

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1902H.03C  
 Bill No.: HCS for HB 876  
 Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Criminal Procedure  
 Type: Original  
 Date: March 2, 2021

Bill Summary: This proposal modifies provisions relating to law enforcement.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	(\$244,210)	(\$83,623) to (\$216,103)	(\$84,268) to (\$216,748)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$244,210)</b>	<b>(\$83,623) to (\$216,103)</b>	<b>(\$84,268) to (\$216,748)</b>

\*Costs to the Department of Public Safety to provide a certified copy of all notations received pursuant to Section 590.070 within three business days. Oversight is unsure if the temporary help would be needed past FY 2022; therefore, Oversight has ranged the fiscal impact.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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>

\*DPS assumes the need for 1 FTE Program Specialist plus temporary staffing.

- 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</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §563.015 – Chokeholds

Officials from the **Office of Administration – General Services (OA/GS)** state this section prohibits the use of respiratory choke-holds unless deadly force is necessary. The cost to the state is unknown, if this prohibition is used in an action against the state for violation by a state employee. The amount of the potential costs resulting from this proposal cannot be reasonably estimated as this language creates new legal standards, subject to judicial interpretation, and there is no readily available information that could assist in forming a rational basis for estimating costs. In addition, the number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

#### §566.145 – Offense of sexual conduct in the course of public duty

OA/GS states this section creates the offense of sexual misconduct in the course of public duty. The cost to the state is unknown, if this prohibition is used in an action against the state for violation by a state employee. The amount of the potential costs resulting from this proposal cannot be reasonably estimated as this language creates new legal standards, subject to judicial interpretation, and there is no readily available information that could assist in forming a rational basis for estimating costs. In addition, the number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

The state self-assumes its own liability under the state Legal Expense Fund (LEF), Section 105.711 RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified and individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

**OA/GS** states there is no a direct fiscal impact to the LEF, because this is a criminal statute, not one that creates a civil cause of action.

**Oversight** assumes because this is not a direct impact to the LEF, any potential costs would be indirect. Therefore, Oversight no fiscal impact for fiscal note purposes.

§590.075 – Certified notifications

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in order to meet the requirement to respond to requests for a certified copy of officer records within three business days, the Department of Public Safety will need an additional one (1) FTE Program Specialist in order to research the request and pull all of the information together. There is still an issue with pulling older documents that are currently archived as it takes time to receive those records from the State Archives.

In order to facilitate a faster response time in compiling the records, the department is requesting staff and equipment support in order to scan all of the older, archived records so that they are immediately accessible. The Department is proposing the use of approximately six (6) part-time individuals to scan the documents. The amount of documents to be scanned is unknown at this time. DPS left the scanning costs in for all three years but that could vary based upon the actual number of documents.

The Department of Public Safety will need to scan officer records from 1979 through March 1, 2015. This will require the purchase of scanners as well as ITSD services to set up the scanning process and acquire licensing and ongoing SDC costs.

One-Time Costs

Scanners (Qty 2): \$20,000 each	= \$40,000 total
Licensing (for each scanner): \$3,600 each	= \$ 7,200 total
Staff Time to Build:	= <u>\$11,500</u>
Total one-time costs	= \$58,700

On-Going Costs

OnBase User Fee (to be able to access the system) = \$20/month/user x 2 = \$480

**Oversight** does not have any information contrary to that provided by DPS. Therefore, Oversight will reflect DPS's impact for fiscal note purposes. Oversight assumes the six (6) part-time FTE would not be provided fringe benefits and may not be needed past FY 2022. and the state would only pay Social Security and Medicare benefits of 7.65 percent. In addition, Oversight assumes the DPS would not need additional rental space for FTE.

Bill as a Whole

Officials from the **Attorney General's Office**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)**, the **Department of Social Services**, 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 the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Missouri Department of Conservation** assumed the proposal will have no fiscal impact on their organization.

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

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DPS</u> (\$590.075) Certified notifications			
Personal services	(\$38,476)	(\$46,633)	(\$47,099)
Fringe benefits	(\$32,886)	(\$35,639)	(\$35,796)
Equipment and expense	(\$3,348)	(\$871)	(\$893)
Temporary Help	(\$110,400)	\$0 to (\$132,480)	\$0 to (\$132,480)
One-time costs	(\$58,700)	\$0	\$0
On-base user fee	(\$400)	(\$480)	(\$480)
<u>Total Costs – DPS</u>	<u>(\$244,210)</u>	<u>(\$83,623) to (\$216,103)</u>	<u>(\$84,268) to (\$216,748)</u>
FTE Change – DPS	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$244,210)</u></b>	<b><u>(\$83,623) to (\$216,103)</u></b>	<b><u>(\$84,268) to (\$216,748)</u></b>
Estimated Net FTE Change to General Revenue	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

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

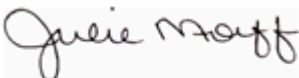
FISCAL DESCRIPTION

This proposal modifies provisions relating to law enforcement.


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 Corrections  
Department of Labor and Industrial Relations  
Department of Public Safety  
Department of Social Services  
Missouri Department of Conservation  
Missouri Office of Prosecution Services  
Office of Administration  
Office of the State Courts Administrator  
Office of the State Public Defender  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department



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March 2, 2021



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March 2, 2021