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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/08
 SPONSOR Rodella LAST UPDATED 1/26/08 HM 12
 SHORT TITLE Study Magistrate Court Probation Needs SB _____
 ANALYST Cox

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$0.1 see analysis	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SUMMARY

Synopsis of Bill

House Memorial 12 requests a study on the need for probation services in the Magistrate Courts.

This House Memorial requests that the Administrative Office of the Courts be requested to convene a task force that includes;

- a representative from the Adult Probation and Parole Division of the Corrections Department,
- the Magistrate Judges Association
- and other relevant and interested entities or organizations

This Memorial contemplates a study on the extent and explores methods for addressing the need for probation services in the Magistrate Courts.

The Administrative Office of the Courts report to the appropriate interim legislative committee on the recommendations of the task force, including any recommendations for a pilot project, no later than November 2008.

A copy of this Memorial is to be transmitted to the Administrative Office of the Courts.

FISCAL IMPLICATIONS

This Memorial requests no funding.

Some per-diem, travel and office expenses may be required of the various Agencies to complete this study.

SIGNIFICANT ISSUES

House Memorial States the importance of Magistrate Courts as follows:

- Magistrates have jurisdiction in all criminal cases of misdemeanors and petty misdemeanors, including offenses under local ordinances; and
- Magistrates adjudicate most of the offenses committed for driving under the influence of intoxicating liquor or drugs and for domestic violence; and
- Magistrates see many offenders return to their courts on the same or similar offenses; and
- depending on the offender and the nature of the offense, magistrates may impose a suspended or deferred sentence and require community service, treatment, education, installation of an ignition interlock device or other conditions of probation; and
- Magistrates are unable to determine whether an offender has complied with the conditions of probation because no probation services are available for the magistrate courts; and
- without probation officers to supervise those on probation, the orders of magistrates are rendered meaningless and without force; and
- the misdemeanor compliance program was enacted in 2000 to allow Counties to alleviate the problem of unsupervised probation in the Magistrate Courts, but the program has been either insufficiently funded or is not viable in many Counties;

PRC/bb:nt