

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: February 18, 1998 Revised: _____

Subject: Court Cost/Law Enforcement Funding

	<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>Wiehle</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>WM</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates a new \$20 surcharge on any criminal fine imposed. 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.

The bill also 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.

The bill substantially amends sections 16.555 and 318.18 and creates section 938.06 of the Florida Statutes.

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 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. Other Florida cities followed suit, and in 1981 the programs created a non-profit organization know as the Florida Association of Crime Stoppers. There are now Crime Stoppers programs located in every region of the state. The Association currently has 21 members, and, according to the Association's President, there are some Crime Stoppers programs in the state that are not members of the Association.

Each Crime Stoppers program is 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. The programs use the funds primarily to set up rewards for unsolved crimes. Local law enforcement agencies contribute both by providing an officer who serves as a coordinator and by providing some support staff.

Section 16.555, F.S., provides a funding mechanism for Crime Stopper programs. The section defines the term "Crime Stoppers" to mean members of the Florida Association of Crime Stoppers. s. 16.555(1)(c), F.S. The section requires that the Department of Legal Affairs: make applications for all federal and state or private grants which meet the purposes of advancing Crime Stoppers in the state; establish a trust fund to administer grants to fund Crime Stoppers and its crime fighting programs within the units of local governments; and, administer and disburse the funds. However, according to the Attorney General's Office, no grants have been received and 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.

III. Effect of Proposed Changes:

A. Crime Stoppers Programs

The bill creates s. 938.06, F.S., to create 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 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 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

The bill amends s. 318.18, F.S., to correct the 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 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.)

The bill takes effect on July 1 of the year in which it is enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Current s. 16.555, F.S., created in 1991, provides for the Crime Stoppers Trust Fund. A state constitutional provision passed in 1992 provides 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.

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.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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.)

C. Government Sector Impact:

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.

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.