

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4131-01
Bill No.: HB 1523
Subject: Law Enforcement Officers and Agencies; Criminal Procedure
Type: Original
Date: April 12, 2016

Bill Summary: This proposal requires any criminal justice entity conducting eyewitness identifications to adopt specific procedures for conducting photo and live lineups.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(\$37,350)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$37,350)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the proposal would not fiscally impact their agency. However, DPS notes there would be significant impact to local law enforcement due to the requirements for photo and live lineups. It would require the addition of 2-3 officers to departments.

Officials from the **Cole County Sheriff's Office** state the proposal would have significant impact on small agencies. Retraining for all agencies would be required.

Officials from the **Platte County Sheriff's Office** state currently it is not possible to provide a detailed fiscal analyst for 2016, 2017 or 2018 for the proposed legislation. If enacted, the Platte County Sheriff's Office anticipates increased expenses in the areas of personnel time and training time both of which have fiscal impacts. Personnel who conduct witness identifications would need to receive additional training to ensure they comply with the provisions of the statute. While the amount of training required is unknown at this time, the Sheriff's Office can anticipate training costs and overtime costs associated with conducting this training. Additionally, since the proposed legislation contains particular verbiage and steps the administering officer would need to perform, it is likely that a specialized group would be trained in the requirements and that additional overtime expenses would be incurred for having the personnel respond to conduct the witness identification procedures.

Officials from the **Boone County Sheriff's Department (BCSD)** state costs will be incurred for policy & procedure development that meets statutory requirements, and then training staff on that policy. For the BCSD, this cost includes the training of approximately 60 department staff. The training block would likely be from 2 to 4 hours per staff member. Starting hourly rate for a deputy in Boone County is \$19.93, but the figure of \$20/hour will be used as this is the absolute lowest possible cost (actual cost will be much greater based upon tenured staff hourly pay rate). Training costs will range at a minimum from \$2,400 (2 hours) to \$4,800 (4 hours).

Officials from the **Independence Police Department** state this bill has direct fiscal impact on local agencies. The procedures outlined will increase the investigative time required to perform a lineup. A blind lineup requires bringing in an additional investigator, often on overtime, to assist in showing the lineup. Typically, on photo lineups, a computer generated lineup is set up and used with witnesses. This bill requires a separate photo lineup for each witness. This will increase investigative time and effort.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state their Division of Drug and Crime Control states that this legislation would require the purchase of 58 additional digital video camcorders at a cost of \$460 each for a total cost of \$26,680 (58 x \$460). It would also require the purchase of nine additional DVD duplicators to be distributed throughout the state at a cost of \$4,500 (9 x \$500).

Digital Video Camcorders	\$26,680
DVD Duplicators	\$4,500

There may be some costs associated with production and distribution of training materials such as videos, lesson plans, brochures, and quick reference cards to communicate the requirements of this bill. A conservative estimate of these expenses would be approximately \$6,170 (\$10 x 617 law enforcement agencies that reported vehicle stop data to the Missouri Attorney General during 2012).

Production and Distribution of Materials	\$6,170
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In summary, the MHP assumes a cost to the General Revenue Fund of \$37,350 in FY 2017.

According to officials from the **Office of the Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender** state although this bill may have no impact on the number of cases for which the Public Defender System is required to provide representation, the changes in the indicated procedures may impact the necessary workload to defend the indigent accused.

Officials from the **Office of Prosecution Services**, the **Office of the State Courts Administrator**, **Springfield Police Department**, and the **Columbia Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the Buchanan County Sheriff's Department, the Cass County Sheriff's Department, the Clark County Sheriff's Department, the Jackson County Sheriff's Department, the Jefferson City Police Department, the St. Louis County Police Department, and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs - MHP - expense and equipment</u>	<u>(\$37,350)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$37,350)</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
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LOCAL POLITICAL SUBDIVISIONS

Costs - to Police Departments and Sheriff's Departments to implement provisions of the proposal regarding conducting eyewitness identification procedures	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill requires any criminal justice entity conducting eyewitness identifications to adopt specific procedures for conducting photo and live lineups that meet specified requirements.

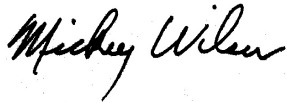
The bill specifies that when the prosecution intends to offer eyewitness identification evidence at trial, the defendant is entitled to a pretrial evidentiary hearing as to the reliability of the evidence.

The Department of Public Safety must create, administer, and conduct training programs for law enforcement officers and recruits regarding the method, technical aspects, and scientific findings regarding the basis of the eyewitness identification practices and procedures in the bill.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Office of the Secretary of State
Joint Committee on Administrative Rules
Cole County Sheriff's Office
Boone County Sheriff's Department
Platte County Sheriff's Department
Independence Police Department
Springfield Police Department
Columbia Police Department



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April 12, 2016

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