

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0123-01
Bill No.: HB 57
Subject: Courts; Judges
Type: Original
Date: January 16, 2015

Bill Summary: This proposal prohibits additional penalties if a person fails to appear once in a 12-month period in municipal court for a traffic or ordinance violation and prohibits an arrest warrant for two or more failures to appear.

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 6 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)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **City of Independence** assume this legislation could have significant impact on the City, if the City is unable to utilize arrest powers to enforce ordinance violation in which individuals fail to appear for court. Many defendants do not have identifiable sources of income and utilization of a collection agency could prove both costly and ineffective. Many individuals are given time to pay by the Judges and under this legislation, the Court would be ineffective in enforcing these time extensions for payment.

Officials at the **City of St. Louis** assume this legislation would have a negative consequence for the City. It would lead to more ordinance violations because citizens would know that the law would be relaxed for traffic violations and that failure to appear warrants would not be issued. There would be more reckless driving, more traffic violations, more accidents and more risks for road users. While the reduction in penalty provisions would lead to an indeterminable reduction in revenue for the City, the behaviors that such penalties are meant to discourage could only increase.

Officials at the **City of Kansas City** assume this legislation eliminates the City's ability to enforce municipal ordinance violations and, therefore, jeopardizes public safety. The proposed legislation prohibits the issuance of warrants for failing to appear. Without the ability to issue warrants, there is no way to get defendants into court. Any defendant, including domestic violence defendants, could decide to ignore their summons to appear in municipal court and there would be no effective recourse against the defendant. Additionally, it jeopardizes the municipal ordinance fine revenue which is estimated as follows: 2016 - \$7 million, 2017 - \$14 million, 2018 - \$14 million.

Officials at the **City of Columbia** assume a potential loss of \$236,000 from this legislation. This is based on the City's experience with warrants and warrant fees in 2013.

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

Officials at the **Springfield Police Department**, the **Columbia Police Department**, **Boone County Sheriff's Department** and **St. Louis County** each assume no fiscal impact from this proposal.

Oversight inquired several cities in St. Louis County using their CAFR report to compare fine and forfeiture revenue to total general revenue. Below is a list of those cities.

ASSUMPTION (continued)

Jurisdiction	Fines and Forfeiture	Total General Revenue	Share of General Revenue	2010 population
St. Ann	\$3,609,972	\$9,115,012	39.6%	13,020
St. John	\$1,126,763	\$3,835,573	29.4%	6,517
Ferguson	\$2,571,190	\$12,746,894	20.2%	21,203
Bellefontaine	\$749,252	\$4,918,310	15.2%	10,860
Florissant	\$2,966,669	\$30,886,567	9.6%	52,158
Berkeley	\$1,047,536	\$8,680,716	12.1%	8,978
Creve Coeur	\$1,881,137	\$16,365,796	11.5%	17,833
Maryland Heights	\$2,077,689	\$22,820,884	9.1%	27,472
Jennings	\$679,787	\$7,737,693	8.8%	14,712
Hazelwood	\$1,919,022	\$23,809,852	8.1%	25,703
Overland	\$581,292	\$8,695,835	6.7%	16,062
Richmond Heights	\$763,523	\$12,109,281	6.3%	8,603
Black Jack	\$123,355	\$2,621,186	4.7%	6,929
Clayton	\$1,027,932	\$21,761,741	4.7%	15,939
Olivette	\$283,289	\$7,046,302	4.0%	7,737
Bridgeton	\$445,171	\$12,887,494	3.5%	11,550
St. Louis City	\$11,022,000	\$441,426,000	2.5%	319,294
University City	\$586,281	\$26,639,562	2.2%	35,371
St. Louis County	\$4,397,769	\$341,291,336	1.3%	998,954
	<u>\$37,859,629</u>	<u>\$1,015,396,034</u>		<u>1,618,895</u>

Oversight assumes while the share of general revenue and revenue from fines and forfeitures could decrease from this proposal, it is unknown by how much. Oversight will reflect an unknown negative fiscal impact to local political subdivisions.

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, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O’Fallon, Pacific, Peculiar, 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.

ASSUMPTION (continued)

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Cole County Sheriff Department, Independence Police Department, Jackson County Sheriff Department, Jefferson City Police Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2016 (10 Mo.)	 FY 2017	 FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs - Local Political Subdivisions loss of revenue</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

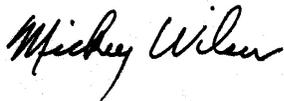
FISCAL DESCRIPTION

This bill specifies that an individual must not be assessed any additional penalty and an arrest warrant must not be issued if the individual fails to appear in municipal court for any traffic or ordinance violation if the failure to appear occurs once in a 12 month period in the same jurisdiction following the date of the traffic or ordinance violation. If the individual fails to appear two or more times in a 12 month period for a traffic ordinance violation, the municipal court may assess additional penalties, but is prohibited from issuing an arrest warrant. The court may use a collection agency to collect any money owed by the individual.

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 Courts Administrator
Springfield Police Department
Columbia Police Department
Boone County Sheriff's Office
St. Louis County
City of Independence
City of St. Louis
City of Kansas City
City of Columbia



Mickey Wilson, CPA
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January 16, 2015

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January 16, 2015