

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0265-01
Bill No.: HB 58
Subject: Motor Vehicles; Crimes and Punishment; Courts
Type: Original
Date: February 2, 2015

Bill Summary: This proposal allows community service in lieu of a fine for certain traffic offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **City of St. Louis** assume this legislation would provide an option for community service in lieu of a fine for certain traffic offenses. The legislation would assist defendants facing financial difficulty by providing non-financial penalty alternatives. The City of St. Louis would see some reduction in City Court's fine revenue, though the extent of this reduction would be difficult to estimate at this time.

Officials at the **City of Kansas City** assume additional attorneys' fees for indigent representation since the indigent will be placed on probation while they perform community service. As they will face jail time if they do not fulfill their community service requirement, attorneys may be required for offenses that wouldn't normally carry any jail time. Estimated costs exceed \$60,000 each year. The imposition of community service in lieu of paying a fine would have a fiscal impact. The decline in revenue cannot be projected since we can't predict at what volume this option might be utilized.

Officials at the **City of Columbia** assume Lines 1 - 8 would have no direct fiscal impact on the City's municipal court, as the judge already considers using community service or payment plans in all traffic cases, where appropriate, usually where a defendant is indigent or under-employed. If neither status applies, a defendant is ordered to pay.

The apparent prohibition (lines 10 - 14) against more than one community service "sentence" for the same defendant in a 12-month period would affect the court's discretion to use community service as a way for the individual to pay some penalty for breaking the law. If the judge cannot use it, his only option is to reduce the fine to a small amount or forgive it altogether. The judge cannot imprison an indigent person for contempt of court for failure to pay. This could have a negative fiscal impact on City revenues and on the City's ability to enforce local ordinances.

In addition, our local experience has been that the working poor, homeless people, disabled people, and others in similar situations do not change their status very often or easily. If they re-offend more than once in a twelve-month period, community service is a viable option. The current community service credit toward what is owed the City is \$7.50/hr for service provided at an approved organization. A non-indigent person who is imprisoned for failure to pay receives a \$10 credit for each day in jail.

ASSUMPTION (continued)

Officials at the **Peculiar Police Department** assume this legislation, according to the City's insurance carrier, would be a liability. The City has had persons who are doing community service become injured. The City of Peculiar has used this method of community service in the past and found it to be cumbersome for staff to supervise the individuals. This approach may be more applicable to larger municipalities with available staff to provide some sort of "adult" supervision during the working process.

Officials at the **Monroe City R-I School District** assume this legislation, depending on which fines and fees are addressed through community service and how the collection and transfer of those fines to school districts are executed, will have a minimal cost. In the event of a total loss of such revenues the impact on the City's school district would be in excess of \$30,000 annually.

Officials at **Columbia Public Schools (CPS)** assume the Fines and Forfeiture revenue is received from the county each year and it was \$550,000 last year which funds nine teachers in Columbia. Without this funding, the School's class size average would be impacted and opportunities for students dramatically impacted. While the dollar amounts are smaller for the School's smaller districts, across the state the impact is proportionally as great for those schools.

Officials at the **Office of the State Public Defender (SPD)** assume a minimal reduction in SPD's caseload. The SPD is currently providing defense representation for indigent persons who are charged with a Class C misdemeanor traffic offense when jail time is a possibility.

While the reduction in the number of new cases may be too few or uncertain to adjust funding, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Officials at the **Department of Elementary and Secondary Education** assume no fiscal impact from this proposal. In similar legislation from 2014 (HB 1747), the Department of Elementary and Secondary Education stated there would be no increased cost to the state due to the fact that the fine amount in the local effort deduction does not decrease below the 2004-2005 level, thus not increasing the level of state aid to offset the loss in fine money. Therefore, local school districts could incur a loss.

Officials at the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Special School District of St. Louis County** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Oversight will reflect the increased costs to the local political subdivisions to implement this proposal, a savings from the work provided by community service, and then a decrease to local political subdivisions from the loss of fine revenue for those opting to perform community service in lieu of paying a fine.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton,, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

Officials at the following schools: Blue Springs Public Schools, Branson Public Schools, Caruthersville School District, Charleston R-I Schools, Cole R-I Schools, Everton R-III School District, Fair Grove Schools, Francis Howell Public Schools, Fulton Public School, Harrisonville School District, Independence Public Schools, Jefferson City Public Schools, Kansas City Public Schools, Kirksville Public Schools, Kirbyville R-VI Schools, Lee Summit Public Schools, Macon School, Malta Bend Schools, Mexico Public Schools, Nixa Public Schools, Parkway Public Schools, Pattonville Schools, Raymore-Peculiar R-III Schools, Raytown School District, Riverview Gardens School District, Sedalia School District, Sikeston Public Schools, Silex Public Schools, Spickard School District, Springfield School District, St Joseph School District, St Louis Public Schools, St. Charles Public Schools, Sullivan Public Schools, Warren County R-III School District and Waynesville Public School did not respond to **Oversight's** request for fiscal impact.

FISCAL IMPACT - State Government

FY 2016
(10 Mo.)

FY 2017

FY 2018

\$0

\$0

\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> - Local Political Subdivisions - work performed by community service	Unknown	Unknown	Unknown
<u>Cost</u> - Local Political Subdivisions - increased administrative costs due to supervision and tracking of community service workers	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<u>Loss</u> - Local Political Subdivisions - fine revenue decrease due to option to perform community service	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

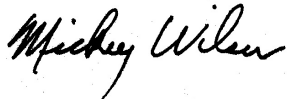
This bill specifies that if the court finds that a defendant is indigent or is without sufficient disposable income to pay restitution, court costs, fees, expenses, or fines over a one-year period and upon motion of the defendant, the court of jurisdiction must consider sentencing the defendant to perform community service under conditions as may be established by the court in lieu of paying restitution, court costs, fees, expenses, or fines for all traffic offenses deemed infractions or class C misdemeanors of any ordinance or political subdivision of this state. If a person is not indigent, the court of jurisdiction may offer community service in lieu of a fine for the offenses. However, the defendant must be responsible for paying all court costs, fees, and expenses. Once a defendant is sentenced to perform community service in lieu of paying a fine under these provisions, he or she must be ineligible for a community service sentence for future traffic offenses within the same jurisdiction within the 12-month period following the date of the offense for which community service was ordered.

FISCAL DESCRIPTION (continued)

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 State Public Defender
Office of the State Courts Administrator
Department of Elementary and Secondary Education
Office of Prosecution Services
Special School District
City of St. Louis
City of Kansas City
City of Columbia
City of Peculiar
Monroe City R-I School District
Columbia Public Schools



Mickey Wilson, CPA
Director
February 2, 2015

Ross Strobe
Assistant Director
February 2, 2015