

BILL # SB 1265

TITLE: ~~VOIP service; emergency telecommunication services~~ (NOW: courts; reimbursement of expenses)

SPONSOR: Pearce

STATUS: As Amended by House (APPROP)

PREPARED BY: Kevin Bates

FISCAL ANALYSIS

Description

This bill requires the repayment of court costs by individuals who are a party to a civil action and who also are in the United States illegally. These reimbursements would be retained at the local level.

Estimated Impact

This fiscal impact of this bill cannot be determined at this time. The bill could result in an additional workload for local courts to determine the legal status of parties to civil cases and to collect reimbursements. The extent of these additional costs would depend on how the courts implement a verification process. Such procedures are not outlined in statute.

The bill also could generate revenue for courts through these reimbursements, although the magnitude cannot be determined in advance. The amount of revenue would depend on the number of illegal immigrants involved in civil cases, the average cost per case, and the extent to which courts are able to collect reimbursements.

The Administrative Office of the Courts (AOC) does not have a cost estimate for this proposal.

Analysis

The bill requires an individual who is a party to a civil court action and who also is in the United States illegally to reimburse the court for costs of their case. These costs would be assessed at the conclusion of the case and shall be determined by AOC. To determine the reimbursement amount, AOC would be responsible for calculating the statewide average cost per case, one for the Superior Court and another for Justice of the Peace courts. These average costs would then apply to all subsequent civil cases in which illegal immigrants are involved. The clerk of the court would be responsible for collecting the reimbursement.

The clerk of the court also would be responsible for providing information on the illegal immigrant to local and federal law enforcement authorities. The bill requires the court to provide the local county attorney's office and U.S. Immigration and Customs Enforcement authorities with the immigrant's name and Social Security number.

In FY 2006, there were 124,263 civil cases filed in Superior Courts across the state. There also were 191,223 civil cases filed in Justice of the Peace courts statewide, for a total of 315,486 civil cases filed. AOC had no information, however, regarding the number of civil cases that included an illegal immigrant.

Counties would bear most of the workload associated with this bill. The bill would result in an ongoing workload to determine an individual's immigration status. Currently, no process exists for courts to identify whether a party to a civil suit is an illegal immigrant. Courts would have to establish a process by which a judge could rule that a party is in the country illegally.

This workload would include the time required to establish procedures to collect reimbursements. As indicated, however, these costs cannot be determined from the available information.

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The bill could be expected to generate revenues from reimbursements, but an estimate cannot be calculated because of a lack of information regarding the number of civil cases affected, the average cost per case, and the degree to which reimbursements may be collectible. These civil cases would not generate additional revenue for the state in the form of surcharges. AOC noted that it is unclear what steps courts could take to recover costs if an illegal immigrant was deported prior to paying a reimbursement.

Local Government Impact

See discussion above.

4/17/07