

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4248-06
Bill No.: Truly Agreed To and Finally Passed CCS for HCS for SB 615
Subject: Courts; Judges; Civil Procedure; Crimes and Punishment; Criminal Procedure; Fees
Type: Original
Date: June 12, 2014

Bill Summary: This proposal changes the laws relating to court costs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(Less than \$605,963)	(\$413,390)	(\$413,390)
Total Estimated Net Effect on General Revenue Fund	(Less than \$605,963)	(\$413,390)	(\$413,390)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
State Legal Expense Fund	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 19 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	Could exceed \$1,732,940	Could exceed \$1,753,835	Could exceed \$1,753,835

FISCAL ANALYSIS

ASSUMPTION

§49.272 Buchanan County

This part of the proposal allows the County Commission in Buchanan County to impose by rules, regulations or ordinance a civil fine of up to \$1,000 for each violation of any county rule, regulation or ordinance. **Oversight** assumes the County Commission, if they adopted the provisions of this section, would realize income from the civil fines and would have cost from enforcement of the rules, regulation, or ordinances. For purposes of this fiscal note, Oversight assumes fiscal impact would be \$0. Oversight assumes income would cover the cost of enforcement and administration.

§57.095 - Immunity from conducting service of process by a court for law enforcement officers

Oversight assumes no fiscal impact from this proposal.

§ 452.556 - Changes the laws regarding judicial procedures

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

§476.056 - Automation of Municipal Court Records

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions of law relating to court costs. There may be some, unquantifiable at this time, impact. Any significant changes will be reflected in future budget requests.

Officials at the **Office of the State Treasurer** and **Department of Revenue** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, **Office of the State Public Defender** assumed no fiscal impact from this proposal.

In response to a previous version, officials at the **City of Columbia** assumed with the municipal court's ability to retain minimal overpayments instead of directing them to the county, there appears to be some potential to gain limited revenues for local use.

ASSUMPTION (continued)

Oversight assumes this amount to be gained for local use by the City to be a minimal amount and therefore will show a no fiscal impact for this proposal.

Officials at **St. Louis County Board of Election Commission** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **City of O'Fallon, Cole County, St. Louis County, the City of Jefferson, and the City of Kansas City** each assumed no fiscal impact to their respective agencies from this proposal.

§§476.385, 488.012, 488.014 - Court Costs for violations

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions of law relating to court costs. There may be some, unquantifiable at this time, impact. Any significant changes will be reflected in future budget requests.

§478.320 - 21st Judicial Circuit

Officials at the **Office of the State Courts Administrator** assume this section of the proposed legislation removes the use of the annual Judicial Weighted Workload model in calculating the need for full-time judicial positions. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§478.437 and 478.740 - Changes in judge positions in St. Louis County and the 38th Judicial Circuit

In response to similar legislation (HB 1231), officials at **Christian County** welcome the possibility of having a Circuit Judge exclusively for Christian County. By having a full time judge, their county could experience some relief from the heavy work load and the overcrowding in the jail. The cost analysis is based on the current budget of the operational costs for the 38th Circuit Court Judge. An additional judge for Christian County would cost approximately \$95,000.

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator** assume the proposed legislation substitutes additional circuit judges and an associate circuit judge in lieu of associate circuit judges that could be awarded under section 478.320, RSMo, in 2014 to St. Louis County and the 38th Circuit. The cost of the positions is as follows:

Circuit Judge	\$145,343	fringe	\$111,037
Associate Circuit Judge	\$133,716	fringe	\$103,348
Court Reporter	\$ 56,612	fringe	\$ 24,640
Court Clerk III	\$ 32,300	fringe	\$ 17,439

Under Section 478.320.2, RSMo, the 21st Circuit qualifies for three additional associate circuit judges in the fiscal 2015 budget. The Judiciary has submitted a request for three associate circuit judges and three court clerk III positions to start January 1, 2015, for a cost in FY15 of \$249,024 plus fringe. Funding for a full year will be \$498,048 plus fringe. This legislation would substitute one circuit judge and one court reporter for two associate circuit judges and two court clerk III. The cost of one circuit judge and one court reporter is \$201,955 plus fringes. This cost would be offset by the savings of two associate circuit judges and two court clerks III totaling \$332,032 plus fringes resulting in an annual savings of \$130,077 plus fringe.

