

STORAGE NAME: h3255.leps

DATE: February 23, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3255

RELATING TO: Court Costs/Crime Stoppers

SPONSOR(S): Representative Sindler and Others

COMPANION BILL(S): CS/CS/SB 502

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
 - (2) FINANCE AND TAXATION
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 3255 creates a new \$20 surcharge on any criminal fine imposed. However, circuit or county courts would have the discretion to increase the amount of this additional surcharge up to \$500, if the severity of the crime or the financial resources of the offender justify such an increase. The clerks of court are to collect the costs and to forward the money collected to the Department of Legal Affairs for deposit into the Crime Stoppers Trust Fund. The clerks may retain \$3 per assessment as a service charge.

Within the Crime Stoppers Trust Fund, the funds are to be designated according to the judicial circuit in which they were collected. Any county may apply to the Department for a grant from the funds collected in the judicial circuit in which the county is located. However, grants may be awarded only to counties which are served by an official member of the Florida Association of Crime Stoppers. The grants may be used only to support Crime Stoppers and their crime fighting programs.

An amendment to the bill provides for a \$2 court cost for each noncriminal traffic infraction when assessed by a municipality or county, which is used to fund local law enforcement agency training. Currently, the \$2 may only be assessed for criminal offenses.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

A. Crime Stoppers Programs.

Crime Stoppers is a citizen, media, and police co-operative program designed to involve the public in the fight against crime. Crime Stoppers programs typically will allow citizens to anonymously supply the police with information about an unsolved crime or a future crime. Cash rewards are given for information which leads to prosecution of the criminal.

Crime Stoppers began in Albuquerque, New Mexico in 1976. A homicide detective with the Albuquerque Police asked a local television station to broadcast a re-enactment of an unsolved murder on its newscast. A reward was offered and a caller contacted the police the next day with a tip that led the police to the two men who were responsible. The success of this concept launched a program which is now internationally known as "Crime Stoppers." There are now hundreds of Crime Stoppers programs worldwide.

Soon after the Albuquerque program was created, Orlando became the second city to create a program. Now, in Florida, there are over 20 Crime Stoppers programs located in every region of the state. In 1981, the programs created a non-profit organization known as the Florida Association of Crime Stoppers. The Association holds quarterly meetings and currently has 21 members. According to the Association's President, there are some Crime Stoppers programs in the state that are not members of the Association.

Crime Stoppers programs are run by a volunteer board of directors. The day to day management is left to a coordinator who is a law enforcement officer. The coordinator serves as the liaison between the board, the public, the media, and the law enforcement community.

In Florida, Crime Stoppers programs are funded almost exclusively by private business and organizations. Local law enforcement agencies contribute by providing an officer who serves as a coordinator and by providing some support staff. The programs use the funds primarily to set up rewards for unsolved crimes.

Section 16.555, F.S., provides that the Department of Legal Affairs shall establish a trust fund to administer grants to fund Crime Stoppers and its crime fighting programs. The statute defines Crime Stoppers as members of the Florida Association of Crime Stoppers. § 16.555(1)(c), F.S. The Department of Legal Affairs is required to make application for all federal, state, or private grants which meet the purposes of advancing Florida Crime Stoppers. However, according to the Attorney General's Office, no grants have been received and thus a trust fund has never been established.

B. Court Costs.

In 1997, s. 318.18, F.S., which provides the required penalties for noncriminal traffic infractions, was amended to provide a \$3 court cost for each infraction to be distributed as provided in s. 943.25(3), F.S. s. 12, ch. 97-225, Laws of Fla. At the time, s. 943.25(3), F.S., provided for the distribution of a \$3 court cost assessed against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. However, another bill passed in 1997 transferred this subsection to newly created s. 938.01, F.S. s. 3, ch. 97-271, Laws of Fla. Thus, the cross-reference in s. 318.18, F.S., was made incorrect.

Section 938.15, F.S., provides that municipalities and counties may assess an additional \$2 court cost against each person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. The costs are to be used for expenditures for criminal justice education degree programs and training courses.

In 1997, the Legislature created Chapter 938, Florida Statutes, to consolidate and categorize all court costs imposed on offenders. In the past, these provisions were scattered throughout various chapters. Chapter 938 was designed to assist "the judiciary and other court participants to identify and locate applicable law relating to court costs and thereby facilitating the uniform imposition and collection of court costs." § 1, Ch. 97-271, Laws of Fla.

The first category, mandatory costs in all cases, currently contains four provisions as follows:

- ▶ *Additional Court Costs Clearing Trust Fund.* This is a \$3 cost, the majority of which goes to the Criminal Justice Standards and Training Trust Fund. A small percentage of the \$3 is disbursed to the Department of Community Affairs, Bureau of Public Safety Management.
- ▶ *Crime Compensation Trust Fund.* This is a \$50 cost which is deposited in the Crimes Compensation Trust Fund administered by the Department of Legal Affairs.
- ▶ *Surcharge on Costs.* This is an additional 5-percent surcharge on court costs which is to be deposited in the Crimes Compensation Trust Fund.
- ▶ *Local Government Criminal Justice Trust Fund.* This is a \$200 cost for felonies and a \$50 cost for misdemeanors and criminal traffic offenses, deposited in a special trust fund for counties in order to defray some of their Article V costs.

