

Fiscal Estimate Narratives

CTS 4/1/2013

LRB Number	13-1933/1	Introduction Number	SB-100	Estimate Type	Original
Description Increasing the crime victim and witness assistance surcharge, dedicating funds for crime prevention organizations, and creating local crime prevention funding boards					

Assumptions Used in Arriving at Fiscal Estimate

The current crime victim and witness assistance surcharge is \$92 for a felony and \$67 for a misdemeanor. The surcharge is also assessed if a felony or misdemeanor charge is subsequently amended to a civil offense that results in a conviction. The assessed amount for each civil offense conviction is either \$92 or \$67, depending on the original charge.

This bill increases the crime victim and witness assistance surcharge by \$20 for all felonies and misdemeanors, as well as those civil offense convictions that resulted from amended felony or misdemeanor charges. The bill creates a new Part D for the surcharge and requires the money collected under the new Part D to be retained by the county treasurer and paid to that county's Crime Prevention Funding Board that is created by the bill.

This bill would require court system resources in order to implement the changes to the crime victim and witness assistance surcharge. The Consolidated Court Automation Programs (CCAP) staff would be required to reprogram its financial accounting software to recognize the new Part D of the surcharge, allow clerks of circuit court to enter the data on surcharges imposed and collected, and disburse the funds collected to the proper entity. It is impossible to determine an exact fiscal impact of implementing this bill, but it will require a substantial number of hours of computer programming time.

To determine the amount of surcharge revenue that might be generated by this new Part D of the surcharge, we have relied on data from CCAP, cited by the Legislative Audit Bureau (LAB) in its recent report "Crime Victim and Witness Assistance Surcharge Revenue." (Report 12-13, August 2012) The audit was initiated because questions were raised regarding the reasons surcharge revenue declined despite an increase to the surcharge. In Table 7 on page 10, the report indicates the following number of convictions for which a surcharge could have been assessed during the fiscal year 2010-11:

Felonies: 16,400
Misdemeanors: 69,700
Civil Offenses: 6,800
Total: 92,900

If the number of convictions remains constant, which was not the case in the time period examined by LAB, and the additional \$20 Part D surcharge was imposed in each case, then there would be an additional \$1,858,000 in crime victim and witness assistance surcharges potentially available.

As the LAB explained in its report, not all of the surcharges imposed are collected. The report cited difficulty in ability to pay by these individuals and an overall increase in court costs in recent years as possible explanations for reduced collections. The LAB estimated about two-thirds of the surcharges imposed are collected by the various agencies responsible: the circuit courts, the Department of Corrections and the Department of Health Services.

Based on the two-thirds figure, it is estimated that approximately \$1,239,000 statewide would be raised for Part D of the crime victim and witness assistance surcharge, under the terms of this bill.

Long-Range Fiscal Implications