Under section 478.320.2 RSMo, the 38th Circuit qualifies for one additional associate circuit judge in the fiscal 2015 budget. The Judiciary has submitted a request for one associate circuit judge and one court clerk III position to start January 1, 2015 for a cost in fiscal 2015 of \$83,008 plus fringes. Funding for a full year will be \$166,016 plus fringes. This legislation would substitute one circuit judge and one court reporter for one associate circuit judge and one court clerk III. The cost of one circuit judge and one court reporter is \$201,955 plus fringes. This cost would be offset by the savings of one associate circuit judge and one court clerk III totaling \$166,016 plus fringe, resulting in an annual increase of \$35,939 plus fringes. The total savings of this legislation is potentially \$94,138 plus fringes. (Please see the chart listed below).

ASSUMPTION (continued)

21st Judicial Circuit currently qualifies for the following:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	3	\$ 711,192
Court Clerk III	\$ 32,300	\$ 17,439	3	\$ 149,217
Total				\$ 860,409

CCS for HCS for SB 615 proposes to replace 2 Associate Circuit Judge and 2 Court Clerk III positions with 1 Circuit Judge and 1 Court Reporter:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	1	\$ 237,064
Court Clerk III	\$ 32,300	\$ 17,439	1	\$ 49,739
Circuit Judge	\$ 145,343	\$ 111,037	1	\$ 256,380
Court Reporter	\$ 56,612	\$ 24,640	1	\$ 81,252
				\$ 624,435

Savings realized from this proposal **\$ 235,974**

38th Judicial Circuit currently qualifies for the following:

	Salary	Fringe	FTEs	Total
Associate Circuit Judge	\$ 133,716	\$ 103,348	1	\$ 237,064
Court Clerk III	\$ 32,300	\$ 17,439	1	\$ 49,739
Total				\$ 286,803

CCS for HCS for SB 615 proposes to replace 1 Associate Circuit Judge and 1 Court Clerk III positions with 1 Circuit Judge and 1 Court Reporter

	Salary	Fringe	FTEs	Total
Circuit Judge	\$ 145,343	\$ 111,037	1	\$ 256,380
Court Reporter	\$ 56,612	\$ 24,640	1	\$ 81,252
				\$ 337,632

Cost realized from this proposal **\$ (50,829)**

Grand Total realized from this proposal **\$ 185,145**

ASSUMPTION (continued)

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

In response to a previous version, officials at **St. Louis County** assumed no fiscal impact from this proposal.

§478.464 - 16th Judicial Circuit

Officials at the **Office of the State Courts Administrator** assume this section of the legislation modifies language for the sixteenth judicial circuit. There may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

§§478.513 and 478.600 - 31st and 11th Judicial Circuits

Officials at the **Office of the State Courts Administrator** assume these sections of the legislation allow for additional associate circuit judges in the thirty-first and eleventh judicial circuit. Currently there is funding for half year FY15 according to the JudWWL for the 38th Circuit, 31st Circuit, 16th Circuit, 11th Circuit and 21st Circuit. These sections become effective January 1, 2015. The total cost is \$598,535 for FY15. Additional funding will be requested for FY16 and will be reflected in that budget request.

Oversight notes the FY 2015 budget (§§478.513 and 478.600) for the Office of the State Courts Administrator has been approved by the legislature but is still awaiting action by the Governor. It appropriates \$598,535 to provide the thirty first and the eleventh judicial circuits with each an additional associate circuit judge. Oversight will reflect these costs in the fiscal note for each FY 2015, FY 2016, and FY 2017.

§483.140 - Maintaining the rolls and records of the court

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

§488.426 - Franklin County Court Fees

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal. In Franklin County there is currently \$10 assessed on the standard Law Library

ASSUMPTION (continued)

surcharge of \$25 for all civil filings except adoptions and small claims. There are 4,179 cases per year that were subject to the \$25 fee. Total collections on those cases were \$104,475. The fee would make up to forty percent of that total or \$41,790.

Officials at Franklin County failed to respond to **Oversight's** request for fiscal impact.

