

FISCAL NOTE
Requested by Legislative Council
12/21/2012

Bill/Resolution No.: SB 2078

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			\$2,100,000		\$2,100,000	
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides for revenues from certain fees assessed in criminal cases to be allocated to identified funds based on a percentage of a total fee assessed rather than a specific dollar amount assessed for each fee. It also increases criminal court fees.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 takes away the continuing appropriation authority for the restitution collection assistance fund. The Court System collects approximately \$55,000 per biennium from this revenue source. The funding is used to defray expenses incident to the collection of restitution. The funding would go to the State General Fund. Section 3 increases the court administration fees for criminal cases. In addition, revenues from fees relating to restitution, criminal court administration, court facilities improvement, victim witness programs and community service supervision would be allocated based on the percentages outlined in subsection 2.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

By removing the Court System's continuing appropriation authority for the restitution collection assistance fund, State General Fund revenues would increase approximately \$55,000 per biennium. Based on estimated collection rates, the rate changes for the criminal court administration fee would increase overall revenues by approximately \$2.9 million. The majority of the additional revenues collected will go to the State General Fund, however the change in the allocation method to a set percentage would result in approximately \$850,000 of the revenue increase being allocated to other funds. Because most payments are not enough to cover the entire financial obligation, the courts established a priority for how payments are to be divided. In general, if a defendant has multiple cases, the payment is applied to the oldest case first. Within each case, the payment is divided using priorities established by the Administrative Council. Payments are allocated first based on the fees with the highest priority. The change in allocation of fees to a set percentage rather than a priority system may have an impact on revenues, but that impact can not be determined.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The Court System would have to use existing State General Fund authority for costs associated with collection of outstanding restitution.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

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