

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0054H.02C
Bill No.: HCS for HB 160
Subject: Juries; Courts; Counties
Type: Original
Date: February 19, 2021

Bill Summary: This proposal modifies provisions relating to the compensation of jurors.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Unknown, could exceed \$235,560)	(Unknown, could exceed \$235,560)	(Unknown, could exceed \$235,560)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation modifies provisions relating to the compensation of jurors.

In any county, upon adoption by the county commission, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county.

Officials from the **Office of Administration - Budget and Planning** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

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

Oversight notes using information from the 2019 Annual Supplemental Report for Jury Trial Information from OSCA, there were 2,873 days where jurors were in session for both civil and criminal cases. Subtracting out Greene County's jury days (125) since they currently receive \$50 per day after serving 2 days of jury service, the rest of the counties, including St. Louis City, used 2,748 (2,873 – 125) jury days. Since the rest of the counties are paid at a minimum of \$6 per day, the total juror payout for 2019 (not including Greene County) would be \$197,856 ((2,748 jury day * \$6/person) * 12 jurors per case).

This proposal would pay \$50 per day after 2 days of service for all counties in the state, not including St. Louis City. Using OSCA's 2019 Annual Supplemental information as an example, there would be 21 circuits who would be affected by this proposal since they average more than 2 days for each case. This would result in a cost of up to \$406,104 (7,212 affected jurors * \$50/day = \$360,600 plus St. Louis City's cost of \$45,504) or an increase in payout costs to jurors of \$208,248 if this proposal had been in 2019. This would be the minimum payout and does not include mileage reimbursement to jurors, since Oversight does not have that information available. Therefore, Oversight will reflect an unknown costs to pay jurors that could exceed \$208,248 annually.

Oversight assumes the additional language added to this substitute states a county commission may authorize compensation to a grand or petit juror for the first two days of service not to exceed ten dollars. Oversight is unclear how many county commissions would authorize compensation for jurors who serve for 2 days or less. Assuming all of the counties who had an average of 2 days or less authorize payment to jurors up to \$10 (currently payment is \$6/day) and

using the total number of jury days from 2019 as a guide, there would be 69 counties and 569 jury days that could be affected which would result in an additional \$27,312 that could be paid out to jurors at the additional \$4/day rate. Therefore, Oversight will include an additional payout to jurors who serve 2 days or less that could be up to \$27,312 in costs per year.

Oversight notes from the calculation above that only the counties that averaged 2 days or less were used to calculate the additional increase in costs if the rate was authorized by a county commission up to \$10 per day. The other counties that averaged more than 2 days were not included in this calculation since Oversight does not have any information to determine how many of those counties would fall into the 2 days or less scenario.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
COUNTY CIRCUITS			
<u>Costs</u> – increase to compensate jurors for service	(Unknown, could exceed \$208,248)	(Unknown, could exceed \$208,248)	(Unknown, could exceed \$208,248)
<u>Costs</u> – increase to compensate jurors who serve 2 days or less up to \$10/day	(Up to \$27,312)	(Up to \$27,312)	(Up to \$27,312)
ESTIMATED NET EFFECT ON COUNTY CIRCUITS	(Unknown, could exceed \$235,560)	(Unknown, could exceed \$235,560)	(Unknown, could exceed \$235,560)

FISCAL IMPACT – Small Business

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

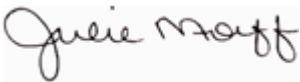
FISCAL DESCRIPTION

This bill specifies that, except in Greene County, the County Commission in any county may vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as \$0.07 per mile for necessary travel from the juror's residence to the courthouse and back, to be paid by the county. A county commission may authorize compensation to a grand or petit juror for the first two days of service, but the compensation cannot exceed \$10.

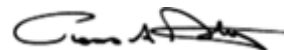
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of Administration - Budget and Planning



Julie Morff
Director
February 19, 2021



Ross Strobe
Assistant Director
February 19, 2021