

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5499-01
Bill No.: Perfected HB 1492
Subject: Courts; Counties
Type: Original
Date: March 19, 2012

Bill Summary: This proposal authorizes Cass County to establish a county municipal court.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
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 2013	FY 2014	FY 2015
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State** assume the current proposal would not fiscally impact their agency.

Officials from the **Office of State Courts Administrator (CTS)** state the proposed legislation would allow Cass County to establish a municipal court to prosecute ordinance violations. The court would have jurisdiction over county ordinances and municipal ordinances if the municipality contracts with the court to prosecute municipal violations.

CTS states when a county creates an ordinance court, the state is no longer responsible for providing judicial and clerical resources. In addition, the \$15 clerk fee is no longer charged in which 80% is allocated to the state general revenue and 20% to the county. The proposed legislation would allow court costs to go to the county. The court fee cannot exceed municipal costs; therefore, the court fee would be a maximum of \$12.

Oversight assumes it the fiscal impact would not be material to state government.

CTS states ordinance violations are the least time consuming in terms of clerical workload, so they would not anticipate a significant decrease in the workload of the circuit court. CTS is unable, at this time, to estimate the impact on the costs and fees assessed in each case.

CTS does not anticipate any significant cost or savings to the state as a result of this proposal.

In response to a similar bill, HB 1211, officials from the **Department of Elementary and Secondary Education (DES)** stated that this proposal may reduce the amount of fine revenue generated and distributed to districts in Cass County. DES also states that it is impossible to estimate this reduction in revenue.

Oversight assumes this proposal is permissive and would have no fiscal impact to Cass County, unless the County Commission, at their discretion, would establish a county municipal court. The county would have the cost of staffing, maintaining, and administering the court. This proposal does not require the Cass County Commission to establish a county municipal court system. **Oversight** assumes no fiscal impact.

Officials from the **Cass County** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2013 (10 Mo.)	 FY 2014	 FY 2015
LOCAL POLITICAL SUBDIVISIONS			
<u>Loss - Fine Revenue</u>			
Reduction of fine revenue previously distributed to districts in Cass County	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET ESTIMATED 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 authorizes Cass County to prosecute and punish violations of its county ordinances pertaining to county building codes, on-site sewer treatment orders, and zoning orders in the circuit court or in a county municipal court upon adoption by the county commission of an ordinance establishing the court. The county may also prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county.

The judges for the county municipal court must be appointed by the Cass County Commission in the same manner as other county appointed officers, and the number of judges appointed and their qualifications must be established by county ordinance.

The ordinance establishing a county municipal court must:

- (1) Establish the number of county municipal court divisions and the court's term and provide

FISCAL DESCRIPTION (continued)

for regular sessions of court in the evening after 6:00 p.m. and at locations outside the county seat;

- (2) Make provisions for appropriate circumstances whereby a defendant may enter a not guilty plea and obtain a trial date by telephone or written communication without a personal appearance or plead guilty and deliver by mail or electronic transfer or other approved method the specified fine and court costs within a specific period of time; and
- (3) Provide for the recording of court proceedings.

The county is authorized by ordinance to establish court costs at an amount not to exceed that which is provided by municipalities for municipal violations before municipal courts. A person charged with the violation of a county ordinance is, upon request, entitled to a trial by jury before a county municipal court judge if one is established. An associate circuit judge must commence hearing and determining these violations six months after the county notifies the presiding judge of the circuit of its election to have the associate circuit judge hear and determine these county violations. The hearings may commence sooner with the consent of the presiding judge.

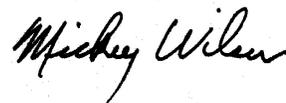
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the Secretary of State
Department of Elementary and Secondary Education

NOT RESPONDING

County of Cass



Mickey Wilson, CPA

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