LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
http://www.in.gov/legislative

FISCAL IMPACT STATEMENT

LS 6676 | **NOTE PREPARED:** Jan 29, 2010
BILL NUMBER: HB 1269 | **BILL AMENDED:** Jan 28, 2010

SUBJECT: Bartholomew and Clark County Courts.

FIRST AUTHOR: Rep. Stemler | **BILL STATUS:** CR Adopted - 1st House
FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State & Local
DEDICATED
FEDERAL

Summary of Legislation: (Amended) This bill has the following provisions.

A. *Bartholomew Superior Court No. 3* – It establishes the Bartholomew Superior Court No. 3 effective July 1, 2011. It requires the Governor to appoint the initial judge of the Bartholomew Superior Court No. 3 for a term beginning July 1, 2011, and ending December 31, 2012. It provides that the initial election of the judge of the Bartholomew Superior Court No. 3 is the general election on November 6, 2012. It requires the Bartholomew circuit and superior courts to impose and collect an infraction judgment for each traffic violation in Bartholomew County that is: (1) at least $20; and (2) deposited in the state General Fund. It provides that, if at the end of a fiscal year the county auditor of Bartholomew County and the State Office of Management and Budget determine that the amount of money deposited in the state General Fund that is equal to $20 multiplied by the total number of infraction judgments imposed and collected for each traffic violation in Bartholomew County was less than the amount of the salary paid by the state to the judge of the Bartholomew Superior Court No. 3, the treasurer of Bartholomew County shall transfer to the Auditor of State for deposit in the state General Fund an amount equal to the difference between: (1) the amount of money deposited in the state General Fund; and (2) the amount of the salary paid by the state to the judge; during the previous fiscal year.

B. *Clark County Unified Circuit Court* – The bill also establishes a unified circuit court for Clark County on January 1, 2011, by combining the current judge of the Clark Circuit Court and the three judges of the Clark Superior Courts into a unified circuit court with four judges. It specifies that the Clark Superior Court judges serving on December 31, 2010, serve as judges of the unified Clark Circuit Court. It transfers all cases and other matters pending in the Clark Superior Courts at the

close of business on December 31, 2010, to the Clark Circuit Court on January 1, 2011. It repeals provisions concerning the establishment and operation of the Clark Superior Courts.

Effective Date: (Amended) July 1, 2010; January 1, 2011.

Explanation of State Expenditures: *Bartholomew County Superior Court #3*– The following table shows the estimate of the total compensation (base salary and fringe benefits) of a judge during FY 2012 to be $164,553. Future salary increases will depend on legislative or administrative actions (see IC 33-38-5-8.1).

Salaries and Benefits for Judge	
Benefits	
Salary	$125,648
Life Insurance	$362
Indiana Judicial Conference	$1,000
Social Security	$9,612
Retirement	$11,685
Disability Insurance	$2,865
Deferred Compensation Match	$390
Health, Dental, and Vision (blended rate)	$12,991
Total Cost Per Judicial Officer	$164,553

The added costs to the state for the new judge could be offset if the Bartholomew Superior Courts were to increase the judgments for infraction cases by an additional $20 over the current level that they charge.

Explanation of State Revenues: (Revised) *Bartholomew County Superior Court #3* – The bill provides that at the end of each fiscal year, Bartholomew County and the state Office of Management and Budget are to reconcile by calculating the difference between the new costs of the judge and an amount equal to $20 times the number of infractions cases in Bartholomew County. If the costs of the judge are greater than the calculated amount, Bartholomew County is to transfer the difference to the state.

If the Bartholomew County courts were to assess an additional $20 for traffic infractions over the current assessment, LSA anticipates the added revenues would be in the range of $195,000, based on the average number of infractions that were filed between 2005 and 2009 and collection rates. Bartholomew Courts indicate that traffic infractions make up almost 99% of all infractions cases in their county. Bartholomew County's courts could begin increasing the infraction judgments charged in traffic cases by an additional $20 beginning July 1, 2010.

5-Year Average Dispositions		New Fee		Collection Rate		New Money
11,533	x	$20	x	85%	=	$196,061

By IC 34-28-5-4, infraction judgments are deposited in the state General Fund. Under IC 34-28-5-4, the maximum judgments for infractions is $500 for Class C infractions, $1,000 for Class B infractions, and $10,000 for Class A infractions.

Background– The following table shows a history of infractions filed and disposed and the judgements

collected since 2005 in Bartholomew County.