Court costs for local law enforcement training. Section 938.15 F.S., provides for a \$2 court cost when assessed by a municipality or county, in addition to the \$3 court cost described in the first bullet above. (The majority of the \$3 court cost goes to the Florida Department of Law Enforcement's Criminal Justice Standards and Training Trust Fund.) The supplemental \$2 court cost goes to fund a local law enforcement agency's criminal justice education degree programs and training courses, including basic training. § 938.15 F.S., formerly § 943.25(13), F.S.

In 1997, the Legislature amended section 318.18, F.S., and the \$3 court cost provision to require the assessment of the court cost for noncriminal traffic infractions. §§ 12, 13, ch. 97-255, Laws of Fla. However, the 1997 Legislature did not amend the \$2 local law enforcement court cost provision to allow for assessment for noncriminal traffic infractions.

B. EFFECT OF PROPOSED CHANGES:

A. Crime Stoppers Programs

House Bill 3255 creates s. 938.06, F.S., providing a new court cost to fund Crime Stoppers programs within the Florida Association of Crime Stoppers. The new court cost is a \$20 surcharge on any criminal fine imposed.

the Subsection (2) of the bill gives the county and circuit courts the discretion to increase amount of this additional \$20 surcharge, up to \$500, if the severity of the crime or the financial resources of the offender justify such an increase. However, Amendment 1 to the bill would remove the courts' authority to increase the amount of the additional surcharge beyond \$20.

This court cost must be imposed by all county and circuit courts and must be collected by the clerks of court. On a monthly basis, the clerks of court are to forward the costs collected to the Department of Legal Affairs for deposit into the Crime Stoppers Trust Fund. The clerks may retain \$3 per assessment as a service charge.

The bill also amends s. 16.555, F.S., to require that the court cost proceeds be deposited in a separate account in the Crime Stoppers Trust Fund. Further, within that separate account, the funds are to be designated according to the judicial circuit in which they were collected. Any county may apply to the Department for a grant from the funds collected in the judicial circuit in which the county is located. However, grants may be awarded only to counties which are served by an official member of the Florida Association of Crime Stoppers, and only one such official member can be eligible for support within any county. In order to aid the Department in determining eligibility, the Association is to furnish to the Department a list of authorized Crime Stoppers programs and to update the list as necessary. When more than one county is eligible within a judicial circuit, the Department is to award grants as equitably as possible, based on amounts collected within each county. The grants may be used only to support Crime Stoppers and their crime fighting programs.

B. Court Costs

Amendment 2 to HB 3255 would amend s. 318.18, F.S., to correct an erroneous cross-reference and to impose a \$2 court cost for each noncriminal traffic infraction when assessed by a municipality or county, as is provided by s. 938.15 F.S. (Section 938.15 F.S., provides for an additional \$2 court cost to be assessed against each person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. The costs are to be used for local law enforcement agency training.)

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

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(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 938.06, 16.555, and 318.18, F.S.

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The Department of Legal Affairs estimates that it can absorb the costs of administration of the Crime Stoppers Trust Fund within existing resources.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

The bill will have a positive impact on local governments to the extent that they may use the proceeds of grants authorized pursuant to the bill to defray current Crime Stopper costs or to increase their level of current support.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

The bill will have a positive impact on Crime Stoppers programs within the Florida Association of Crime Stoppers. Currently, a similar cost of \$50 is imposed and collected when any person pleads guilty or nolo contendere to, or is convicted of or adjudicated delinquent for, any felony, misdemeanor, delinquent act, or criminal traffic offense or the violation of any municipal or county ordinance which adopts by reference any misdemeanor under state law. s. 938.03, F.S. According to the Department of Legal Affairs, which administers the funds from this cost in the Crimes Compensation Trust Fund, this cost has produced approximately \$16 million each year for the last 2 fiscal years. If the \$20 cost were assessed and collected at the same rate as is presently assessed and collected for the \$50 cost for the Crimes Compensations Trust Fund, this would produce approximately \$5.5 million annually. (These calculations are based on net proceeds after deduction of the service charge of the clerks of court, which is \$1 per assessment for the Crimes Compensation Trust Fund cost and \$3 per assessment for the Crime Stoppers Trust Fund.)

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

Current s. 16.555, F.S., created in 1991, provides for the Crime Stoppers Trust Fund. However, a state constitutional provision passed in 1992 states that all trust funds in existence on November 4, 1992, expired 4 years after that date. Art. III, s. 19(f)(2), Fla. Const. Additionally, according to the Attorney General's Office, the Crime Stoppers Trust Fund was never created due to a lack of funds. Accordingly, the trust fund does not currently exist.

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No trust fund may be created by general law except by a 3/5 vote of the membership of each house of the legislature in a separate bill for that purpose only. Art. III, s. 19(f)(1), Fla. Const.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment 1 would eliminate the county or circuit court's discretion to increase the additional surcharge beyond \$20, up to \$500, depending on the severity of the crime and the financial resources of the offender.

Amendment 2 provides that the court shall impose a \$2 court cost for a noncriminal traffic infraction when assessed by a municipality or county. This \$2 court cost goes to fund local law enforcement training.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

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