findings of guilt entered in certain felony and misdemeanor criminal cases 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 only increase revenue into the fund in cases where a suspended imposition of sentence (SIS) is entered by the court. While DOLIR cannot estimate the number of class A or B felonies, class C or D felonies, or misdemeanor cases that are resolved with a suspended imposition of sentence, DOLIR believes that this provision may increase fund revenue. Conservatively, DOLIR assumes that this provision may provide approximately \$100,000 of additional revenue if an SIS in fact falls within the definition of "findings of guilt."

ASSUMPTION (continued)

DOLIR assumes proposed §595.045.8, RSMo, simply changes the statutory section that currently lists the inclusion of crimes that are subject to fines payable to the Crime Victims' Compensation Fund to a list that excludes the crimes that are not payable into the fund. This technical change in statutory wording has no fiscal impact.

This proposal also appears to make a technical change in statute by repealing §§595.045.9 to 595.045.11, RSMo. While this change is technical in that these statutory sections will expire the date the Missouri Supreme Court implements rules pursuant to §§488.010 and 488.020, RSMo, DOLIR assumes the elimination of these sections in conjunction with the replacement Supreme Court Rule (see Court Operating Rule 21.01 and Court Operating Rule 21.02, effective July 1, 2004) are likely to have a significant fiscal impact to the Crime Victims' Compensation Fund.

Court Operating Rule 21.01 and Court Operating Rule 21.02 will govern the collection and distribution of certain court costs, fees and charges. Section 595.045.9 and 595.045.10, RSMo, do not govern collection and distribution; rather, these sections establish specific record keeping and reporting requirements for the court clerks who collect Crime Victims' Compensation Fund court surcharges and fines.

The method to collect and distribute Crime Victims' Compensation Funds is statutorily found in §595.045.8, RSMo. This legislation does not eliminate the collection and distribution method and leave in the requirement that funds be processed pursuant to §§488.010 to 488.020, RSMo.

Sections 595.045.9 and 595.045.10, RSMo, currently subject records pertaining to county circuit court surcharge and fine collections of Crime Victims' Compensation Fund moneys to an audit by the state auditor. This statutory section was implemented as an accountability measure to ensure that all surcharge and fines earmarked to the Crime Victims' Compensation Fund were correctly credited to the fund. If this proposal passed, since the Supreme Court rules do not address Crime Victims' Compensation Fund receipts, no mechanism will exist to ensure fund moneys are both being collected and deposited into the fund.

Finally, Court Operating Rule 21.01 and Court Operating Rule 21.02 relate exclusively to the funding of Missouri court operations. Section 595.045, RSMo, primarily funds the Crime Victims' Compensation Program, operated by the DOLIR – Division of Workers, Compensation.

If the rule effective July 2004 were to replace existing statute making the latter null-and-void, the fiscal impact to the Crime Victims' Compensation Fund must equal \$0. However, there will likely be a significant fiscal impact to the fund as a result of Court Operating Rule 21.01 and 21.02.

ASSUMPTION (continued)

In summary, DOLIR assumes the proposal would result in additional revenues to the Crime Victims' Compensation Fund. DOLIR assumes these revenues could exceed \$100,000 per fiscal year.

Officials from the **Greene County Sheriff's Office** and the **Boone County Sheriff's Office** 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			
Fines on certain criminal cases	More than <u>\$100,000</u>	More than <u>\$100,000</u>	More than <u>\$100,000</u>
ESTIMATED NET EFFECT ON CRIME VICTIMS' COMPENSATION FUND	<u>More than</u> <u>\$100,000</u>	<u>More than</u> <u>\$100,000</u>	<u>More than</u> <u>\$100,000</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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.

DESCRIPTION

The proposed legislation would clarify that various costs assessed in criminal cases must also be assessed in those cases in which a defendant pleads guilty. Many of the existing statutes use the term "convicted," creating an ambiguity as to whether costs are to be assessed in cases where the court grants a suspended imposition of sentence and the defendant's record is expunged upon successful completion of a probationary period.

The proposal would also amend the list of misdemeanor offenses for which a \$10 fee is assessed for the Crime Victims' Compensation Fund. Current law lists 14 chapters of law for which the fee is assessed. The proposal would change this to all misdemeanors, except for driving offenses, watercraft regulations, and fish and game offenses.

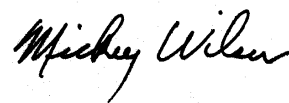
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Labor and Industrial Relations
Department of Revenue
State Treasurer's Office

NOT RESPONDING

Greene County Sheriff's Office
Boone County Sheriff's Office



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