

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2016 REGULAR SESSION**

MEASURE

2016 BR NUMBER **0428**

SENATE BILL NUMBER **30**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to funding of government services and making an appropriation therefor.**

SPONSOR **Senator Julian Carroll**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Finance and Administration Cabinet – Office of the Controller**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2015-2016	2016-2017	2017-2018	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES		\$18,300,000	\$18,300,000	\$18,300,000
EXPENDITURES		\$18,300,000	\$18,300,000	\$18,300,000
NET EFFECT				

() indicates a decrease/negative

MEASURE’S PURPOSE: The measure creates the “county jail restricted fund” to be administered by the Finance and Administration Cabinet, relative to the type of local receipts/distributions performed by the County Fee Systems programs in the Office of the Controller-Division of Local Government Services. The fund purpose is to receive additional monthly local Circuit Court Clerk cost, fines, forfeitures, and other reported moneys, consisting of 50% of all fines collected by the Circuit Court Clerks statewide, dedicated to defraying local county jail and prisoner transportation costs. Prorata fund distributions of fines are specifically dedicated to the following local entities: County Treasurers (70%); County Clerks (7.5%); County Attorneys (7.5%); County Sheriffs (7.5%); Emergency Medical Services (7.5%). Current statutory Circuit Court Clerk costs, fines, forfeitures, and other reported moneys collected will remain for current statutory distributions to State and Local governmental entities.

The “county jail restricted fund” receipts are derived from specific fine increases of 100%, relative to the following violation areas:

- Motor Vehicle Moving Operations;

- Motor Vehicle Equipment;
- Motor Vehicle License/Registration;
- Turnpike Toll Payments;
- Motor Carrier Operation/Equipment/Overweight/Overdimensional;
- Traffic Control Signals;
- Motor Vehicle Insurance;
- Motor Vehicle Speed Limits;
- School/Church Bus Passing/Safety;
- Highway Pavement/Property Destruction;
- Horse/ATV/Motor Vehicle Highway Racing;
- Railroad Crossing Requirements;
- Motor Vehicle Abandonment;
- Accident Duties/Responsibilities;
- Pedestrian/Blind Right-of-Way Responsibilities;
- Bicycle Responsibilities;
- Child Transport/Restraint Requirements;
- Disability Parking Placard Requirements;
- Right-of-Way Responsibilities;
- Motor Vehicle Operation Personal Communication Device Requirements;
- Motor Vehicle Operation Alcohol/Substance Abuse/Open Container;
- Individual Misdemeanor Convictions;
- Corporate Misdemeanors Convictions.

All existing local Circuit/District Court revenues derived from the existing statutory fines and forfeitures, remitted monthly by each local Circuit Court Clerk to the Finance and Administration Cabinet-Office of the Controller-County Fee Systems program area, and subsequently, statutorily distributed to various State and Local governmental entities are not changed, due to each fine and forfeiture rate/amount increase of 100%, as described in the following statutory provisions/mechanics section descriptions.

PROVISIONS/MECHANICS:

Section 1 – Amend KRS 30A.120 to establish mechanism for funding.

Sections 2-14 – Amend KRS 30A.120 to provide direction to circuit clerks on depositing receipts of specified fines collected; amend KRS 56.990, 177.530, 186.991, 187.990, 189.2329, 189.394, 189.751, 189.945, 189.990, 189.993, 189A.010, 534.040, and 534.050 to increase fines resulting from violations of motor vehicle licensing, registration, and traffic law infractions, increase misdemeanor offenses, with a percentage of each fine directed to the fund.

Section 15 – Create a new section of KRS Chapter 42 establishing the county jail restricted fund and establish process for expending fund receipts.

FISCAL EXPLANATION: The measure has a minimal impact upon the Finance and Administration Cabinet-Office of the Controller based upon additional receipt and distribution

time for existing program staff functions.

No fiscal impact is projected for either the administrative operations of the Administrative Office of the Courts or the Transportation Cabinet due to no anticipated additional agency expenditures.

The new “county jail restricted fund” is projected to receive \$18.3 million in new fines annually, relative to the proposed new minimum fine increases designated in the bill, based upon current estimated local Circuit Clerk criminal and traffic fine remittances of \$18.3 million to the Finance and Administration Cabinet for 100% deposit to the General Fund.

The General Fund has experienced an annual decrease of approximately \$1.3 million (6.6%) in criminal and traffic fine remittances, due to defendants’ inability to pay, with further projected decreases due to new County traffic school diversion programs.

DATA SOURCE(S): Finance and Administration Cabinet – Office of the Controller

PREPARER: Joe L. Lancaster, Jr. NOTE NUMBER: 33 REVIEW: JRS DATE: 1/25/2016