

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4877-01
Bill No.: SB 880
Subject: Courts; Crimes and Punishment; Criminal Procedure; Drunk Driving and Boating; Fees
Type: Original
Date: February 8, 2010

Bill Summary: The proposal creates DWI dockets and courts and a court surcharge of \$100 on intoxication-related traffic offenses to support operation of DWI dockets and courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	Unknown	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund	Unknown	Unknown	Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Drug and DWI Court Resources*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds*	\$0	\$0	\$0

* Offsetting revenues and costs of approximately \$83,000 in FY 2011 and more than \$200,000 in subsequent years, net to \$0.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
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 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation, Department of Mental Health, Department of Revenue, Department of Social Services, Department of Public Safety – Missouri State Highway Patrol, – Missouri State Water Patrol, – Director’s Office,** and the **Office of the State Public Defender** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume, beginning August 28, 2010, the proposed legislation would impose a \$100 surcharge on intoxicated-related traffic offenses with persistent, prior, chronic, and aggravated offenders. This money is to be deposited into the “Drug and DWI Court Resources Fund,” which is created in the bill.

In FY 2009, there were 4,311 charges that fall under section 577.023, RSMo. CTS assumes that approximately 90% of these charges are individual cases. Therefore, CTS assumes 1,889 prior offender cases or misdemeanor cases will be filed and 1,991 combined persistent, chronic, and aggravated or felony cases will be filed.

CTS calculation takes into account the fact that felony collection rates are only between 50% and 60%, and misdemeanor collection rates average 80%. This surcharge 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. 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.

Based on a 50% felony collection rate, CTS calculations indicate that the legislation will produce \$100,448 in the first 12 months, \$200,895 in the second 12 months, \$225,783 in the third 12 months, and \$250,670 annually thereafter. Based on a 60% felony collection rate, CTS calculations indicate that the legislation will produce \$105,425 in the first 12 months, \$210,850 in the second 12 months, \$240,715 in the third 12 months, and \$270,580 annually thereafter.

For fiscal note purposes, **Oversight** assumes the revenues generated would range from a low using CTS estimates of a 50% felony collection rate to a high using CTS estimates of a 60% felony collection rate. The FY 10 estimates have been adjusted to reflect 10 months of collections due to the August 28, 2010, effective date.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** assume creating DWI dockets in the drug courts and a court surcharge of \$100 on intoxication-related traffic offenses to support operation of DWI dockets and courts is what this bill proposes.

Passage of this bill may create a positive fiscal impact for the DOC but it is unknown how many cases and offenders would be affected. Cases which could have resulted in prison sentences could now be diverted to the treatment programs via the drug courts. In summary, the potential fiscal impact for the DOC is unknown, but assumed to be positive.

Officials from the Office of Prosecution Services and the Office of the State Treasurer did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Corrections Diverted prison sentences	<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>

<u>FISCAL IMPACT - State Government</u>	FY 2011	FY 2012	FY 2013
(continued)	(10 Mo.)		

**DRUG AND DWI COURT
 RESOURCES FUND**

Revenues – Office of State Courts
 Administrator (§ 488.021)

Surcharge	\$83,706 to \$87,854	\$200,895 to \$210,850	\$250,670 to \$270,580
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Costs – Office of State Courts
 Administrator (§ 488.021)

Operation of DWI dockets or courts	<u>(\$83,706 to \$87,854)</u>	<u>(\$200,895 to \$210,850)</u>	<u>(\$250,670 to \$270,580)</u>
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**ESTIMATED NET EFFECT ON
 DRUG AND DWI COURT
 RESOURCES FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2011	FY 2012	FY 2013
	(10 Mo.)		

<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

Currently, there is a “Drug Court Resources Fund” that is administered by the Drug Courts Coordinating Commission to facilitate the operation of drug courts throughout the state. Under this proposal, the purpose of the fund is expanded to cover the operation of any DWI dockets or courts established under the drug courts.

FISCAL DESCRIPTION (continued)

The proposal creates a surcharge of \$100 to be collected by the clerks of the circuit courts in all cases where the defendant pleads guilty to or is found guilty of an intoxication-related traffic offense. Such money shall be deposited into the expanded "Drug and DWI Court Resource Fund" to be used only to support the operation of DWI dockets or courts established under the drug court program.

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
Department of Transportation
Department of Mental Health
Department of Corrections
Department of Revenue
Department of Social Services
Department of Public Safety
– Missouri State Highway Patrol
– Missouri State Water Patrol
– Director's Office
Office of the State Public Defender

NOT RESPONDING

Office of Prosecution Services
Office of the State Treasurer



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