

144TH GENERAL ASSEMBLY

FISCAL NOTE

BILL:	HOUSE BILL NO. 240
SPONSOR:	Representative Valihura
DESCRIPTION:	AN ACT TO AMEND TITLES 10, 11, 18, 21 AND 30 OF THE DELAWARE CODE RELATING TO THE CREATION AND CLASSIFICATION OF CERTAIN MINOR OFFENSES AS CRIMES, VIOLATIONS OR CIVIL INFRACTIONS AND THE JURISDICTION, PROCEDURES AND RELATED PROVISIONS THEREFROM.

ASSUMPTIONS:

1. Effective upon enactment with a staggered implementation. Definitions, structure and procedures would be implemented October 2007, code conformity and the conversion on non-moving and equipment violations would be implemented February 2008, and the conversion of moving violations would be effective February 2009.
2. This Act would modify most motor vehicle offenses, making them civil infractions rather than criminal violations.
3. This Act would cause a large caseload shift from the Court of Common Pleas (CCP) to the Justice of the Peace Court (JP Court). The Statistical Analysis Center estimates that at least 4,800 and as many as 10,400 cases would shift to JP Courts. While some cases will likely be shifted to the Voluntary Assessment Center, JP Courts estimate that most of those shifted cases would result in additional trials. JP Courts heard less than 11,000 trials total in Fiscal Year 2006.
4. Based on the estimates from the Statistical Analysis Center, JP Court estimates that they would need between 2 and 4 additional Magistrates, plus additional staff. It is also possible that they would need additional resources for space and the Voluntary Assessment Center.
5. Each additional Magistrate would cost \$95,000 for a full year. Each Judicial Case Processor would cost approximately \$38,000 for a full year with OECs. Lease costs are not assumed in this fiscal note, but would average between \$62,000 and \$76,000 each year. Without assuming one-time costs for new space, the staff would require about \$4,000 each in one-time costs.
6. The Delaware Criminal Justice Information System (DELJIS) will require one-time funding of approximately \$7,500 for contractual work to reprogram all the various traffic charges as civil. DELJIS estimates that the programmatic changes will require approximately 2 or 3 weeks to complete.
7. Section 87 of the Act requires the Administrative Office of the Courts to report the financial impact of this legislation to the Controller General and the Chairs of the Joint Finance Committee by February 2008 and by August 2009.
8. The low-end of impact is assumed for this fiscal note, with the understanding that further analysis will occur over the next couple of years and there may be additional costs.

9. Costs will be in full effect for the third phase, or February 2009. JP Court will begin feeling impact with the second phase. This fiscal note assumes the hiring of two new Judicial Case Processors the first year for 5 months (in time for the second phase), and 2 magistrates for eight months of FY 2009 (in time for the final phase). These dates allow for Magistrate training periods.
10. Implementation of this Act will result in cost avoidance throughout some areas of the criminal justice community, including the Attorney General's Office and the Court of Common Pleas. None of the potential for cost avoidance will free up resources that may be transferred to the Justice of the Peace Courts.

COSTS:

<u>F.Y. 2008</u>	\$47,200
<u>F.Y. 2009</u>	\$210,700
<u>F.Y. 2010</u>	At least \$266,000

Office of Controller General
June 22, 2007
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(Amounts are shown in whole dollars)