Infractions Filings, Dispositions and Judgments in Bartholomew County between CY 2005 and 2009				
CY	Filings	Dispositions	Infraction Judgments	Average Collected
2005	8,596	9,174	$273,797	$29.84
2006	11,479	10,473	$230,852	$22.04
2007	12,574	12,322	$322,853	$26.20
2008	13,384	13,190	$346,413	$26.26
2009(est.)	11,694	11,533		
Note: Average number of infractions disposed in Bartholomew County between 2005 and 2009 is 11,533.				

Explanation of Local Expenditures: (Revised) *Bartholomew County Superior Court #3* -- The bill provides that Bartholomew County is to compensate the state for the costs of a judge that are greater than the amount of $20 times the number of infractions in the county.

Bartholomew County has a court commissioner who acts as a hearing officer in child support cases. The salary of this commissioner was $50,358 in CY 2008. Assuming an added cost of fringe benefits of 20%, the total cost is $60,429. Bartholomew County is reimbursed by federal Title IV-D monies for 2/3's of the cost of the commissioner, so the current net cost to Bartholomew County for the commissioner is $20,143.

Counties pay for court space and court staff. Although not required by the bill, if having the new judge could allow the commissioner position to be eliminated, the existing court space used by the current commissioner could be used by the new judge of the Bartholomew County Superior Court #3 and the net cost to the county of the salary for the commissioner could be saved.

Bartholomew County currently has a part-time support staff for the commissioner. To support the new court, Bartholomew County would also require a court reporter and two new clerical staff.

Clark County Unified Court System -- This bill could, at a minimum, redistribute the workload between the courts in Clark County, depending on the rules and agreements that these judges agree upon.

Weighted Caseload Analysis -- The following table shows the weighted caseload analysis of the four courts in CY 2008 and the number of judicial officers that each court needs to dispose of its workload.

2008 Weighted Caseload Analysis – Clark County			
Court	Need	Have	Utilization
Circuit Court	2.14	1.1	1.95
Superior Court #1	2.58	1.6	1.61
Superior Court #2 (Drug Court)	2.16	1.0	2.16
Superior Court #3	3.63	1.5	2.42
Total for Clark County	**10.51**	**5.2**	**2.02**

Overall, the average utilization rate for Clark County's courts is 2.02, which means each court on average

needs 2.02 judicial officers to dispose of the cases that it had in 2008. This compares to a statewide average utilization rate of 1.25.

[Note: Superior Court #2 reports having a drug court. The weighted caseload statistics do not fully reflect the extra time associated with processing drug court cases.]

Background-

Bartholomew County's Weighted Caseload Estimates Based on CY 2008 Filings: Bartholomew County has three judges, one magistrate and a county-paid court commissioner (2/3's of the commissioner's salary is reimbursed from Title IV D funds).

The following table shows the weighted caseload analysis of these three courts in CY 2008 and the number of judicial officers that each court needs to dispose of its workload. The *Weighted Caseload Study* published by the Indiana Supreme Court's Division of State Court Administration can identify the efficiencies of the current court systems.

This study is based on a methodology that assigns a normative amount of time that each type of case would take to be resolved. Criminal cases, particularly capital murder cases, take the longest amount of time, while disposing infractions and ordinance violation cases takes the least.

Based on the number of filings that each court receives and the average time that each case should require to make a decision, the weighted caseload method can estimate the number of judicial officers needed to decide these cases within this normative framework. The "Need" column represents the number of judicial officers that the court needs to resolve its mixture of cases based on the average number of minutes needed for each case category. The "Have" category represents the number of judicial officers that each court has available. The "Utilization" is simply the "Need" divided by the "Have".

2008 Weighted Caseload Analysis – Bartholomew County			
	Need	Have	Utilization
Bartholomew Circuit Court	2.27	2.10	1.08
Bartholomew Superior Court 1	1.69	1.01	1.68
Bartholomew Superior Court 2	2.31	2.05	1.13
Total/Average	**6.28**	**5.16**	**1.22**

Overall, the average utilization rate for Bartholomew County's courts is 1.22, which means each court on average needs 1.22 judicial officers to dispose of the cases that it had in 2008. This compares to a statewide average utilization rate of 1.25.

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Bartholomew and Clark Circuit and Superior Courts.

Information Sources: *2008 Indiana Judicial Report*; Stephen Heimann, Bartholomew Circuit Court.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.