§488.607 - Domestic Violence Court Fees

Officials at the **Office of the State Courts Administrator** assume the proposed legislation would increase the \$2 surcharge for criminal cases in cities or counties with domestic violence shelters to \$4. Based on FY 2012 data, there are approximately 416,666 filed civil cases. Since there is a certain number of cases where the fines will not be collected, CTS anticipates the increase in the surcharge would be approximately \$626,000 in any given year.

In response to a previous version, officials at the **City of Kansas City** assumed based on the current citation volume for their city, they estimate to collect \$404,800 annually if the legislation passed. The City currently collects \$202,400 annually.

Officials at **St. Louis County** assumed, in response to a similar proposal (SB 636), that there would be an increase in annual revenue from the surcharge for criminal cases from \$416,577 (projected 2014) to \$833,150.

In response to a previous version, officials at the **City of O'Fallon** assumed an unknown positive fiscal impact.

Officials at the **Department of Social Services** assume no direct fiscal impact from this proposal.

Officials at **Platte County**, **St. Francois County** and the **St. Louis County Board of Election Commission** each assume no fiscal impact to their respective organizations from this proposal.

In response to a previous version, officials at the **Boone County Collector**, **Cole County**, the **City of Columbia** and the **City of Jefferson** each assumed no direct fiscal impact to their respective organizations from this proposal.

Oversight assumes the number represented in the local political subdivisions is an increase from a \$2 surcharge up to \$4. Oversight did not receive enough fiscal impact responses from political

ASSUMPTION (continued)

subdivisions to make a determination whether political subdivisions would experience increased costs from this proposal. Therefore, Oversight will reflect a Unknown greater than \$626,000 impact in the fiscal note.

§488.2206 Thirty-First Judicial Circuit Surcharge

Officials at the **Office of the State Courts Administrator** assume the proposed legislation provides that a surcharge may be collected in criminal proceedings filed in the Thirty-First Judicial Circuit. During the past five years (2009 to 2013) there was an average of 7,750 cases with guilty outcomes for all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law. In addition, the Fine Collection Center (FCC) has received a five year average of 3,425 violations disposed by guilty plea. Based on the surcharge of up to \$10 and an average collection rate of 80%, the projected annual increase would be \$89,400. We currently have no way to determine how many guilty outcomes or paid guilty outcomes would occur. The surcharge increase would be an increase of \$89,400 to unknown.

Officials at Greene County did not respond to **Oversight's** request for fiscal impact.

§488.2235 - Allows Kansas City to impose an additional five dollars in court costs

Officials at the **Office of the State Courts Administrator** assume the proposed legislation allows Kansas City to impose an additional five dollars in court costs for each municipal ordinance violation case for the restoration, maintenance, and upkeep of the municipal courthouse. During FY 2013, there were 199,329 municipal ordinance violations (1,048 alcohol/drug, 138,083 other traffic and 30,198 non-traffic) that may be eligible. Based on the \$5 court cost for each violation, the projected annual increase would be \$996,645 to unknown.

In response to similar legislation (HB 1238), officials at the **City of Kansas City** assumed this would provide annual revenue in the amount of \$309,000 from this proposal.

Oversight will reflect in the fiscal note the numbers provided by the Office of the State Courts Administrator.

Officials at Clay County and Jackson County did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

§§550.040 and 550.060 - Costs associated with an acquittal in capital cases and felonies

Officials at the **Office of Administration** assume an unknown costs from this proposal. With the repeal of these two sections, in the situation of an acquittal, the costs associated with the prosecution would likely shift from the county to the state, therefore increasing costs to the state legal expense fund.

§ 575.153 - Disarming a peace officer:

Officials from the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their agencies.

In response to similar legislation (HB 1540), officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of false identification to a law enforcement officer - a new class B misdemeanor or with the enhanced crime of removing a firearm, deadly weapon or any other equipment that an officer is required to carry as a part of his or her official uniform or use in the performance of his or her official duties. These offenses are a defined class C felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Corrections** assume no fiscal impact from this proposal.

Officials at Office of the Secretary of State did not respond to **Oversight's** request for fiscal impact.

§610.021 - Closed meetings of a public governmental body

Officials at the **Office of the Lieutenant Governor** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Officials at the Office of the Secretary of State and the Missouri Department of Transportation did not respond to **Oversight's** request for fiscal impact.

