

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5055-01
Bill No.: HB 1743
Subject: Courts; Judges; Juries
Type: Original
Date: April 28, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(\$1,500 to Unknown)	(\$1,500 to Unknown)	(\$1,500 to Unknown)
Total Estimated Net Effect on General Revenue Fund	(\$1,500 to Unknown)	(\$1,500 to Unknown)	(\$1,500 to Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 20 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Highway	Unknown	Unknown	Unknown
GREAT	\$0	\$0	\$0
After-School Retreat Reading and Assessment Grant Program	\$0	\$0	\$0
State Legal Expense	(Unknown)	(Unknown)	(Unknown)
Crime Victims' Compensation	\$1,463,244	\$1,762,944	\$1,762,944
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown) to More than \$1,463,244	(Unknown) to More than \$1,762,944	(Unknown) to More than \$1,762,944

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Federal	\$0	\$877,946	\$1,057,766
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$877,946	\$1,057,766

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	(Unknown) to Unknown	(Unknown) to Unknown	(Unknown) to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Coordinating Board for Higher Education, Department of Economic Development, Department of Mental Health, Department of Natural Resources, Department of Revenue, Department of Social Services, Department of Conservation, Missouri Senate, Office of the State Public Defender, State Treasurer's Office, Linn State Technical College, University of Missouri System, and St. Louis Public Schools** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume the cost of the proposed legislation could be absorbed within existing resources.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

§§2.030, 2.040, 2.050, 2.060, 3.130 – Session Laws/Statutes

Officials from the **Department of Health and Senior Services (DOH)** assume it is not clear how the modifications to the provisions regarding publication and distribution of the revised statutes would affect the department. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

Officials from the **Joint Committee on Legislative Research (LR)** assume the provisions would allow them to order approximately 850 fewer sets of the Revised Statutes. At an estimated cost of \$100 per set, the proposal would reduce LR's costs by \$85,000.

Oversight assumes, pursuant to Section 3.010, RSMo, the Revised Statutes are required to be published at least every ten years. The current RSMo is 2000. Therefore, the next required publication would be in 2010, which is beyond the scope of the fiscal note.

ASSUMPTION (continued)

105.711 – State Legal Expense Fund

Officials from the **Office of Administration – Risk Management** assume §105.711.2(5) would fiscally impact the state. Contact was made with the Bar Plan Mutual Insurance Company that insures individual attorneys and law firms across the state. Applying a \$500,000 per claim limit, with a standard \$1,000 deductible, \$1.5 million aggregate per year, the annual base rate for an individual attorney would be \$2,421 in premium cost. The Missouri Bar reports there are approximately 18,000 attorneys in Missouri with approximately 73% giving some free legal assistance. However, it is unclear that the “free legal assistance” is limited to the services as described in §105.711.2(5) and the 73% may be an overestimation for purposes of the fiscal note. While this coverage likely would have a fiscal impact on the state, costs cannot be determined and remain unknown.

Officials from the **Office of Secretary of State (SOS)** assume the proposal would give the Attorney General’s Office the authority to adopt rules to implement the provisions of this act. These rules would be published in the Missouri Register and the Code of State Regulations. These rules could require as many as 10 pages in the Code of State Regulations and half again as many pages in the Missouri Register, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code of State Regulations is \$27. Based on these costs, the estimated cost of the proposal is \$615 in FY 05 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

ASSUMPTION (continued)

In response to a similar proposal, officials from the **Department of Transportation (MoDOT)** assume Section 105.711 would limit the payments from the State Legal Expense Fund to any one claimant to \$500,000 total. By limiting the payments to \$500,000 total, the amount recoverable against MoDOT employees would be limited. This is a positive benefit. However, the language is not clear regarding claims against the state entity, in this case Missouri Highways and Transportation Commission (MHTC) and MoDOT. MoDOT and MHTC maintain a self-insurance fund for paying tort liability claims against MoDOT and MHTC. The provisions in Section 105.711 apply only to payments from the State Legal Expense Fund. Therefore, potentially a claimant could recover up to \$500,000 against a MoDOT employee and up to the statutory limit in Section 537.610 against MHTC (approximately \$321,000+), resulting in total potential recovery of \$821,000.

