

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1006-02  
Bill No.: Perfected HCS for HB 380  
Subject: Courts; Cities, Towns, and Villages; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: April 20, 2017

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Bill Summary: This proposal modifies provisions relating to municipal courts.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

\*Depending on fee change (if any)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<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 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<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 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Local Government*</b>	<b>(Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\*Depending on fee change (if any)

## FISCAL ANALYSIS

### ASSUMPTION

#### §§479.020, 479.353, 479.354

In response to a previous version, officials at the **City of Kansas City** assumed a small negative fiscal impact of an indeterminate amount from this proposal.

**Oversight** assumes this proposal changes and creates provisions relating to minor traffic violations in municipal court. Oversight assumes the court may order a credit for time served for individuals who were previously assessed a fine if the individual was held in custody for a minor traffic violation. Oversight assumes this will be at the discretion of the court and will have minimal impact on this proposal. Therefore Oversight will reflect a \$0 impact for this proposal.

In response to a previous version, officials at the **Office of the State Courts Administrator** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

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

#### House Amendment #1 - §§479.020, 479.353, 479.354

**Oversight** assumes this amendment will not have a fiscal impact on the proposal.

#### House Amendment #2 - §§302.335, 304.288

In response to similar legislation from this year, Perfected HCS for HB 275, officials at the **St. Louis County Police Department** assumed this proposal would require the Department cease all use of red light traffic cameras to enforce traffic law. The proposal would also set restrictions for the use of current License Plate Reader (LPR) vehicles. The proposal advises that the LPR system can not be used, "to establish evidence that a motor vehicle or its operator is not in compliance with traffic signals, traffic speeds, or other traffic laws, ordinances, rules, or regulations on any public street, road, or highway within this state or to impose or collect any civil or criminal fine, fee, or penalty for any such noncompliance." If the proposal refers only to traffic, the impact would be minimal, however, if this proposal refers to stopping the vehicle for any reason following an LPR 'hit', there would be a significant impact.

Additionally, the proposal states that within one year of the effective date, all maintenance and installation contracts for LPR systems must be terminated. There are four ELSAF LPR units which each cost approximately \$25,000 and one LPR system used by the Intelligence/Fusion Center that cost approximately \$40,000. The software and the customization of the internal

ASSUMPTION (continued)

applications cost an additional \$50,000. An incalculable amount of revenue generated from traffic stops initiated through the LPR system would also be lost, however, it is assumed that the amount is small and the effect, in this regard, would be minimal.

Officials at the City of St. Louis assume this proposal has a potential negative impact on the revenues of the City. As a result of a recent state Supreme Court ruling, the City of St. Louis currently does not issue red-light camera tickets. However, the proposed legislation would preclude the City from addressing any deficiencies in the previous ordinance and eliminate the possibility of reintroducing this method of public safety traffic enforcement. Previously, the red light traffic light program provided approximately \$3,500,000 in net revenue annually.

**Oversight** assumes an unknown loss in revenues would be effected from this proposal on the LPR system for St. Louis County and the City of St. Louis. Therefore, Oversight will assume a \$0 to unknown revenue loss for fiscal years 2019 and 2020 for this proposal since all contracts will be terminated within one year of the effective date.

In response to similar legislation from this year, Perfected HCS for HB 275, officials at the **City of Kansas City** assumed the proposed \$302.335 in this proposal may have a small negative fiscal impact on the City of an indeterminate amount. The other provisions of this proposal would have no fiscal impact on the City.

In response to similar legislation from this year, Perfected HCS for HB 275, officials at the **Office of the Secretary of State**, the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Agriculture**, the **Department of Revenue** and the **Missouri Department of Transportation** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the **Springfield Police Department** assume no fiscal impact from this proposal.

In response to similar legislation from this year, Perfected HCS for HB 275, officials at the **Callaway County Commission**, the **City of Columbia**, the **Cole County Sheriff's Department**, the **Boone County Sheriff's Department**, **Platte County** and the **St. Louis County Department of Justice Services** each assumed no fiscal impact to their respective entities from this proposal.

House Amendment #4 - §488.2250

In response to similar legislation this year, SCS for SB 169, officials at the **Office of the State Public Defender (MSPD)** assumed this proposal relates to fees paid to court reporters. The

ASSUMPTION (continued)

current law, §488.2250, sets the rate for appeal transcripts or proceedings in any circuit court. This would be \$3.50 per page, except for in forma pauperis appeal transcripts which are \$2.60 per page. The proposed change would set the rate only for appeal transcripts or no change in rate.

