

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

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6411
BILL NUMBER: SB 27

DATE PREPARED: Jan 29, 1999
BILL AMENDED: Jan 28, 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			
State Expenditures		3,726,124	3,744,564
Net Increase (Decrease)		(3,726,124)	(3,744,564)

Summary of Legislation: This bill has the following provisions:

- (A) It adds the following judicial officers:
- (1) three full-time magistrates in Allen County;
 - (2) one judge in Cass County;
 - (3) one full-time magistrate in Clark County;
 - (4) one judge in Elkhart County;
 - (5) one full-time magistrate in Floyd County;
 - (6) three full-time magistrates and three judges in Lake County;
 - (7) two full-time magistrates in LaPorte County;
 - (8) four judges and ten full-time magistrates in Marion County;
 - (9) four full-time magistrates in St. Joseph County;
 - (10) one judge in Tippecanoe County; and
 - (11) three full-time magistrates in Vanderburgh County.
- (B) It converts two county courts in Tippecanoe County and one county court in Noble County to superior courts;
- (C) It converts the Tippecanoe County Court magistrate into a Tippecanoe Superior Court magistrate;
- (D) It provides for one full-time magistrate in Cass County until the judge added in Cass County by this act is elected;
- (E) It indicates that an application for the position of magistrate is confidential;

- (F) It provides standards for the selection and conduct of a chief judge of the St. Joseph Superior Court;
- (G) It delays the appointment of magistrates in the St. Joseph Superior Court until January 1, 2000;
- (H) It indicates that the names of candidates applying for the office of St. Joseph Superior Court judge are confidential;
- (I) It gives the St. Joseph Superior Court concurrent juvenile jurisdiction with the St. Joseph Probate Court, which may be exercised only if the Superior and Probate courts jointly adopt a rule providing for the filing of cases in the Superior Court; and
- (J) It indicates that the names of applicants for the position of judge of the St. Joseph Superior Court are confidential.

(The introduced version of this bill was prepared by the Commission on Courts.)

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

Explanation of State Expenditures: (Revised) **The cost of this bill in FY 2000 is estimated to be \$3,726,124.** This figure reflects the estimated cost to fund an additional twenty-eight (28) magistrates and nine (9) courts statewide [\$2,568,580 + \$1,157,544].

The cost of this bill in FY 2001 is estimated to be \$3,744,564. This figure reflects the estimated cost to fund an additional twenty-eight (28) magistrates and nine (9) courts statewide for the first half of FY 2001 and twenty-seven (27) magistrates and ten (10) courts for the second half of FY 2001 [\$2,522,712 + \$1,221,852].

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 FY 2000 cost for twenty-eight (28) magistrates is \$2,568,580 [\$91,735 x 28]. The bill provides that the additional Cass County magistrate will serve only until January 1, 2001. Consequently, the FY 2001 cost for twenty-eight (28) magistrates until January 1, 2001, and twenty-seven magistrates after January 1, 2001 is \$2,522,712.

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 FY 2000 cost for nine (9) additional judges is \$1,157,544 [\$128,616 x 9]. The bill provides that the additional Cass County judge will not take office until January 1, 2001. Consequently, the FY 2001 cost for nine (9) additional judges until January 1, 2001, and ten (10) additional judges after January 1, 2001 is \$1,221,852.

The remaining provisions of the bill have no measurable fiscal impact.

Explanation of State Revenues: (Revised) Additional judicial officers may increase 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).

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 additional magistrates and judges.

The provision giving the St. Joseph Superior Court concurrent juvenile jurisdiction with the St. Joseph Probate Court may decrease the Probate Court's caseload providing the courts unanimously agree to exercise the option to share juvenile jurisdiction.

The remaining provisions of the bill have no measurable fiscal impact.

Explanation of Local Revenues: (Revised) Additional judicial officers may increase 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.

Local Agencies Affected: (Revised) Trial courts of Allen, Cass, Clark, Elkhart, Floyd, Lake, LaPorte, Marion, Noble, St. Joseph, Tippecanoe and Vanderburgh Counties.

Information Sources: Division of State Court Administration; IC 33-4-7-9.1; State Budget Agency; Indiana Judicial Conference; 1997 Indiana Judicial Report.