

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1181H.02C  
 Bill No.: HCS for HB 499  
 Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: March 25, 2021

Bill Summary: This proposal establishes the Law Enforcement Officers' Bill of Rights.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	Could exceed (\$47,694)	Could exceed (\$82,681)	Could exceed (\$83,327)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$47,694)</b>	<b>Could exceed (\$82,681)</b>	<b>Could exceed (\$83,327)</b>

\***Oversight** assumes compensation for any economic loss incurred during an investigation if the alleged misconduct is not sustained by the agency conducting the investigation could possibly reach the \$250,000 threshold.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
State Legal Expense Fund (0692)**	\$0	\$0	\$0
Colleges and Universities	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\*\*Transfer-In and expenses net to \$0.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	1 FTE	1 FTE	1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>	<b>1 FTE</b>

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §590.500 - Law Enforcement Officers' Bill of Rights

In response to a previous version, officials from the **Department of Conservation (MDC)** stated the fiscal impact is unknown but will likely be less than \$100,000 for training costs.

**Oversight** assumes some annual training of officers is conducted regardless of this bill and this change could be incorporated into that training. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to a previous version, officials from the **Ellisville Police Department** stated there may be a fiscal impact related to the implementation of this bill; however, there does not appear to be any direct cost.

**Oversight** notes the provisions of this bill provide that law enforcement officers have the right to compensation for any economic loss incurred as a result of disciplinary action by the agency if the alleged misconduct is not sustained. Additionally, law enforcement officers may petition the circuit court to review the decision of the administrative body hearing the appeal of discipline. Upon a finding that the discipline was not justified, the circuit court may award back pay and costs, including attorney's fees to the officer.

**Oversight** notes the number of cases in which a law enforcement officer is awarded compensation either by the agency or the circuit court in the county in which the law enforcement agency has its principal place of business is unknown and could affect any law enforcement officer employed by any unit of the state or any county, charter county, city, charter city, municipality, district, college, university, or any other political subdivision. Therefore, Oversight will present a \$0 to (Unknown) impact to local governments, Colleges and Universities, and the State Legal Expense Fund. Oversight notes the State Legal Expense Fund is funded by the General Revenue Fund as well as other state funds.

#### §590.1265 – Police Use of Force Transparency Act

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in order to receive and analyze use of force data under this new language, the DPS is requesting one (1) FTE Research/Data Analyst. The department will also need ITSD assistance in order to set up a system to receive information and put it into a format to analyze for reporting purposes.

**Oversight** notes the provisions of this bill have a delayed effective date of January 1, 2022. Therefore, Oversight will adjust the fiscal impact provided by the DPS to 6 months for FY 2022.

Officials from **the St. Louis County Police Department** state the proposed legislation would require the Department to collect various types of data from use of force incidents to submit to the FBI and Department of Public Safety. While the Department currently reports any uses of force resulting in fatalities or serious injury to the FBI's National Use of Force Data Collection, the proposed legislation does not specify if additional information would need to be collected for other types of uses of force. This may become problematic if some of the information that would need to be collected for the DPS is not already tracked by the Department. If this were the case, the Department would need to devote additional time, training, and resources in order to develop and utilize new methods to track the required information. Therefore, without knowing the specific information that the Department is required to report to the DPS, it is impossible to determine an estimated cost on the proposed legislation.

**Oversight** notes the provisions of this bill require the DPS to establish and operate a system to intake and report on use-of-force incidents consistent with the Federal Bureau of Investigation's National Use of Force Data Collection. Therefore, Oversight assumes the St. Louis Police Department will be able to implement the provisions within the proposal with existing resources.

The provisions of this section have a delayed effective date of January 1, 2022.

#### Bill as a Whole

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they 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, they 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 require additional resources.

Officials from the **Attorney General's Office**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)** the **Department of Social Services**, the **Joint Committee on Administrative Rules**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Kansas City Police Department**, the **St. Joseph Police Department**, and **Missouri State University** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **University of Central Missouri** determined the potential for an increase in costs, possibly staff time and such, but it is not feasible to determine the exact cost as it is speculative in nature.

**Oversight** notes because the University of Central Missouri states that any impact is speculative in nature, Oversight assumes they can absorb any impact related to this proposal with existing resources.

Officials from the **Office of Administration** did not respond to **Oversight's** request for fiscal impact for this proposal.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other colleges and universities, circuit clerks, and police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Transfer Out – (\$590.500) to the State Legal Expense Fund – compensation for economic loss p. 3</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – DPS (\$590.1265) Administer the Use of Force Act</u>			
Personal services	(\$23,085)	(\$46,632)	(\$47,098)
Fringe benefits	(\$13,761)	(\$27,678)	(\$27,836)
Equipment and expense	(\$3,348)	(\$871)	(\$893)
IT Development/ database cost	(\$2,000)	(\$2,000)	(\$2,000)
Tableau License	(\$5,500)	(\$5,500)	(\$5,500)
<u>Total Costs – DPS</u>	<u>(\$47,694)</u>	<u>(\$82,681)</u>	<u>(\$83,327)</u>
FTE Change – DPS	1 FTE	1 FTE	1 FTE
<u>FISCAL IMPACT – State Government (continued)</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>Could exceed (\$47,694)</u></b>	<b><u>Could exceed (\$82,681)</u></b>	<b><u>Could exceed (\$83,327)</u></b>
Estimated Net FTE Change to the General Revenue Fund	1 FTE	1 FTE	1 FTE
<b>STATE LEGAL EXPENSE FUND (0692)</b>			



<u>FISCAL IMPACT – Local Government</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Loss – Law Enforcement Agencies – compensation for economic loss. (\$590.500)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET FISCAL IMPACT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS (Section 590.500)

The bill defines a "law enforcement officer" as any sworn peace officer who possesses the power to arrest for violations of the criminal code of this state or for violations of ordinances of counties or municipalities of this state. These provisions do not apply to the highest ranking officer of any law enforcement agency.

The bill specifies certain rights a law enforcement officer has when he or she is the subject of an administrative investigation or is being questioned or interviewed. These rights include being informed of the violation, requiring the complaint to be supported by a sworn affidavit, and allowing the officer to have an attorney.

This bill provides that any law enforcement officer who is suspended without pay, demoted, terminated, transferred, or placed on a status resulting in economic loss is entitled to a full due

process hearing. The hearing requirements are specified in the bill.

#### POLICE USE OF FORCE TRANSPARENCY ACT OF 2021 (Section 590.1265)

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By June 30, 2022, the Department of Public Safety must develop standards and procedures governing the collecting and reporting of the data. The Department of Public Safety must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department of Public Safety must analyze trends and disparities in the data and report the findings and make the report available to the public no later than January 1, 2025. The provisions of this bill have a delayed effective date of January 1, 2022.

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

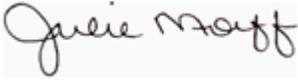
#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Natural Resources  
Department of Labor and Industrial Relations  
Department of Public Safety  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Department of Conservation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the Secretary of State  
Office of the State Public Defender  
Ellisville Police Department  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Missouri State University  
University of Central Missouri

#### NOT RESPONDING

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Office of Administration



Julie Morff  
Director  
March 25, 2021



Ross Strobe  
Assistant Director  
March 25, 2021