The elimination of the exclusive remedy language to protect MHTC and MoDOT employees from individual liability not subject to sovereign immunity caps would be advantageous to MHTC. However, an accurate estimate would be impossible to determine as the benefit of these revisions would depend upon the number of cases impacted, the potential liability of MHTC in such cases and other related factors. Therefore, the impact of this legislation is a positive unknown.

§§452.025, 452.340 – Verified Pleadings

Officials from the **Department of Health and Senior Services (DOH)** assume the proposal would require a DOH official to verify pleadings filed in collection cases. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

§482.330 – Number of Claims in Small Claims Court

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would change the maximum number of small claims petitions that can be filed by a party from eight in one year to three in a 30-day period. This would be a potential fourfold increase in small claim filings.

ASSUMPTION (continued)

There is the potential for a significant increase in small claim filings, but CTS has no way of determining what that increase might be. Although some of these cases may be ones that would have been filed in the associate divisions, small claim filings require a significant amount of clerk time – an average of 2.5 hours per case, because clerks are required to assist the petitioner with the filing process.

Any significant increase in court workload would be reflected in future budget requests.

Officials from the **Department of Health and Senior Services (DOH)** assume the proposal would allow the filing of 4 additional collection cases in small claims court per year. Costs are unknown, as based on the language within the bill it is not known how this would apply specifically to the DOH.

§478.320 – Associate Circuit Judge Positions

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide that a county shall lose an associate circuit judge position if a judge retires or dies and its population has decreased in comparison to the last decennial census. CTS assumes any attempt on their part to estimate when these events might occur would be purely speculative and not useful for fiscal note purposes.

Oversight assumes Office of State Courts Administrator would experience a savings due to a decrease in salaries if an associate circuit judge position is lost due to the death or retirement of an associate circuit judge and a decrease in population compared to the last decennial census.

Oversight also assumes counties could experience a small savings in expenses when they lose an associate circuit judge position. Oversight cannot predict the fiscal years that would be impacted by the legislation, as there is no way to predict when a judge might retire or die. Therefore, Oversight has reflected the fiscal impact as \$0 or Unknown in any given fiscal year.

§§488.5020, 589.313 – GREAT Fund

Officials from the **Office of the State Courts Administrator (CTS)** estimates, based on FY 2003 data, that the surcharge would apply to 20,979 circuit-level felony cases, and 4,236 associate circuit felony preliminary cases, for a total of 25,215 cases. Based on an average collection rate of 80 percent, the surcharge could provide about \$100,860 (25,215 x \$5 x 80%) per year.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** state the proposal would require DESE to administer a “Gang Resistance Education and Training Program” (GREAT) for school districts which DESE determines are in need of such programs. The impact on DESE would be minimal as the curriculum, federal funding for law enforcement agencies, guidelines, and agreements with school districts have already been established by the federal government. DESE assumes DPS will provide costs related to training.

In addition, the proposal would require DESE to develop a grant program to provide school districts with matching grants to fund the after-school reading retreat program. DESE would require 1 FTE Supervisor (at \$47,616 per year) and 1 FTE Administrative Assistant (at \$25,812 per year) to establish grant criteria, provide copies of criteria to all school districts, promulgate grant application forms, review proposals, award grants, and administer the program. Cumulative costs to develop grant application forms, print copies of grant criteria and distribute to all school districts, and acquire grant reader services should be less than \$100,000.

