

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 20192

Sponsor(s): Jeanie Iauer (LAW)

Date: July 15, 2019

SUBJECT	<p>Action Requested <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance</p> <p>Project/Title: A resolution authorizing an increase in pay for jurors actually seated in a particular case or selected as grand jurors; and transferring \$30,000 within the 2019 Circuit Court General Fund Budget to provide for such increase in selected juror compensation. This is a reallocation of budget appropriation within the Court's budget.</p>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$ 30,000.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$ 330,000.00</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$ 360,000.00</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM: 001-3001-56370-999-2060-9999-19 TO: 001-3001-56810-999-3701-9999-19</td> <td>AMT FROM ACCT \$ 30,000.00 AMT TO ACCT \$ 30,000.00</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION: <input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$ Prior Year Budget (if applicable): Prior Year Actual Amount Sent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$ 30,000.00	Amount previously authorized this fiscal year:	\$ 330,000.00	Total amount authorized after this legislative action:	\$ 360,000.00	Amount budgeted for this item * (including transfers):		Source of funding (name of fund) and account code number; FROM: 001-3001-56370-999-2060-9999-19 TO: 001-3001-56810-999-3701-9999-19	AMT FROM ACCT \$ 30,000.00 AMT TO ACCT \$ 30,000.00
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PRIOR LEGISLATION	Prior ordinances and (date): Prior resolutions and date:										
CONTACT INFORMATION	RLA drafted by (name, title, & phone): <i>Cynthia Freeman, Budget & Fiscal Officer, 816-881-3643</i>										
REQUEST SUMMARY	<p><i>The Circuit Court is requesting the Legislature's approval to provide an increase in pay for seated jurors from \$6.00 per day to \$18.00 per day. We also need approval to transfer funds one account to another to pay for this year's increase. This request would provide an increase in pay to seated petit and grand jurors from the statutorily minimum pay of \$6 per day to \$12 per day to be paid from funds allocated to the Court from the County. The additional \$6.00 per day of the \$18.00 will be reimbursed from the State of Missouri to the County. The County then will arrange for the transfer of those funds back to the Circuit Court to replenish the Circuit Court's payment to future jurors. This is a re-allocation of budget appropriation and has no budgetary impact this year and we anticipate no overall increase in the Circuit Court's overall future budget as the Circuit Court intends to pay for the increase by eliminating certain expenditures next year as outlined in the attached letter from Presiding Judge David M. Bern.</i></p>										
CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)										
COMPLIANCE	<input type="checkbox"/> MBE Goals <input type="checkbox"/> WBE Goals <input type="checkbox"/> VBE Goals										
ATTACHMENTS	None										
REVIEW	<table border="1"> <tr> <td>Department Director: <i>[Signature]</i></td> <td>Date: <i>7/2/2019</i></td> </tr> <tr> <td>Finance (Budget Approval) If applicable: <i>[Signature]</i></td> <td>Date: <i>7/1/19</i></td> </tr> <tr> <td>Division Manager: <i>[Signature]</i></td> <td>Date: <i>7/2/2019</i></td> </tr> </table> <p style="text-align: center;"><i>MARY A MARQUEZ, Court Administrator</i></p>	Department Director: <i>[Signature]</i>	Date: <i>7/2/2019</i>	Finance (Budget Approval) If applicable: <i>[Signature]</i>	Date: <i>7/1/19</i>	Division Manager: <i>[Signature]</i>	Date: <i>7/2/2019</i>				
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Division Manager: <i>[Signature]</i>	Date: <i>7/2/2019</i>										

County Counselor's Office:	Date:
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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Fiscal Note:


Funds sufficient for this transfer are available from the sources indicated below.

PC# _____

Date: July 9, 2019

RES # 20192

Department / Division		Character/Description	From	To
001	General Fund			
3001	Circuit Court	56370 Liability Insurance	\$ 30,000	\$ -
3001	Circuit Court	56810 Circuit Court Jury		30,000
			<u>\$ 30,000</u>	<u>\$ 30,000</u>

 7/9/19
Budget Officer



Circuit Court of Jackson County, Missouri
415 East 12th Street
Kansas City, Missouri 64106

David M. Byrn
Presiding Judge

Telephone: (816) 881-3603
Facsimile: (816) 881-3378

May 15, 2019

Ms. Theresa Galvin
Chair, Jackson County Legislature
Jackson County Courthouse
415 E. 12th Street
Kansas City, MO 64106

Re: Proposed Increase in Juror Compensation

Dear Ms. Galvin:

The pay for Jackson County citizens serving as jurors is embarrassingly low and has not increased for years – jurors are currently paid \$6.00 per day plus 7 cents per mile for travel. It is the responsibility of all citizens who are summoned, to serve as jurors and no one serves seeking financial reward. However, no one should endure significant financial hardship as a result of serving as a juror. Therefore, the Court is proposing to increase the pay for jurors serving in Jackson County and hereby seeks legislative support.

