

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1164-01  
Bill No.: HB 482  
Subject: Judges  
Type: Original  
Date: February 23, 2009

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Bill Summary: The proposal allows municipal courts to use fees assessed for an appointed counsel fund in addition to a judicial education fund.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **City of Centralia, City of West Plains, Cass County, and St. Louis County** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **City of Kansas City (CKC)** assume the legislation will have a significant positive fiscal impact because CKC could charge a fee to cover indigent court defense as well as judicial education. Annual savings to CKC could approach \$830,000, as that is the current annual contract cost with Legal Aid for indigent court defense.

**Oversight** assumes the City of Kansas City would shift the payments for indigent court defense from the current annual contract with Legal Aid to the newly created appointed counsel fund, resulting in no net fiscal impact.

**Oversight** assumes the proposal would allow municipalities to re-allocate existing court fees. Instead of the fees being deposited into the judicial education fund, the fees will be allocated between the judicial education fund and the appointed counsel fund. Municipalities would have increased revenues of an unknown amount to the appointed counsel fund that would be offset by losses of an unknown amount to the judicial education fund.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
<b>LOCAL GOVERNMENT</b>			
<u>Revenues</u> – Municipalities			
Appointed Counsel Fund	Unknown	Unknown	Unknown
<u>Losses</u> – Municipalities			
Judicial Education Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

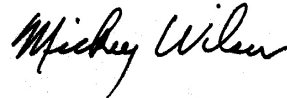
The proposed legislation allows municipal courts to create an appointed counsel fund to pay the reasonable attorney fees approved by the court of any attorney appointed to represent a defendant who is indigent and unable to pay for legal representation when prescribed by Supreme Court rules.

Moneys for the fund will come from the \$1 fee collected on each case which currently is deposited into a judicial education fund. The court will determine the allocation of the fees between the accounts, but no court can retain more than \$1,500 in the judicial education fund for each judge, administrator, or clerk of the court and no more than \$5,000 in the appointed counsel fund.

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  
City of Centralia  
City of Kansas City  
City of West Plains  
Cass County  
St. Louis County

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
February 23, 2009