

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6412
BILL NUMBER: HB 1149

DATE PREPARED: Mar 15, 1999
BILL AMENDED: Mar 4, 1999

SUBJECT: Court officers.

FISCAL ANALYST: Susan Preble
PHONE NUMBER: 232-9867

FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

STATE IMPACT	FY 1999	FY 2000	FY 2001
State Revenues		3,344,476	3,344,476
State Expenditures		2,257,429	2,643,277
Net Increase (Decrease)		1,087,047	701,199

Summary of Legislation: (Amended) This bill adds the following judicial officers:

Effective July 1, 1999:

- Two magistrates in Allen County;
- One magistrate in Clark County;
- One magistrate in Floyd County;
- Three magistrates in Lake County;
- One magistrate in LaPorte County;
- One magistrate in Lawrence County;
- One magistrate in Madison County;
- Four magistrates and four judges in Marion County;
- Two magistrates in St. Joseph County;
- One magistrate in Sullivan County; and
- Two magistrates in Vanderburgh County.

Effective January 1, 2001:

- One judge in Elkhart County;
- Three judges in Lake County;
- One judge in St. Joseph County; and
- One judge in Tippecanoe County.

It converts the county court in Noble County to a superior court.

It converts two county courts in Tippecanoe County to superior courts and transfers a magistrate from the Tippecanoe county court to the Tippecanoe superior court.

The bill expands the jurisdiction of the magistrate appointed by the presiding judge of the Marion superior court who is currently empowered to preside over certain drug related proceedings to include jurisdiction over other criminal proceedings.

It provides that the judge added to the St. Joseph superior court is the chief judge and establishes the duties and powers of the chief judge. It changes the membership of the St. Joseph County Judicial Nominating Commission and the St. Joseph County Judicial Qualifications Commission.

It changes the membership of the Lake County Judicial Nominating Commission.

It establishes a General Justice Court Fee and requires 100% of the fee to be deposited in the State General Fund.

The bill also requires the county fiscal body to: (1) appropriate money initially deposited in a county user fee fund and certain other funds; and (2) approve a transfer of this money from one purpose to another.

Effective Date: (Amended) July 1, 1999; January 1, 2001.

Explanation of State Expenditures: (Revised) The total annual cost of this bill in FY 2000 is estimated to be \$2,257,429. This figure reflects the estimated cost to fund an additional nineteen (19) magistrates (statewide) and four (4) judges (in Marion County) [\$1,742,965 + \$514,464].

The total annual cost of this bill in FY 2001 is estimated to be \$2,643,277. This figure reflects the estimated cost to fund an additional nineteen (19) magistrates (statewide), four (4) judges (in Marion County), and six (6) judges after January 1, 2001 [\$1,742,965 + \$514,464 + \$385,848].

The per magistrate cost of \$91,735 includes: \$72,000 for annual salary, \$14,083 for fringe benefits [this includes the contribution for the Public Employees' Retirement Fund (PERF), of which magistrates are members], \$4,852 for health/dental/vision insurance and \$800 for costs incurred by the Indiana Judicial Conference for training, publications, and conferences.

The per judge cost of \$128,616 includes: \$90,000 for annual salary, \$8,964 for fringe benefits, \$4,852 for health/dental/vision insurance, \$24,000 for the annual State General Fund contribution to the Judges Retirement Fund (trial court judges are not members of PERF); and \$800 for additional training, mailing, and travel reimbursement expenses incurred by the Indiana Judicial Center.

The addition of judicial officers also impacts the Division of State Court Administration. The Division is

responsible for payroll and benefit administration for all judicial officers; statistical report preparation (which requires training of new court staff, and the collection, review, publication and analysis of court statistics); the appointment of senior judges; the revision of special judge selection rules; and the provision of employment law counsel to judges regarding employment law issues.

The table below provides an illustration of the estimated costs by county and fiscal year.

County	Magistrates	Judges	Effective Date	FY 2000 cost	FY 2001 cost
Allen - sup. ct (civil)	1		7-1-99	\$91,735	\$91,735
Allen - sup. ct. (criminal)	1		7-1-99	\$91,735	\$91,735
Clark	1		7-1-99	\$91,735	\$91,735
Floyd	1		7-1-99	\$91,735	\$91,735
LaPorte	1		7-1-99	\$91,735	\$91,735
Lake -cir. ct.	1		7-1-99	\$91,735	\$91,735
Lake - sup. ct.	2		7-1-99	\$183,470	\$183,470
Lawrence	1		7-1-99	\$91,735	\$91,735
Madison	1		7-1-99	\$91,735	\$91,735
Marion	4	4	7-1-99	\$881,404	\$881,404
St. Joseph - sup. ct.	1		7-1-99	\$91,735	\$91,735
St. Joseph - probate ct.	1		7-1-99	\$91,735	\$91,735
Sullivan	1		7-1-99	\$91,735	\$91,735
Vanderburgh	2		7-1-99	\$183,470	\$183,470
Elkhart		1	1-1-01		\$64,308
Tippecanoe		1	1-1-01		\$64,308
Lake - sup. ct. (civil)		2	1-1-01		\$128,616
Lake - sup. ct. (county)		1	1-1-01		\$64,308
St. Joseph - sup. ct.		1	1-1-01		\$64,308
Totals	19	10		\$2,257,429	\$2,643,277

The conversion of the Noble County and Tippecanoe County courts to superior courts have no measurable fiscal impact.

Explanation of State Revenues: (Revised) Adding magistrates and judges may result in an increase of the number of cases processed in courts of record and speed up the collection of court costs, a percentage of which are deposited into the state General Fund.

When court costs are collected by a court of record, 70% goes to the State General Fund, 27% goes to the county general fund, and 3% goes to the local municipal fund (but only if the city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record).

The bill requires the collection of a \$5 General Justice Fee from defendants in each action that results in a

felony conviction or a misdemeanor conviction, and on parties filing a civil tort, civil plenary, or small claims action (small claims filings in Marion County are exempted from the fee). A \$4 General Justice Fee will be collected from defendants in each action that results in a judgment for a violation of an infraction involving a moving traffic offense. An estimated \$3.3 million in annual revenue will be generated from the collection of the \$4 and \$5 General Justice Fee. All fee revenue is to be deposited in the state General Fund. Additional information is available at the Legislative Services Agency upon request.

Explanation of Local Expenditures: (Revised) County expenditures may increase due to administrative costs associated with the hiring of support staff and the provision of office space for the additional magistrates and judges.

The conversion of the Noble County and Tippecanoe County courts to superior courts have no measurable fiscal impact.

Although the bill decreases the number of members which serve on the Lake County Judicial Nominating Commission from nine (9) to seven (7), no savings would be realized because in practice, members do not claim the per diem and expense reimbursements to which they are now entitled.

Explanation of Local Revenues: (Revised) Adding magistrates and judges may result in an increase of the number of cases processed and speed up the collection of court costs, a percentage of which are deposited into the county general fund and local municipal fund.

State Agencies Affected: Indiana Judicial Conference; Division of State Court Administration.

Local Agencies Affected: Trial courts of Allen, Clark, Elkhart, Floyd, Lake, LaPorte, Lawrence, Madison, Marion, Noble, St. Joseph, Sullivan and Vanderburgh Counties; Lake County Judicial Nominating Commission.

Information Sources: Div. of State Court Administration; IC 33-4-7-9.1; State Budget Agency; Indiana Judicial Conference; 1997 Indiana Judicial Report; Pam Shelhart, Lake Co. Election Board, (219) 755-3467.