§1 - Courts that require e-filing

Officials at the **Office of the State Courts Administrator (CTS)** state the legislation allows all courts that allow mandatory e-filing to accept file and docket a notice of entry of appearance filed by an attorney that was sent by fax or regular file. This will require the purchase of at least 200 fax machines at a cost of \$150 each or \$30,000 plus additional unknown costs for clerk time as well as postage and additional paper for a total cost of over \$100,000.

Oversight assumes that CTS may incur additional expense in FY 2015 of under \$100,000. For fiscal years 2016 and beyond, Oversight assumes CTS is provided with core funding each year and can absorb the cost of clerk time and office supplies. Should they need additional funding in the future, they can seek funding through the appropriation process.

Bill as a Whole

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Labor and Industrial Relations, the Office of the State Auditor, the Office of the Governor, the Department of Conservation, the Department of Mental Health, the Department of Higher Education, the Joint Committee on Legislative Research, the Department of Agriculture, the Department of Natural Resources, the Missouri Veterans Commission, the Department of Health and Senior Services, the Department of Economic Development's Division of Business and Community Services and Missouri Development Finance Board, the Department of Insurance, Financial Institutions and Professional Registration, the Department of Revenue, the Office of Prosecution Services and the State Tax Commission** assume this proposal would not fiscally impact their organizations.

Officials at the **Jackson County Board of Election Commission, the Metropolitan St. Louis Sewer District, the University of Missouri System, Missouri State University, the Special**

ASSUMPTION (continued)

School District of St. Louis County, the Missouri Western College and the University of Central Missouri each assume no fiscal impact to their respective organizations from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
GENERAL REVENUE			
<u>Costs</u> - CTS - additional costs to accommodate §1	(Less than \$100,000)	\$0	\$0
<u>Savings</u> - 21st Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)	\$117,987	\$235,974	\$235,974
<u>Costs</u> - 31st and 11th Judicial Circuits - additional judges (§§478.513, 478.600)	(\$598,535)	(\$598,535)	(\$598,535)
<u>Costs</u> - 38th Judicial Circuit - from proposal to replace positions (§§478.437, 478.740)	<u>(\$25,415)</u>	<u>(\$50,829)</u>	<u>(\$50,829)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(Less than \$605,963)</u>	<u>(\$413,390)</u>	<u>(\$413,390)</u>
STATE LEGAL EXPENSE FUND			
<u>Costs</u> - Office of Administration - shifting cost of cases on acquittals and felonies (§§550.040, 550.060)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
NET EFFECT ON STATE LEGAL EXPENSE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015	FY 2016	FY 2017
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> - Franklin County - civil filing fees §488.426	\$20,895	\$41,790	\$41,790
<u>Revenue</u> - Local Political Subdivisions - increase surcharge on criminal cases from \$2 up to \$4 §488.607	Greater than \$626,000	Greater than \$626,000	Greater than \$626,000
<u>Revenue</u> - Local Political Subdivisions - from court surcharges §488.2206	Could exceed \$89,400	Could exceed \$89,400	Could exceed \$89,400
<u>Revenue</u> - City of Kansas City - additional court fees (§488.2235)	Could exceed <u>\$996,645</u>	Could exceed <u>\$996,645</u>	Could exceed <u>\$996,645</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Could exceed <u>\$1,732,940</u>	Could exceed <u>\$1,753,835</u>	Could exceed <u>\$1,753,835</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

CCS/HCS/SB 615 - This act modifies provisions of law relating to court costs, civil fines, the Sunshine Law, immunity for law enforcement officers, judgeships, the crime of disarming of a peace officer, and court procedure.

CIVIL FINES IN BUCHANAN COUNTY - The act adds Buchanan County to the list of counties authorized to impose a civil fine of up to one thousand dollars for each violation of any county rule, regulation, or ordinance (49.272). This provision is identical to HB 1348 (2014) and to provisions contained in HCS/HB 2112 (2014).

FISCAL DESCRIPTION (continued)

LAW ENFORCEMENT IMMUNITY - The act states that law enforcement officers shall have immunity from criminal and civil liability while conducting service of process at the direction of the court to the extent that the officers' actions do not violate clearly established rights of which a reasonable person would have known (57.095). This provision is identical to the truly agreed to and finally passed versions of SB 672 (2014), HB 1231 (2014), and SB 621 (2014).

