

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4503-01
Bill No.: HB 1930
Subject: Courts
Type: Original
Date: March 7, 2008

Bill Summary: The proposal authorizes circuit courts to collect a \$4 fee on all cases filed for deposit into the circuit clerk's record preservation fund.

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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume beginning September 1, 2008, the proposed legislation would impose a \$4.00 court cost in all civil and criminal cases, including municipal and ordinance violations. This money is to be deposited into the circuit clerk's record preservation fund, which is created in the legislation. While there are still problems interpreting the intent of these provisions, CTS is providing a response based on what they think the intent is.

CTS calculation takes into account the fact that felony collection rates are only between 50% and 60%, and misdemeanor collection rates average 80%. This court cost is assessed on misdemeanor and felony cases. Since these defendants often do not have steady employment or cash reserves, the court often gives the defendants the period of probation to pay the costs and fines. Therefore, the revenue generated the first year is less than that generated in subsequent years. CTS assumes the felony collection rate increases over a period of four years, which CTS believes to be the average probation served for felonies. The collection rate for misdemeanors increases over two years, the average probation time for misdemeanants.

Exclude Fine Collection Center:

Based on a 50% felony collection rate, CTS calculations indicate that the legislation will produce \$1,898,794 in the 1st 12 months, \$2,070,755 in the 2nd 12 months, \$2,087,176 in the 3rd 12 months, and \$2,103,598 annually thereafter. Based on a 60% felony collection rate, CTS calculations indicate that the legislation will produce \$1,902,078 in the 1st 12 months, \$2,077,323 in the 2nd 12 months, \$2,097,029 in the 3rd 12 months, and \$2,116,735 annually thereafter.

Include Fine Collection Center:

Based on a 50% felony collection rate, CTS calculations indicate that the legislation will produce \$2,368,558 in the 1st 12 months, \$2,540,519 in the 2nd 12 months, \$2,556,940 in the 3rd 12 months, and \$2,573,362 annually thereafter. Based on a 60% felony collection rate, CTS calculations indicate that the legislation will produce \$2,371,842 in the 1st 12 months, \$2,547,087 in the 2nd 12 months, \$2,566,793 in the 3rd 12 months, and \$2,586,499 annually thereafter.

ASSUMPTION (continued)

For fiscal note purposes, **Oversight** assumes the revenues generated would range from a low using CTS estimates of a 50% felony collection rate and excluding collections made by the fine collection center to a high using CTS estimates of a 60% felony collection rate and including collections made by the fine collection center. The FY 09 estimates reflect 10 months of collections due to the August 28, 2008 effective date.

Oversight assumes the circuit clerks will utilize any revenues generated by the provisions in the proposed legislation for the costs of record storage, microfilming, preservation, public access of circuit court records, and any other allowable costs.

<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
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POLITICAL SUBDIVISIONS

Revenues – Circuit Clerks

Court costs to circuit clerk's record preservation fund	\$1,582,328 to \$1,976,535	\$2,070,755 to \$2,547,087	\$2,087,176 to \$2,566,793
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Costs – Circuit Clerks

Record storage, microfilming, preservation, etc.	<u>(\$1,582,328 to \$1,976,535)</u>	<u>(\$2,070,755 to \$2,547,087)</u>	<u>(\$2,087,176 to \$2,566,793)</u>
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ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</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.

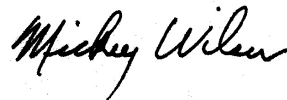
FISCAL DESCRIPTION

The proposed legislation authorizes circuit courts to collect a \$4 fee on all cases filed on or after September 1, 2008, for deposit into the circuit clerk's record preservation fund to be used for record storage, microfilming, preservation, and public access of circuit court records. The proposal also specifies that no fee authorized by Sections 488.010 - 488.020, RSMo, can be collected in any proceeding involving a violation of an ordinance or state law when a criminal case has been dismissed by the court or when the costs are waived or paid by the state, county, or municipality.

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



Mickey Wilson, CPA
Director
March 7, 2008