

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2823-01
Bill No.: SB 708
Subject: Courts; Fees; Law Enforcement Officers and Agencies; Counties; Judges
Type: Original
Date: February 9, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue*	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund*	\$0	\$0	\$0

*Total reimbursement to State Law Enforcement, net reimbursement to Local Law Enforcement, not expected to exceed \$2,291,355 per fiscal year.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government**	\$109,295 to Unknown	\$131,155 to Unknown	\$131,155 to Unknown

*Total reimbursement to Local Law Enforcement, net reimbursement to State Law Enforcement, not expected to exceed \$2,291,355 per fiscal year.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Capitol Police, – Missouri State Highway Patrol, and the Springfield Police Department** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would mandate that the court impose recoupment fees in all first-offense DWI and BAC cases if the person is convicted or pleads guilty. At present, the law is permissive.

ASSUMPTION (continued)

Based on preliminary data, there are 15,430 cases where these fees would be imposed. (This number does not include ordinance violations, for which CTS has no detailed information.) The proposal provides for a minimum fee of \$85 and a maximum of \$165, with the option of assessing an amount in between. A dollar amount equal to ten percent of the amount imposed by the court shall be collected and disbursed in the manner provided by sections 488.010 to 488.020 and payable to the county treasurer who shall deposit those funds in the county treasury. The court may allow the convicted person to pay such costs in increments, provided that the convicted person shall initially pay at least twenty-five dollars, and the remaining balance shall be paid in two equal installments.

CTS estimates that there could be a range of \$1,311,550 to \$2,545,950 imposed as a result of this legislation. Collection rates for these types of charges are estimated at 80%, so the actual range would probably be from \$1,049,240 to \$2,036,760. Depending on the number of defendants who pay the fee in installment payments, there will be additional work for clerks, but CTS is unable to quantify that increase at this time.

Officials from **St. Louis County** assume the proposal would result in additional revenues of approximately \$35,000 annually. This is based on 10% of the pled guilty/found guilty misdemeanor traffic cases involving violations of Section 577.010 or 577.012 (alcohol or drug-related traffic offenses). St. Louis County also assumes additional costs due to the additional clerk time to process the billing and payment of the fees. St. Louis County was not able to estimate this cost.

Officials from the **St. Louis County Police Department** assume additional revenues of \$35,100 annually. During 2003 the department averaged approximately 39 alcohol or drug-related traffic offense convictions per month. Chemical tests cost approximately \$75 each. At \$75 per conviction, the total would be \$35,100 annually.

Officials from the **St. Louis Metropolitan Police Department (SLMPD)** assume the proposed legislation would have no fiscal impact on their agency. The City of St. Louis does not seem willing to impose these reimbursement costs. If enacted, it will increase the amount of funds remitted to Peace Officers Training Fund. No estimate on the amount of funds remitted is available.

ASSUMPTION (continued)

Oversight assumes 10 percent of collections will be deposited in county treasuries. Oversight assumes the remaining 90 percent will go to the arresting law enforcement agency to reimburse the agency for the costs associated with the arrest. Oversight is unable to determine the amount that will go to state and local law enforcement agencies, and has reflected these revenues as Unknown. The Unknown revenues would not exceed \$2,291,355 in any given fiscal year.

Officials from the Boone County Treasurer, Taney County Treasurer, St. Charles County Treasurer, Greene County Treasurer, Columbia Police Department, Greene County Sheriff, and the Kansas City Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Revenues</u> – Missouri State Highway Patrol			
Reimbursement of certain costs*	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>

*Total reimbursement to State Law Enforcement, net reimbursement to Local Law Enforcement, not expected to exceed \$2,291,355 per fiscal year.

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – County Treasuries			
Court Fees	\$109,295 to \$212,163	\$131,155 to \$254,595	\$131,155 to \$254,595
<u>Revenues</u> – Local Law Enforcement			
Reimbursement of certain costs**	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS**			
	<u>\$109,295 to Unknown</u>	<u>\$131,155 to Unknown</u>	<u>\$131,155 to Unknown</u>

**Total reimbursement to Local Law Enforcement, net reimbursement to State Law Enforcement, not expected to exceed \$2,291,355 per fiscal year.

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 courts to order a person convicted of certain drug and alcohol traffic offenses to reimburse the state or local law enforcement agency for costs associated with the arrest. Currently, it is within the discretion of the court to order the reimbursement of such costs.

The minimum dollar amount imposed by the court would be \$85. The maximum dollar amount imposed by the court would be \$165. The court would be given discretion to lower the amount within the range of \$165 to \$85 if the court finds that the submitted costs are excessive. A dollar amount equal to ten percent of the amount imposed by the court would be deposited into the county treasury. A court could allow the convicted person to pay such costs in installments, provided that the person must pay \$25 down initially and the remaining balance in two equal installments.

DESCRIPTION (continued)

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

This legislation could increase Total State Revenue.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Public Safety
 – Capitol Police
 – Missouri State Highway Patrol
Springfield Police Department
St. Louis County
St. Louis County Police Department
St. Louis Metropolitan Police Department

NOT RESPONDING

**Boone County Treasurer
Taney County Treasurer
St. Charles County Treasurer
Greene County Treasurer
Columbia Police Department
Greene County Sheriff
Kansas City Police Department**



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