OSCA HANDBOOK - Currently, each court must mail a handbook created by the Office of State Courts Administrator to individuals involved in a dissolution of marriage proceeding involving minor children. This act specifies that the court must "provide" the handbook to each party to the dissolution rather than "mail" (452.556). This provision is identical to provisions in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 621 (2014).

SCHEDULE OF FINES COMMITTEE - Currently, a committee consisting of associate circuit judges establishes and maintains a schedule of fines to be paid for the violation of certain sections of law. This act repeals from this list Section 210.104, which was repealed in 2006 by Senate Bill 872 (476.385). The act also repeals section 476.385, dually enacted by SB 23 (2013).

ADDITIONAL JUDGESHIPS - This act repeals provisions of law which state that when a judicial weighted workload indicates for three consecutive years that a judicial circuit with a population of one-hundred thousand or more is in need of four or more full-time judicial positions, then there shall be one additional associate circuit judge position in such circuit(section 478.320).

Currently, the twenty-first judicial circuit has nineteen circuit judges. This act provides that the twenty-first circuit shall have twenty circuit judges which shall sit in twenty divisions. The twenty-first circuit shall also have an additional associate circuit judge which shall be in addition to the associate circuit judges provided for under the current statutory formula (478.437).

Currently, the sixteenth judicial circuit has nine associate circuit judges with five of the judges located in Kansas City and four of the judges located in independence. The act states that the sixteenth judicial circuit shall have ten associate circuit judges, which shall sit in divisions numbered 25 through 34. The 34th division shall sit in a location determined by the court en banc. This tenth associate circuit judge position shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.464).

FISCAL DESCRIPTION (continued)

The act provides the thirty-first judicial circuit with an additional associate circuit judge, and specifies that the additional associate circuit judges awarded in fiscal years 2014 and 2015 shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.513).

The act states that in the eleventh judicial circuit there shall be an additional associate circuit judge position. This position shall be elected in 2016, and shall not be included in the statutory formula for authorizing additional associate circuit judgeships under current law (478.600).

The thirty-eighth circuit shall have two circuit judges. The circuit judge in division two shall be elected in 2016, and such position shall not be considered vacant until January 1, 2017. The judge in division one shall be elected in 2018 (478.740).

There is an emergency clause for these provisions.

These provisions are identical to provisions in the truly agreed to and finally passed versions of HB 1231 (2014) and SB 621 (2014).

REMOVING DOCUMENTS FROM THE COURT FILE - The act prohibits the adoption of local court rule which grants a judge the discretion to remove a communication, pleading, or file from a court file without the agreement of all parties (483.140). This provision is similar to provisions contained in the truly agreed to and finally passed versions of HB 1665 (2014) and HB 1553 (2014), and identical to provisions in the truly agreed to and finally passed version of HB 1231 (2014).

OVERPAYMENT OF COURT COSTS - The act also provides that municipalities may retain the court costs that have been overpaid to the municipal court and do not exceed five dollars (488.014). This provision is identical to provisions contained in the truly agreed to and finally passed version of HB 1231 (2014).

FRANKLIN COUNTY SURCHARGE - Currently, Franklin County may collect an additional ten dollar surcharge in civil cases excluding cases concerning adoption and those in small claims until December 31, 2014. The act extends this date to December 31, 2019 (488.426). This provision is identical to provisions in the truly agreed to and finally passed version of HB 1238 (2014).

FISCAL DESCRIPTION (continued)

SURCHARGE IN CITIES OR COUNTIES WITH DOMESTIC VIOLENCE SHELTERS -

Currently, cities or counties with domestic violence shelters can add a surcharge of two dollars for criminal cases. This act states that a surcharge of up to four dollars may be collected for each criminal case in cities or counties with domestic violence shelters (488.607). This provision is identical to SCS/SB 636 (2014) and to provisions contained in the truly agreed to and finally passed version of HB 1238 (2014), and substantially similar to SB 313 (2013) and provisions of HCS/HB 717 (2013).

