

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3452-01
BILL NO.: HB 1693
SUBJECT: Courts; Public Records
TYPE: Original
DATE: March 15, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(Unknown)	(Unknown)	(Unknown)

* Costs expected to exceed \$100,000 in any given fiscal year.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of the State Courts Administrator(CTS)** assume the proposed legislation would prohibit open court records containing a readable social security number. Court records are open to the public, unless specifically closed to the public. Closed records include juvenile cases, paternity cases (except for final judgment), cases closed pursuant to Chapter 610 RSMo, mental health cases, and any other cases sealed by the court. In addition, there are statutory requirements that the social security number appear on the judgments for dissolution, child support, paternity, the notice of garnishment or sequestration, notice of wage withholding, and a child support lien. In most instances, the driver's license number is the social security number, and that number is on all traffic tickets. If a person requests to look at a case file, the clerk would check if the case was open or closed. If the case was open, the clerk would give the case file to the individual to review. If the clerk was required to remove or block out the social security number, the clerk would have to review every page of the case file to check for the social security number, and either would have to alter a document that is filed with the court, which is not preferable, or would have to copy the pages in which the social security number appeared and black it out. The process would be very time-consuming for the clerks. Some case files are very voluminous, and it could take hours to go through one file. The social security number could appear in the pleadings or a document that has been filed with the court. The clerks' offices are not staffed to handle the additional duties of checking every single page of every single open case file that is requested. The Missouri Judicial Report showed that for FY 1999, 962,986 new cases were filed. Approximately 4% of the cases would be closed by the type of case filing, other cases would be closed by its disposition. That is just one year's worth of data. It is impossible to calculate how many open case files there are statewide that have documents in them with social security numbers. This proposal appears to conflict with §610.035 and other statutes. There may be one or more test cases to determine the applicability of the law. Thus, there are two significant areas of increased clerical work: 1) reviewing requested files to look for social security numbers, and 2) if social security numbers are found, copying the file and blacking out the social security numbers. State-paid clerks would be performing the additional work, and county-funded copy equipment and supplies would be used. We cannot predict, with any accuracy, how much time would be required, but it would cost, on average, at least \$11/hour plus fringes. We would expect the increased staff time would easily cost several hundred thousand dollars per year, or more. In addition, we believe the bill would require programming changes to the case management software, which is central to the statewide court automation system, and would probably require considerable clerical staff time to enter

ASSUMPTION (continued)

new identifying data. We cannot readily estimate these costs, but would expect these costs could easily exceed several hundred thousand dollars to initially implement the bill.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE

Office of the State Courts Administrator

<u>Cost - Personal service and programming</u>	(Unknown)	(Unknown)	(Unknown)
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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COUNTY GOVERNMENT

<u>Cost - Copying equipment and supplies</u>	(Unknown)	(Unknown)	(Unknown)
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FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation prohibits court documents that are public records from disclosing Social Security numbers.

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

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SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the Attorney General

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA
Director
March 15, 2000