

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0987-01
Bill No.: HB 319
Subject: Courts; Civil Procedure; Criminal Procedure
Type: Original
Date: February 6, 2017

Bill Summary: This proposal requires courts in this state to phase in equipment that allows audio from trials or other court proceedings to be retained for a minimum of one year.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	\$0	(\$1,102,000 to Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	\$0	(\$1,102,000 to Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	(Up to \$4,476,400)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation requires courts in this state to phase in equipment that allows audio from trials or other court proceedings to be retained for a minimum of one year. Currently, the court reporters do not use the state’s sound recording system. The cost per system is approximately \$7,600 per court reporter and there are 145 court reporters. So at a minimum, to provide equipment that allows courts to record the court proceeding would cost \$1,102,000 (\$7,600 x 145). The number and size of the audio files that will need to be stored is unknown. So the cost of the bill is between \$1,102,000 to unknown.

Oversight inquired OSCA further on this proposal. Each circuit judge has a court reporter and the associate circuit judges do not have court reporters. According to OSCA, the majority of the court reporters don’t have the audio equipment currently, while the majority of the associate circuit judges have recording equipment, but OSCA was unclear on which associate circuit judge has the equipment. So at a minimum, OSCA would need 145 pieces of equipment for the courtrooms for this proposal. The equipment would be a one time cost in FY 2019, or \$1,102,000, and the annual storage cost of the audio equipment files would be unknown. Therefore, Oversight will reflect a cost of \$1,102,000 to unknown in FY 2019 and an unknown cost in FY 2020.

Oversight was unclear of the definition of “each court” in the proposal. There are approximately 589 municipal courts in the State of Missouri. Oversight is unclear how many municipal courts use audio equipment currently in their courtrooms. Therefore, Oversight will assume a cost of up to \$4,476,400 (589 x \$7,600) in FY 2019 and an unknown cost for the file storage in FY 2020.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE FUND			
<u>Cost - OSCA - phasing in of recording equipment plus storage</u>	<u>\$0</u>	(\$1,102,000 to <u>Unknown</u>)	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0</u>	(\$1,102,000 to <u>Unknown</u>)	<u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
MUNICIPAL COURTS			
<u>Cost</u> - phasing in of recording equipment plus storage	<u>\$0</u>	(Up to <u>\$4,476,400</u>)	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON MUNICIPAL COURTS	<u>\$0</u>	(Up to <u>\$4,476,400</u>)	<u>(Unknown)</u>
<u>FISCAL IMPACT - Small Business</u>			

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

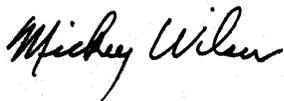
FISCAL DESCRIPTION

This bill specifies that by January 1, 2019, every court must phase in equipment that allows the court to retain audio recordings from trial or other court proceedings for a minimum of one year.

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



Mickey Wilson, CPA
Director
February 6, 2017

Ross Strobe
Assistant Director
February 6, 2017