



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #625

Circuit Court Automated Information Systems (DOA-- Justice Information System Surcharge and Supreme Court)

[LFB 2011-13 Budget Summary: Page 36, #1; and Page 419, #5]

CURRENT LAW

The court system operates the Consolidated Court Automation Programs (CCAP), which provides uniform software applications to counties including circuit court case management, jury management, financial management, court calendaring, and training on the computer system. Operations for CCAP are supported through PR funding received from a variety of court-related fees, which are deposited into the court information systems PR appropriation under the Supreme Court [s. 20.680(2)(j)]. Among the court fees from which CCAP receives funding, \$6 of the \$21.50 justice information systems surcharge is included.

GOVERNOR

Create a new program revenue appropriation for the operation of the circuit court automated information systems [s. 20.680(2)(kg)]. Funding for the new appropriation would come from the justice information fee receipts appropriation, a new appropriation under the Office of Justice Assistance (OJA) to receive justice information surcharge revenue.

Transfer funding associated with the justice information system surcharge (\$4.2 million PR annually) from the existing court information systems appropriation [s. 20.680(2)(j)] to the new automated information systems appropriation [s. 20.680(2)(kg)]. Delete statutory language which specifies that \$6 of the \$21.50 justice information system surcharge revenue be deposited in the existing court information systems appropriation.

DISCUSSION POINTS

1. The Consolidated Court Automation Programs (CCAP) provides uniform software applications to counties including circuit court case management, jury management, financial management, court calendaring, and training on the computer system. Counties have the option of using the state technical support, and training from the state or having their own system and receiving reimbursement from the state. The case and financial management systems have been installed in all 72 counties, although Portage County only uses CCAP for its office of the register in probate. Further, CCAP provides public access to circuit court case information through its Wisconsin Circuit Court Access website.

2. Operations for CCAP are supported through PR funding received from a variety of court-related fees, as follows:

- a. \$15 of the filing fee to commence civil or family actions or to change venue in such actions (\$75-\$105, depending on type of action);
- b. \$5 of the \$25 fee in forfeiture actions;
- c. \$5 of the \$20 fee to commence garnishment actions;
- d. \$5 of the \$45 filing fee for third-party complaints in civil actions;
- e. \$5 of the fee to appeal or review a municipal court or administrative decision (\$40 or \$55, depending on whether a new trial is requested);
- f. \$11.80 of the \$22 filing fee to commence or change venue in small claims actions;
- g. \$10 of the \$53 fee for filing a counterclaim or cross complaint in small claims actions; and
- h. \$6 of the \$21.50 justice information systems surcharge, which is applied to above-referenced actions.

3. In 2009-10, revenue generated from the above fees totaled \$9,457,600, and CCAP expended \$9,421,100 PR. Of the total revenue, \$3,803,100 was from the justice information surcharge.

4. The bill would delete the statutory language specifying that \$6 of the justice information surcharge be deposited into the court information systems appropriation (h. above). As a result, revenue from the justice information surcharge would no longer be deposited into the court information systems appropriation. Under the bill, all justice information surcharge revenue would be deposited into a new appropriation under OJA [s. 20.505(1)(id)], which would transfer the statutorily-authorized amounts to the new automated information systems appropriation. While the existing court information systems appropriation would no longer receive revenue from the justice information surcharge, it would continue to receive revenue from the other court-related fees identified above.

5. On March 29, 2011, in her remarks before the Joint Committee on Finance, the

Chief Justice expressed concern regarding the provision to deposit the justice information surcharge revenue with OJA instead of the Courts. The Director of State Courts Office further elaborated in a budget paper on the provision:

"The JISS [Justice Information System Surcharge] was originally created to fund CCAP. Subsequently, the surcharge was increased to help fund district attorney and DOA automated justice information systems. However, more recently the surcharge was increased to fund programs not related to justice information systems. This has put CCAP in jeopardy. CCAP's last revenue increase was in 1999-2000 when the JISS was raised by \$2 to give CCAP \$6 of surcharge revenues. The JISS is now \$21.50, and CCAP still receives \$6 of every \$21.50 in JISS revenues collected. The remainder of JISS revenues goes to other justice programs (\$14.50 of each \$21.50 collected) and the General Fund as GPR-Earned (\$1 of each \$21.50 collected).

Although CCAP continues to receive the same proportion of JISS collections, its revenues have decreased since 2008-09 with the increase in the surcharge for non-justice information system purposes likely at least partially responsible. The Governor's recommendation would go even further, and delete CCAP's dedicated JISS revenue source. Instead, the revenues would go to DOA and be distributed to sum certain appropriations, including a new CCAP appropriation. The court system, and there for the entire justice system, literally could not function without CCAP. It is discomfoting to realize that court operations are so dependent on fee and surcharge revenues. CCAP's dedicated funding source needs to be maintained under the judiciary's authority, not DOA's authority."

6. The bill appears to provide the Department of Administration more flexibility to administer revenues from the justice information surcharge for various programs since revenues from the surcharge would be deposited to a centralized appropriation. Allocations from this appropriation are established in the appropriation schedule. As a consequence, however, the Courts' ability to administer the revenues for CCAP would decrease because the only revenue to the CCAP appropriation would be dictated by the appropriation schedule and not the result of a dedicated revenue stream. Therefore, the Committee may wish to delete the provision and retain dedicated revenues, rather than specified appropriations, to CCAP. As a result, \$6 of the justice information surcharge would continue to be deposited into the Courts' current CCAP appropriation.

ALTERNATIVES

1. Approve the Governor's recommendation to create a program revenue appropriation for the operations of the circuit court automated information systems. Provide funding to the appropriation through revenue from the justice information system surcharge. Transfer funding associated with the justice information system surcharge (\$4.2 million PR annually) from the existing court information systems appropriation to the new automated information systems appropriation. Delete statutory language which provides justice information system surcharge revenue to the existing court information systems appropriation.

2. Delete the Governor's recommendation and maintain current law related to the CCAP appropriation.

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