

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

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6411**  
**BILL NUMBER: SB 27**

**DATE PREPARED:** Mar 15, 1999  
**BILL AMENDED:** Mar 2, 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		1,865,278	2,333,875
Net Increase (Decrease)		(1,865,278)	(2,333,875)

**Summary of Legislation:** (Amended) This bill adds judicial officers as follows:

*Effective July 1, 1999:*

- Three magistrates in Allen County;
- One magistrate in Cass County (until 1-1-01, when the magistrate will be replaced with a judge);
- One magistrate in Clark County;
- One magistrate in Elkhart County;
- One magistrate in Floyd County;
- Two magistrates in Lake County;
- One magistrate in LaPorte County;
- Six magistrates in Marion County;
- One magistrate in St. Joseph County; and
- Two magistrates in Vanderburgh County.

*Effective November 1, 1999:*

- Two magistrates in St. Joseph County

*Effective January 1, 2001:*

- One judge in Cass County;
- One judge in Elkhart County;
- One judge in Lake County;
- Four judges in Marion County; and
- One judge in Tippecanoe County.

This bill also converts two county courts in Tippecanoe County and one county court in Noble County to superior courts. It converts the Tippecanoe county court magistrate into a Tippecanoe superior court magistrate. It provides for one full-time magistrate in Cass County until the judge added in Cass County by this act is elected. It indicates that an application for the position of magistrate is confidential and indicates that the names of applicants for the position of judge of the St. Joseph superior court are confidential. The bill also makes other related changes. (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 FY 2000 cost of this bill is estimated to be \$1,865,278.** This figure reflects the estimated cost to fund an additional twenty one (21) magistrates statewide. The effective date for nineteen of the new magistrates is July 1, 1999. The effective date for the remaining two magistrates is November 1, 1999 (eight months of FY 2000).

**The FY 2001 cost of this bill is estimated to be \$2,333,875.** Because the Cass County magistrate added in FY 2000 will be replaced on January 1, 2001 with a judge, the FY 2001 figure reflects the estimated cost to fund twenty one (21) magistrates for the first half of FY 2001 and twenty (20) magistrates and eight (8) judges for the second half of FY 2001. The effective dates for all eight judges is January 1, 2001. For Cass County, the first six months reflect the cost of the magistrate and the second six months reflect the cost of the judge.

The annual cost of a magistrate is \$91,735 and 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 annual cost of a judge is \$128,616 and 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 exact costs by county and fiscal year.

County	Magistrates	Judges	Effective Date	FY 2000 cost	FY 2001 cost
Allen - sup. ct. (civil)	2		7-1-99	\$183,470	\$183,470
Allen - sup. ct. (criminal)	1		7-1-99	\$91,735	\$91,735
Cass	1		7-1-99	\$91,735	\$45,868
			(until 1-1-01)		
Clark	1		7-1-99	\$91,735	\$91,735
Elkhart	1		7-1-99	\$91,735	\$91,735
Floyd	1		7-1-99	\$91,735	\$91,735
Lake - sup. ct. (civil)	1		7-1-99	\$91,735	\$91,735
Lake - cir. ct.	1		7-1-99	\$91,735	\$91,735
LaPorte	1		7-1-99	\$91,735	\$91,735
Marion	6		7-1-99	\$550,410	\$550,410
St. Joseph - sup. ct.	2		11-1-99	\$122,313	\$122,313
St. Joseph - probate ct.	1		7-1-99	\$91,735	\$91,735
Vanderburgh	2		7-1-99	\$183,470	\$183,470
Cass		1	1-1-01		\$64,308
Elkhart		1	1-1-01		\$64,308
Lake - sup. ct. (civil)		1	1-1-01		\$64,308
Marion		4	1-1-01		\$257,232
Tippecanoe		1	1-1-01		\$64,308
<b>Totals</b>	<b>21</b>	<b>8</b>		<b>\$1,865,278</b>	<b>\$2,333,875</b>

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

**Explanation of State Revenues:** (Revised) More 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% to the county general fund, and 3% to the municipal fund 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) Costs may increase due to administrative expenses associated with support staff and office space for additional magistrates and judges.

**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; Division of State Court Administration.

**Local Agencies Affected:** 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.