

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3419-01
Bill No.: HB 1497
Subject: County Sheriff: Fees
Type: Original
Date: February 28, 2008

Bill Summary: Increases the fee for service of process by a Sheriff from \$20 to \$35.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Local Government	\$2,032,000 to Unknown	\$2,032,000 to Unknown	\$2,032,000 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of State Courts Administrator** stated that the proposed legislation would increase the sheriff fee for service of process on a summons, writ or other order of the court from \$20 to \$35.

Officials stated that in several counties through the state the sheriff is paid directly. In addition, a sheriff may receive payment from other counties that may either be paid directly by the party requesting service or from the court where the case is filed. When the court receives the sheriff's fee, it is later disbursed to the county and placed in the sheriff's office account.

In 2007, approximately 135,476 summonses were served by sheriff departments statewide. This number does not include the 21st, 25th, or 31st circuits. These circuits were not on JIS, the court automation program, for the entire 2007 year. Excluding the 21st, 25th, and 31st circuits, the increased sheriff fee will generate an additional \$2,032,140 for sheriff departments. This estimate does not include possible revenues from service on a writ or order of the court.

Officials of the **Boone County Sheriff's** office stated that this proposal would not increase revenues directly for the Sheriff's department. Officials stated that in 2006 the Boone Co. Sheriff's Department served 12,454 papers. The fee of \$20 per paper service generated approximately \$249,080.

Annually, the Sheriff's Department only receives the first \$50,000 to use at its discretion and the balance (just under \$200,000 in 2006) goes into the county's General Revenue fund, not back to the Sheriff's Dept. Using the 2006 number of papers served as a base, increasing the fees for civil process would generate \$186,810 of additional revenue for the General Revenue fund, none of which would be returned to the Sheriff's Dept.

Oversight assumes, based on the Boone County Sheriff's statement, that some County Sheriffs which collect less than the \$50,000 in fees which they are allowed to retain, would be expected to have an increase in their office revenues. In counties like Boone County, the County's General Revenue Fund could expect an increase in fee revenue. **Oversight** has no way of determining the amount of increase on a statewide basis, but using the \$2,032,140 figure of new revenue estimated by the Courts Administrator's office as the least amount of fee revenue generated and assuming that the greatest amount would be unknown, **Oversight** will show fiscal impact to county's General Revenue Fund as \$2,032,000 to unknown. **Oversight** assumes no state fiscal impact. **Oversight** assumes some of the increase in fee revenues would be earmarked for the benefit of County Sheriff's budgets.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011

**COUNTY GENERAL REVENUE
FUND**

<u>Increase in Income</u> - From increase in Sheriff's fees for services.	<u>\$2,032,000 to Unknown</u>	<u>\$2,032,000 to Unknown</u>	<u>\$2,032,000 to Unknown</u>
ESTIMATED NET EFFECT TO LOCAL GOVERNMENT *	<u>\$2,032,000 to Unknown</u>	<u>\$2,032,000 to Unknown</u>	<u>\$2,032,000 to Unknown</u>

*** Oversight assumes some of the new revenues generated from the increase in Sheriff services fees would be earmarked for the benefit of the Sheriff's annual office budget.**

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill increases from \$20 to \$35 the fee a County Sheriff may charge for serving any summons, writ, or other court order in any civil case.

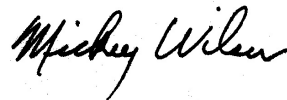
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Boone County Sheriff

NOT RESPONDING

Buchanan County Sheriff
Clark County Sheriff
Greene County Sheriff
Jackson County Sheriff
Platte County Sheriff
St. Louis County Sheriff

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

Mickey Wilson, CPA
Director
February 28, 2008