

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: January 23, 1998 Revised: _____

Subject: Court Cost to Fund Crime Stoppers Program

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gomez</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

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.

In Florida, Crime Stoppers programs are funded almost exclusively from 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.

The CS creates an additional mandatory \$20 court cost to be imposed for all criminal offenses, misdemeanor and felony. The CS directs the clerk of court to collect and forward these costs to the Department of Legal Affairs for deposit in the Crime Stoppers Trust Fund.

The CS provides that counties served by a Crime Stoppers Program that is a member of the Florida Association of Crime Stoppers are eligible for grants from the court cost funds.

Section 938.15 F.S., provides for a \$2 court cost 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. The CS provides that the court shall impose this \$2 court cost for each noncriminal traffic infraction when assessed by a municipality or county as is provided by section 938.15 F.S.

The CS substantially amends the following sections of the Florida Statutes: 16.555, 318.18, and 938.06.

II. 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. 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 know 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.

The 1997 Legislature created chapter 938, Florida Statutes to consolidate and categorize all the court costs imposed on offenders. In the past, these provisions were scattered throughout various chapters. Ch. 97-271, Laws of Fla. 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. Chapter 938 categorizes court costs in five parts as follows: (1) mandatory costs in all cases; (2) mandatory costs in specific types of cases; (3) mandatory court costs authorized by local governmental entities; (4) discretionary costs in specific types of cases; and (5) miscellaneous provisions.

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.

The 1997 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.

III. Effect of Proposed Changes:

The CS creates an additional mandatory court cost of \$20 to be imposed for all criminal offenses, misdemeanor and felony.

The CS directs the clerk of court to collect and forward these costs 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 CS provides that the court cost proceeds shall 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.

The CS provides that counties are eligible for grants from the court cost funds, who meet the following criteria:

- ▶ The county is served by a Crime Stoppers program; and
- ▶ The Crime Stoppers program is a member of the Florida Association of Crime Stoppers.

The CS provides for disbursement of the court cost funds as follows:

- ▶ A county is eligible for those funds collected in the judicial circuit in which the county is located.
- ▶ The department must distribute funds as equitably as possible, based on amounts collected within each county, when more than one county is eligible within a judicial circuit.

The CS provides that the grant funds may only be used to support Crime Stoppers and the crime fighting programs.

The CS provides that the Department of Legal Affairs shall adopt and enforce rules to implement these provisions.

The CS provides that the court shall impose a \$2 court cost for each noncriminal traffic infraction when assessed by a municipality or county as is provided by section 938.15 F.S. (Section 938.15 F.S., provides an additional court cost for local law enforcement agency training.) The CS raises a \$30 court cost cap on noncriminal traffic infractions to \$32 in the county and to \$34 in the municipality. It is not apparent why the cap is raised to \$34 in the case of an assessment in a municipality. Presumably, the additional \$2 for a municipality contemplates a situation where the county and municipality both assess, although there appears to be no authorization in the CS or in current law for dual assessments.

The CS shall take effect on July 1 of the year in which enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

According to the Attorney General's Office, the trust fund contemplated in section 16.555, F.S., has never been created due to a lack of funds. Section 16.555 was created in 1991 by chapter 91-205, Laws of Florida. Under a state constitutional provision passed in 1992, all trust funds in existence expired four years after the effective date of the constitutional provision. Art. III, § 19(f)(2). Fla. Const. A trust fund does not currently exist. Further, in order to create a trust fund, the state constitution requires a 3/5 vote of the membership of each house of the legislature, "in a separate bill for that purpose only." Art. III, § 19(f)(1). Fla. Const.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This CS will have a positive impact on the Crime Stoppers organizations throughout Florida. If the \$20 cost were assessed and collected at the same rate as is presently assessed and collected for the \$50 Crimes Compensations Trust Fund, this CS would produce approximately \$5.4 million annually. (According to the Attorney General's Office the Crimes Compensation Trust Fund court cost has produced just over \$16 million in the past two fiscal years.)

C. Government Sector Impact:

This CS will have a positive impact to the extent that local governments may use the proceeds of grants authorized by this CS to defray current Crime Stopper costs or to increase their level of current support.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