It should be noted that the proposal would also create a \$5 surcharge to be assessed as costs in each court proceeding filed in any court in the state in all felony criminal cases involving chapters 195, 565, 566, 569, 570, and 571, RSMo. Fifty percent of these funds shall be used to promote the GREAT program and an amount of up to fifty percent shall be used to fund the after school reading retreat program. DESE defers to the Office of State Courts Administrator regarding the potential quantity of funding.

Oversight assumes the after-school retreat reading program was authorized in the 2001 session by CCS for HCS for SB 319. DESE requested 2 FTE in the fiscal note for this bill. Oversight assumes the program was not initiated and the 2 FTE requested for this proposal are the same as those requested for CCS for HCS for SB 319. Therefore, Oversight assumes no personnel cost to DESE for this proposal. Oversight also assumes any administrative costs associated with the after-school retreat reading program would be paid out of the after-school retreat reading and assessment great program fund.

ASSUMPTION (continued)

§§494.400, 494.425, 494.430, 494.432, 494.450, 494.460 – Jury Service

Officials from the **Office of State Courts Administrator (CTS)** assume there are often many people who fail to appear, and there may be an increase in the number of criminal cases filed. However, after a period of time and awareness of the penalty, CTS would anticipate substantial compliance and would not expect a significant impact on the workload of the court. There may be an increase in workload relating to the processing of requests for postponement, but CTS has no way of predicting that impact at this time.

Officials from the **St. Louis Metropolitan Police Department** assume the provision would remove the exclusion for police officers and would cost at least \$100,000 per year with payments to officers for jury duty and any overtime needed to meet desired staffing levels.

Oversight assumes local law enforcement agencies could experience increased costs in the form of previously exempted employees now serving jury duty.

§§570.030, 570.200, 570.210 – Stealing Historical Documents, Library Theft

Officials from the **Office of State Courts Administrator (CTS)** assume, depending on the degree of enforcement, there may be some increase in the number of criminal cases filed; however, CTS would not expect it to have a significant impact on the workload of the courts.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

ASSUMPTION (continued)

Oversight assumes any reduction in the foundation formula resulting from increased fines collected at the local level and those fines received at the local level will offset each other.

Officials from the **Department of Corrections (DOC)** assume this bill revises various statutes relating to theft of historical documents and library theft. Penalty provisions are for up to a class B felony.

Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

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 operational cost either through incarceration (FY03 average of \$38.10 per inmate per day, or an annual cost of \$13,907 per inmate) or through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender per day, or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

§590.120 – POST Commission

Officials from the **Department of Public Safety (DPS)** assume they would incur the travel expenses for the two additional members of the POST Commission. DPS estimates the cost to be \$1,500 per fiscal year.

ASSUMPTION (continued)

§§595.045, 595.050 – Crime Victims’ Compensation Fund

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 the 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, the DOLIR believes that this provision may increase fund revenue. Conservatively, the 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.”

Combined, the elimination of §595.045.4(3), RSMo, and §595.045.6(3), RSMo, and the addition of language in §595.050, RSMo, may, at periodic intervals, result in the inability of the DOLIR to pay eligible victims of violent crime. During the most recent three-year period (36 months), the Crime Victims’ Compensation Fund balance was less than \$1,000,000 for a period of seven (10) months, or 27.7 percent of the three-year period covered by this fiscal note.

Under current law, the DOLIR’s Crime Victims’ Compensation Program would receive an increase from 50 percent to 75 percent in fund revenue when the fund falls below \$1,000,000. Under this proposal, the program would continue to received 50 percent regardless of the fund balance. Last fiscal year (FY 2003), the Crime Victims’ Compensation Program paid \$7,681,050.36. Of this amount, \$6,364,418.24 was paid in state Crime Victims’ Compensation dollars. The remaining amount was paid through a federal grant.

To determine the impact on the state Crime Victims’ Compensation Program, the DOLIR can multiply 27.7% (period of time current statutory funding has been increased during the last 36 months) by the state dollar amount spent. The result equals \$1,762,944.