Court reporters would not be regulated in what they charge for transcripts of hearings, daily transcripts of trials, etc. The proposal would allow court reporters to charge whatever the market will bear except for appeal transcripts. Presumably, costs would go up to MSPD and other litigants. There would be a significant fiscal impact as MSPD frequently orders court transcripts for purposes other than appeal. For trial preparation, MSPD frequently orders transcripts of proceedings such as:

- preliminary hearings
- suppression hearings
- 491 hearings on admissibility of hearsay statements of alleged child sex victims
- trial transcripts when a first trial ended in a hung jury
- transcripts of a co-defendant's trial, etc

As the amount a court reporter will charge for these items will no longer be set by statute, and it is unknown what the court reporter will charge, it is impossible to place a firm fixed cost on this proposed legislation. Historically speaking, this proposal could cost MSPD more than \$100,000. The increase in costs of this proposal would limit the MSPD's ability to meet its other core responsibilities.

In response to similar legislation this year, SCS for SB 169, officials at the **Callaway County Commission** assumed an unknown impact from this proposal.

In response to similar legislation this year, SCS for SB 169, officials at **Boone County** assumed a cost of less than \$100,000 for this proposal.

In response to similar legislation this year, SCS for SB 169, officials at the **City of Kansas City** assumed this proposal may have a negative fiscal impact on the City in an indeterminate amount. The City assumes the cost of court transcripts from Circuit Court clerks could increase.

In response to similar legislation this year, SCS for SB 169, officials at the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation modifies provisions relating to the cost of a court reporter to prepare transcripts. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

In response to similar legislation this year, SCS for SB 169, officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal can be absorbed with existing resources.

In response to similar legislation this year, SCS for SB 169, officials at **St. Louis County** assumed no fiscal impact from this proposal.

**Oversight** notes FY 2013, Truly Agreed To and Finally Passed CCS for HCS for SB 100, was the last time the court fee rate was changed for transcripts from court reporters. Officials from OSCA stated the rate changed from \$2.00 per page to \$3.50 per page and \$2.60 for indigents. OSCA responded with a fiscal impact of less than \$100,000. Because this proposal does not set the rate in statute for hearings, daily transcripts of trial, etc., the fiscal impact could be significant for both state and local political subdivisions. Therefore, Oversight will reflect a negative fiscal impact that could exceed \$100,000 for MSPD and a negative unknown fiscal impact to local political subdivisions.

Bill as a whole

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

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>GENERAL REVENUE</b>			
<u>Cost</u> - MSPD - Potential increase in court reporter fees (\$488.2250)	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE*</b>	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
*Depending on fee change (if any)			

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Loss</u> - Local Political Subdivisions - of revenue from LPR hits and fines on municipal ordinances (§§302.335, 304.288)	\$0	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> - increase in court reporter fees from municipal courts (§488.2250)	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS*</b>	(Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Depending on fee change (if any)			

FISCAL IMPACT - Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

House Amendment #2 - §§302.335, 304.288

This bill requires motorists charged with traffic violations to receive notification, in person, from an officer employed by the law enforcement agency issuing the violation, within 24 hours of the violation. This does not apply to parking tickets, incidents requiring further investigation, or any other situation in which in-person notification is not possible. This bill prohibits any state agency or political subdivision of this state from enacting or enforcing any law that authorizes the use of an automated traffic system which records images of cars, drivers, or the license plates in order to establish that a violation occurred. Any state agency or political subdivision that currently has an automated traffic enforcement system installation or maintenance contract must complete or terminate the contract within one year.

House Amendment #4 - §488.2250

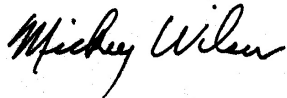
This bill repeals provisions of law that specify that court reporters shall receive \$3.50 per page in proceedings in any circuit court. Also, the bill repeals the provision specifying that the court reporter is to be reimbursed three dollars and fifty cents per legal page for the preparation of transcripts.

FISCAL DESCRIPTION (continued)

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 Attorney General  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
Office of the Secretary of State  
Department of Public Safety  
    Missouri Highway Patrol  
Department of Agriculture  
Department of Revenue  
Missouri Department of Transportation  
Callaway County Commission  
Platte County  
City of Columbia  
Cole County Sheriff's Department  
Boone County Sheriff's Department  
Springfield Police Department  
St. Louis County Department of Justice Services  
City of Kansas City  
Boone County  
St. Louis County  
St. Louis County Police Department



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