THIRTY-FIRST CIRCUIT SURCHARGE - The act provides that a surcharge of up to ten dollars may be collected in all criminal proceedings filed in the Thirty-First Judicial Circuit if the surcharge was authorized by a county or municipal order, ordinance, or resolution. The moneys collected from the surcharge must be use for the costs associated with the construction, maintenance and operation of any county or municipal judicial facility (488.2206). This provision is identical to provisions contained in the truly agreed to and finally passed versions of HB 1231 (2014), HB 1238 (2014), and SB 621 (2014), and similar to SB 915 (2014) and SCS/HB 1553 (2014).

KANSAS CITY MUNICIPAL COURT SURCHARGE - The act specifies that Kansas City may charge five dollars in each municipal ordinance violation case. The judge may waive the surcharge for indigent defendants. The surcharge shall be used towards the restoration, maintenance, and upkeep of the municipal courthouse (488.2235). This provision is identical to provisions contained in HCS/SCS/SB 854 (2014), HCS/SCS/SB 824 (2014), and the truly agreed to and finally passed version of HB 1238 (2014), and similar to HB 1738 (2014).

COSTS IN CRIMINAL CASES - The act repeals provisions of law requiring the state to pay the costs of a capital case when imprisonment is the sole punishment and the defendant is acquitted, and that in all other trials on indictments the costs shall be paid by the county if the defendant is acquitted (550.040). The act also repeals a provision of law which provides that the prosecutor or the person on whose oath the prosecution was commenced to be liable for all the court costs in any case where a person must be committed or recognized to answer for a felony and no indictment is issued against the person (550.060). These provisions are identical to provisions contained in HCS/HB 1448 (2014) and the truly agreed to and finally passed version of SB 621 (2014), and similar to SB 793 (2014).

DISARMING A PEACE OFFICER - The act modifies the crime of disarming a peace officer by adding language which provides that a person commits such crime if the person intentionally removes a less-lethal weapon from a peace officer including blunt impact, chemical or conducted energy devices used in the performance of the officer's duties or if the person intentionally

FISCAL DESCRIPTION (continued)

deprives the peace officer of such equipment while the officer is acting within the scope of his or her duties (575.153). This provision is identical to HB 2190 (2014) and to provisions contained in HCS/HB 1540 (2014), HCS/HB 2116 (2014), and the truly agreed to and finally passed versions of SB 656 (2014) and HB 1231 (2014).

CLOSED RECORDS - Individually identifiable records submitted to the Lieutenant Governor concerning reports of waste, fraud and abuse of public resources may be closed for the purposes of the Sunshine Law (610.021).

FAXING OR MAILING ENTRY OF APPEARANCE - A court which mandates electronic filing must accept an entry of appearance mailed or faxed to the court and such entry may be no more than one page in length (Section 1). This provision expires December 31, 2016, and is identical to provisions contained in the truly agreed to and finally passed version of HB 1665 (2014).

This act contains an emergency clause for certain sections.

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

City of O'Fallon
Office of the State Courts Administrator
Office of the State Treasurer
Office of the State Public Defenders
St. Louis County Board of Election Commission
Department of Revenue
City of Columbia
City of Kansas City
Cole County
St. Louis County
City of Jefferson
State Tax Commission
Christian County
Office of Prosecution Services
Department of Social Services
Platte County
St. Francois County
Boone County Collector
Office of Administration
Department of Public Safety
 Missouri Highway Patrol
Department of Corrections
Office of the Lieutenant Governor
Office of the Attorney General
Department of Labor and Industrial Relations
Office of the State Auditor
Office of the Governor
Department of Conservation
Department of Mental Health
Department of Higher Education
Joint Committee on Legislative Research
Department of Agriculture
Department of Natural Resources
Missouri Veterans Commission
Department of Health and Senior Services

SOURCES OF INFORMATION (continued)

Department of Economic Development
 Division of Business and Community Services
 Missouri Development Finance Board
Department of Insurance, Financial Institutions and Professional Registration
Department of Revenue
Jackson County Board of Election Commission
Metropolitan St. Louis Sewer District
University of Missouri System
Missouri State University
Special School District of St. Louis County
Missouri Western College
University of Central Missouri

Not Responding

Missouri Department of Transportation
Office of the Secretary of State
Office of the State Public Defender



Mickey Wilson, CPA
Director
June 12, 2014

Ross Strobe
Assistant Director
June 12, 2014