Further, since the program receives a federal grant based on 60 percent of the dollar amount spent in the previous year, this will reduce federal funding by approximately \$1,057,766 annually.

ASSUMPTION (continued)

Proposed changes in §595.045.8, RSMo, increasing criminal case resolution types where benefits are payable to the Crime Victims' Compensation Fund, and earmarked for benefits to victims' violent crime may offset a portion of the reduction in funding stated previously. This provision is expected to provide an additional \$100,000 in fund revenue annually.

Finally, proposed changes to §595.045.8, RSMo, are expected to reduce the amount overall balance of the fund by approximately \$20,000 annually. Since this money would otherwise lapse, 50 percent, or \$10,000 would be available to the Crime Victims' Compensation Program.

In summary, the DOLIR estimates the total fiscal impact of the proposal to be \$1,762,944 per year to the Crime Victims' Compensation Fund (State) and \$1,057,766 to Federal Funds.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Savings</u> – Office of State Courts Administrator			
Decreased salaries due to loss of judge (\$478.320)	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – Department of Corrections			
Incarceration/probation costs (\$§570.030, 570.200, 570.210)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> – Department of Health and Senior Services			
Verify pleadings (§§452.025, 452.340)	(Unknown)	(Unknown)	(Unknown)
Additional Small Claims Cases (\$482.330)	(Unknown)	(Unknown)	(Unknown)
Distribution of statutes (§§2.030, 2.040, 2.050, 2.060, 3.130)	(Unknown)	(Unknown)	(Unknown)
<u>Total Costs</u> – DOH	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Department of Public Safety			
POST Commission expenses (\$590.120)	(\$1,500)	(\$1,500)	(\$1,500)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$1,500 to Unknown)</u>	<u>(\$1,500 to Unknown)</u>	<u>(\$1,500 to Unknown)</u>
HIGHWAY FUNDS			
<u>Savings</u> – Department of Transportation			
Payment limits	Unknown	Unknown	Unknown
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

GREAT FUND

Income – Department of Elementary and Secondary Education (DESE)

Surcharge on certain felony criminal cases (§§589.313, 488.5020)	\$42,025	\$50,430	\$50,430
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Costs – DESE

Disbursements to local law enforcement and school districts (§§589.313, 488.5020)	<u>(\$42,025)</u>	<u>(\$50,430)</u>	<u>(\$50,430)</u>
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ESTIMATED NET EFFECT ON GREAT FUND

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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AFTER-SCHOOL RETREAT READING AND ASSESSMENT GRANT PROGRAM FUND

Revenues – Department of Elementary and Secondary Education (DESE)

Surcharge on certain felony criminal cases (§§589.313, 488.5020)	\$42,025	\$50,430	\$50,430
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Costs – DESE

Administrative costs and disbursements to local school districts (§§589.313, 488.5020)	<u>(\$42,025)</u>	<u>(\$50,430)</u>	<u>(\$50,430)</u>
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ESTIMATED NET EFFECT ON AFTER-SCHOOL RETREAT READING AND ASSESSMENT GRANT PROGRAM FUND

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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STATE LEGAL EXPENSE FUND

<u>Costs</u> – Office of Administration			
Liability coverage (§105.711)	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON STATE LEGAL EXPENSE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**CRIME VICTIMS’
COMPENSATION FUND**

<u>Revenues</u> – Department of Labor and Industrial Relations			
Additional fines and fund balance requirements (§§595.045, 595.050)	\$1,463,244	\$1,762,944	\$1,762,944

ESTIMATED NET EFFECT ON CRIME VICTIMS’ COMPENSATION FUND	<u>\$1,463,244</u>	<u>\$1,762,944</u>	<u>\$1,762,944</u>
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FEDERAL FUNDS

<u>Revenues</u> – Department of Labor and Industrial Relations			
Additional fines and fund balance requirements (§§595.045, 595.050)	\$0	\$877,946	\$1,057,766

ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$877,946</u>	<u>\$1,057,766</u>
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FISCAL IMPACT - Local Government

FY 2005
 (10 Mo.)