It is noteworthy that as of September 2013 (which is the last year for which we were able to obtain information from the Office of State Courts Administrator), Jackson County was one of only 16 counties in the State paying the base rate of \$6.00 per day – all of the other counties paying that rate were rural counties. Comparable urban jurisdictions pay a higher rate to jurors serving in their jurisdictions.

The Court's proposed increase in pay would apply to jurors serving in Jackson County *once they are actually selected* to serve as either petit (trial) jurors in a particular case or as grand jurors during a grand jury term (we are not proposing an increase in the mileage rate). The proposed increase is from the current \$6.00 per day to \$18.00 per day. However, as explained below, not all of this increase is required to be funded by the Court through its County budget.

Attached to this letter is a copy of Section 494.455 of the Revised Statutes of Missouri which relates to compensation for jurors. As set forth in subsection 2, if the County authorizes an

additional \$6.00 per day (above the current amount of \$6.00 per day which is required by statute), the State will provide an additional \$6.00 per day – this results in the total of \$18.00 per day which the Court is proposing. The State’s portion of this funding is provided as a reimbursement.

Therefore, if approved, the Court would pay affected jurors \$18.00 per day from funds budgeted/appropriated in its County budget. The Court would then submit a request to the State, seeking reimbursement in the amount of \$6.00 per day for affected jurors – the net effect is payment by the Court from County budgeted funds of \$12.00 per day. Based on current estimates regarding the number and length of trials, we anticipate and project that the *gross increase* is slightly over \$73,000.00 per year. However, with the State reimbursement, the *net increase* would be one half of that amount, or approximately \$36,500.00 per year from the Court’s County funded budget.

With regard to funding for 2019, the Court has reviewed its current budget and determined that, by eliminating certain judicial liability insurance costs, we can reallocate those funds to completely cover the anticipated expense for this year. We anticipate submitting a request for legislative action to the Legislature for this purpose. In future years, we anticipate that through the continuing elimination and reduction of certain budgeted items and assuming no other budget reductions from the County, the Court will be able to pay the net increase without any concurrent increase in the County funded portion of the Court’s overall budget.¹

As noted in the statutes, any increase in jury pay must have the approval of the County Legislature. Section 494.455.2 R.S.Mo. requires that the governing body of each county authorize any additional daily compensation beyond the minimum set by the Missouri legislature.

Thank you for your consideration of this proposal. I was not sure if this would be handled by a committee of the legislature or the legislature in its entirety. Therefore, if this proposal needs to be provided to a specific committee chair, please let me know or feel free to forward this letter. If you have questions or comments with respect to it, please contact me.

Sincerely,

David M. Byrn
Presiding Judge – 16th Judicial Circuit

cc: Ms. Mary A. Marquez, Court Administrator
Ms. Tracy Smedley, Deputy Court Administrator/Jury Supervisor

¹ As noted above, this proposal is limited to those jurors who are *actually seated* in a particular case or *selected* for the grand jury. Although we would like to provide the same pay increase for each resident of Jackson County who is summoned and reports for jury duty but is not selected to serve, the annual increased cost to do so would be almost four times (4X) higher than this proposal. However, the amount reimbursed by the State would not increase, resulting in a significantly higher net expense to the Court and County. This is unfortunately cost prohibitive.



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Words And



Effective 28 Aug 2001

Title XXXIV JURIES

Chapter 494

494.455. Compensation of jurors, mileage — additional compensation may be authorized, when. — 1. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.

2. Each grand and petit juror shall receive six dollars per day, for every day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

(L. 1989 S.B. 127, et al., A.L. 1999 S.B. 1, et al., A.L. 2001 H.B. 945)

< end of effective 28 Aug 2001 >

use this link to bookmark section 494.455



In accordance with Section 3.090, the language of statutory sections enacted during a legislative session are updated and available on this website on the effective date of such enacted statutory section.

Other Information

Tables and Forms

Sections with Definitions

Repealers / Transfers

Contact



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Site errors / suggestions - webmaster@LR.mo.gov



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