



## State Fiscal Note for Bill Number: 2022-H-7695

**Date of State Budget Office Approval:** Friday, May 6, 2022

**Date Requested:** Wednesday, May 4, 2022

**Date Due:** Saturday, May 14, 2022

### Impact on Expenditures

FY 2022	N/A
FY 2023	N/A
FY 2024	N/A

### Impact on Revenues

FY 2022	\$0
FY 2023	(\$305,652)
FY 2024	(\$305,652)

**Explanation by State  
Budget Office:**

This bill would modify current procedures for the application and collection of court costs, fees and assessments in all criminal matters. The bill would eliminate court costs for defendants sentenced to prison for 30 days or more and would require court costs to be remitted if a defendant serves 30 days or more on a violation. It would create a formal process for a court to determine that a defendant is indigent and would waive court costs, assessments, and fees in such circumstances. The bill would create a process for review for defendants not determined indigent and would allow the court to apply a waiver or reduction upon a finding of financial hardship. Victim restitution payments are not included in this process and could not be suspended.

**Comments on  
Sources of Funds:**

From FY 2019 through FY 2021, 64.4% of court cost collections were deposited as general revenue, 31.4% were restricted receipts (nearly all of which went to the Crime Victim Compensation Program administered by the Office of the General Treasurer), and 4.2% went directly to municipalities and to the Rhode Island Coalition Against Domestic Violence.

**Summary of Facts  
and Assumptions:**

This bill would take effect upon passage. This fiscal note assumes that revenue impacts would commence in FY 2023.

For criminal cases with sentences of 30 or more days, court costs collections totaled \$351,788 in FY 2019, \$303,369 in FY 2020, and \$261,798 in FY 2021, for an average of \$305,652. (Receipts are from all criminal cases that had a sentence of 30 days or more issued between 2001 through 2021.) Court cost collections for those cases over the three years of \$916,956 represent 16.6% of total court cost collections of \$5,516,449 over that period. This fiscal note assumes that \$305,652 in court cost revenue would be forgone annually beginning in FY 2023. Of that amount, \$188,783 would have been deposited as general revenue, \$103,447 would have gone to the Crime Victim Compensation Program, and most of the remainder would have gone to the Rhode Island Coalition Against Domestic Violence.

Any potential revenue loss related to defendants determined to be indigent is less clear. Total criminal case receipts (including court costs, assessments, and fees) averaged \$2,592,667 per year from FY 2019 through FY 2021, but the Judiciary states that the court-ordered financial obligation data are not tied to information regarding the determination of a defendant being indigent. However, as the stated intent of the bill is to create formal processes for determining indigency and financial hardship and not necessarily to substantially change the number of defendants determined to be indigent by judges under the current process, this fiscal note does

Prepared by:

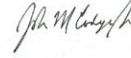
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not assume any impact on revenues from these changes.

*Summary of Fiscal  
Impact:*

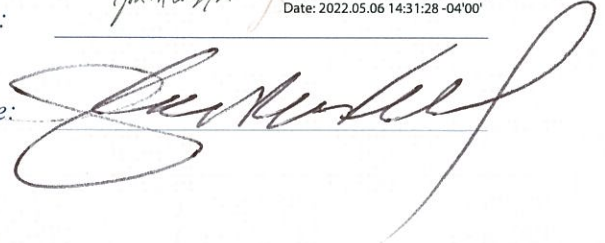
The Budget Office estimates decreased revenue of \$305,652 annually beginning in FY 2023.

*Budget Office Signature:*



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*Fiscal Advisor Signature:*



**House Fiscal Advisor Comments H 7695:**

The interpretation of the impact of the bill by the Budget Office is narrower than our interpretation of the likely impact. The Budget Office assumes a \$305,652 loss from the prohibition of assessing costs for certain sentenced defendants, but assumes no impact from the other proposed changes. While it does assume that this legislation creates a formal process for determining indigence, it does not suggest this will change to the number of indigent defendants or other revenue collections, currently estimated at \$2.6 million. The Superior Court began hearing this calendar for the first time in November 2021. The Judiciary requested \$333,638 and four new staff positions to support to establish this process for the District Court. In addition to some added implementation costs, a portion of that \$2.6 million is also likely to be foregone with passage of this legislation, though there is not sufficient data to quantify that value.