FY 2006

FY 2007

POLITICAL SUBDIVISIONS

Savings – Counties

Decreased expenses (§478.320)

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

Revenues – School Districts

(§§589.313, 488.5020)

From GREAT Fund

\$42,025

\$50,430

\$50,430

From After-School Retreat Reading
 and Assessment Grant Program Fund

\$42,025

\$50,430

\$50,430

Total Revenues – School Districts

\$84,050

\$100,860

\$100,860

Costs – School Districts

(§§589.313, 488.5020)

For GREAT Programs

(\$42,025)

(\$50,430)

(\$50,430)

For After-School Retreat Reading
 Programs

(\$42,025)

(\$50,430)

(\$50,430)

Total Costs – School Districts

(\$84,050)

(\$100,860)

(\$100,860)

Costs – Law Enforcement Agencies

Employees serving jury duty

(§§494.400, 494.425, 494.430,
 494.432, 494.450, 494.460)

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT ON
 POLITICAL SUBDIVISIONS**

**(Unknown) to
Unknown**

**(Unknown) to
Unknown**

**(Unknown) to
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:

Require the joint committee on legislative research (LR) to annually collate, index, print, and bind all laws and resolutions passed or adopted by the session. The revisor of statutes would be required to distribute one copy without cost to each member of the general assembly, every county circuit clerk, circuit judge, prosecuting attorney, and sheriff. LR would determine the cost of printing and binding, at which the revisor of statutes could sell copies of the laws and resolutions. (§§2.030, 2.040, 2.050, 2.060)

The revised statutes of Missouri could also be produced in an electronic format. One copy of either version would be distributed as specified. (§3.130)

The State Legal Expense Fund could be used to provide health care services to patients or inmates of county jails and for attorneys practicing law without compensation at or through a nonprofit community social services center. The aggregate of payments from the State Legal Expense Fund would be limited to \$500,000 for claims pursuant to practicing law without compensation at such social services centers. (§105.711)

The juvenile court would have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance. (§211.031)

For any matter referred to the juvenile court, the juvenile officer would be required to make a risk and needs assessment. The results from the risk and needs assessment would be provided to the state courts administrator. (§§ 211.141, 211.327)

Liens would be filed with the recorder of deeds. (§§429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.490, 429.540)

Specifies the format for verified pleadings under Chapter 452 (domestic relations). Child support guidelines should be reviewed not less than once every four years. (§§452.025, 452.340)

Allow the court to issue direct payment orders to parties for the payment of guardian ad litem fees. (§452.423)

Clerk and other non-judicial personnel of the probate division of the 22nd judicial circuit would be appointed by the judge of the probate division. (§472.075)

DESCRIPTION (continued)

Require the court to appoint qualified interpreters and translators in all legal proceedings in which the nonEnglish speaking person is a party or a witness. Interpreters and translators would be allowed a reasonable fee and necessary travel expenses, but would not be compensated for travel time. (§§476.800, 476.810, 476.820)

A county would lose an associate circuit judge position if a judge retires or dies and in that same year the county population has decreased in comparison to the last decennial census.(§478.320)

Under current law, persons are limited to filing eight small claims actions per year. The proposed legislation would change that limit to three small claims actions per 30-day period. (§482.330)

Clerks of any state court who take or process applications for passports would be required to account for the fees charged and remit 80% of the fees on the last of each month to the state and 20% to the county where the application was taken. (§§483.537, 483.550)

Cass County would assess a \$10 surcharge in each court proceeding filed. (§488.2275)

The proposed legislation would assess a \$5 surcharge on all felony court proceedings involving drugs (Chapter 195 RSMo), offenses against the person (Chapter 565), sexual offenses (Chapter 566), robbery, burglary, arson (Chapter 569), stealing (Chapter 570), and weapons (Chapter 571), except when charges are dismissed or when costs are to be paid by the state or political subdivision. One-half of the surcharge would be deposited in the Gang Resistance Education and Training (GREAT) Fund, to be administered by the Department of Elementary and Secondary Education (DESE). DESE, in conjunction with local law enforcement, would develop a program for gang resistance training in school districts. (§§589.313, 488.5020)

Modify several provisions relating to jury service and provide a means by which prospective jurors can obtain a postponement of jury service. A person who fails to appear or fails to obtain a postponement would be subject to a civil penalty, not to exceed \$400. Community service could be performed in lieu of the fine if approved by the court. (§§494.400, 494.425, 494.430, 494.432, 494.450, 494.460)

Persons aggrieved by a judgment in a civil case tried without a jury before an associate circuit judge would have the right of a trial de novo in all municipal/traffic court cases, small claims court cases, and administrative procedure and review cases. (§512.180)

DESCRIPTION (continued)

Modify the list of property that would be exempt from attachment and execution. (§§513.430, 513.440)

Injunctions could be granted by a circuit judge or an associate circuit judge. (§526.010)

Delete the requirement that the summons in landlord/tenant matters be sent to the defendant by certified mail. Such matters would be heard by the court without a jury. (§§535.020, 535.030, 535.040)

Lengthen the statute of limitation on civil claims for damages caused by sexual abuse suffered as a child. Under current law, a claim must be brought within three years from the date the victim should have discovered the injury or illness or within five years of the victim's eighteenth birthday, whichever occurs later. The proposal would lengthen the second part of this statute to 10 years from the victim's twenty-first birthday. (§537.046)

Applications for issuance of search warrants could be submitted by facsimile or other electronic means. Search warrants could be issued by facsimile or other electronic means. Photographs and copies of items seized would be filed with the circuit clerk within 10 days after filing of the application. (§542.276)

A complaint could be made and a warrant could be issued via facsimile or other electronic means. (§544.020)

Stealing a document of historical significance would be a class C felony. (§570.030)

Would modify the crime of library theft. (§§570.200, 570.210)

Records of alleged acts of a peace officer would be made available to any hiring law enforcement agency. (§590.118)

The POST Commission would be increased from nine to eleven members. (§590.120)

Modify the provisions relating to the Crime Victims' Compensation Fund. (§§595.045, 595.050)

Under current law, any person involved in an incident for which a police report was filed may obtain a copy of the police incident report, if needed for a civil action. The proposed legislation would allow the parent or child of the person to obtain the information when the person is deceased or has been judged incompetent. (§610.100)

BLG:LR:OD (12/02)

DESCRIPTION (continued)

Allow a court-appointed counsel to be awarded a reasonable fee to be paid under the provisions of subsection 2 of Section 632.415, RSMo, when defending a patient refusing electroconvulsive therapy. (§630.130)

A real estate licensee would be immune from liability for statements made by home inspection experts. (Section 1)

The proposal contains a severability clause.

The proposal contains a sunset provision of December 31, 2009 for Sections 488.5020 and 589.313.

The proposal contains an emergency clause for Sections 2.030, 2.040, 2.050, 2.060, and 3.130.

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

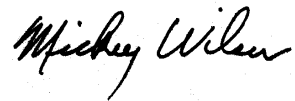
SOURCES OF INFORMATION

Office of the Attorney General
Coordinating Board for Higher Education
Office of Administration
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Public Safety
Joint Committee on Legislative Research
Department of Conservation
Office of Prosecution Services
Missouri Senate

BLG:LR:OD (12/02)

SOURCES OF INFORMATION (continued)

Office of the Secretary of State
Office of the State Public Defender
State Treasurer's Office
Linn State Technical College
University of Missouri System
St. Louis Metropolitan Police Department
St. Louis Public Schools

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

Mickey Wilson, CPA
Director
April 28, 2004