

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4606-04
Bill No.: SCS for HB 2224
Subject: Law Enforcement Officers and Agencies; Civil Rights
Type: Original
Date: April 18, 2008

Bill Summary: This proposal revises racial profiling continuing education requirements for peace officers and creates the 'Deputy Sheriff Salary Compensation Fund', consisting of money generated by a \$10 fee collected for serving civil summons and subpoena.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Deputy Sheriff Salary Supplementation Fund	\$0	\$0	\$0
Total Estimated Net Effect on Other 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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$1,467,658	\$1,761,190	\$1,791,190

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would create the "Deputy Sheriff Salary Supplementation Fund". The sheriff shall receive an additional \$10 for service of any summons, writ, subpoena, or other order of the court. While there are still problems interpreting the intent of these provisions, we are providing a response based on what we think the intent is.

In 2007, approximately 135,476 summonses were served by a sheriff. This number does not include the 21st, 25th, or 31st circuits. These circuits were not on JIS, the court automation program, for the entire 2007 year. It is estimated these circuits would increase the total number an additional 30% to approximately 176,119 summonses. The sheriff fee will generate approximately \$1,761,190 for sheriff departments. This estimate does not include possible revenues from service on a writ or order of the court.

Depending on how the legislation is implemented, there may be a cost, but there is no way to quantify the cost at this time. Any significant increase would be reflected in future budget requests.

In addition, the proposed legislation would require court personnel, prior to disclosure to the public, to omit the Social Security number, date of birth, address of any law enforcement officer, and any other personal identifier for a law enforcement officer from any criminal case. CTS assumes there may be some unknown impact on the workload of the courts. Any significant increase would be reflected in future budget requests.

Officials from the **Office of the Secretary of State** and the **Department of Public Safety - Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Public Safety - Director's Office** assume the proposal would not fiscally impact their agency if the new fund is administered by MoSMART.

In response to a similar proposal from this year (HB 2171), officials for the **Office of the State Treasurer** assumed the proposal would not fiscally impact their agency.

Officials from the **City of Columbia** assume no significant impact from the proposal.

ASSUMPTION

Officials from the **City of Centralia** and the **Missouri County Employee's Retirement Fund** each assume no fiscal impact from the proposal.

Officials from the **Boone County Sheriff's Department (BCSD)** state using 2007 figures, 13,361 papers were served by the BCSD, so approximately \$133,610 could go to the state treasury for this fund. However, the BCSD assumes none of this money would come back to their county. This would be an ongoing annual loss. Boone County deputies receive more competitive pay than most Sheriff's Departments in this state and therefore would likely not qualify to receive supplemental income from this fund. Therefore, the BCSD estimates an income and outflow of \$133,610 as a result of this proposal as this would be revenue generated by Boone County that would likely not come back to Boone County because our deputies likely won't qualify to receive supplemental income.

Oversight will utilize revenue estimates provided by CTS in the fiscal note. Oversight will show a gross amount of income collected by the county sheriff departments and then this revenue being transferred to the new state Deputy Sheriff Salary Supplementation Fund. These proceeds will then be transferred back to various county sheriff departments. Oversight assumes some counties will receive back more funds from the new state fund than what they collected, and conversely, Oversight assumes some counties will receive back zero or very little compared to the amount of revenue they collected and remitted to the new state fund.

Oversight assumes with the new language added to Subsection 650.350.4, MoSMART must administer the new fund with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
DEPUTY SHERIFF SALARY SUPPLEMENTATION FUND			
<u>Income</u> - from \$10 per service of any summons, writ, subpoena, or other order of the court	\$1,467,658	\$1,761,190	\$1,761,190
<u>Transfer Out</u> - disbursements to local political subdivisions to supplement the salaries of county deputy sheriffs	<u>(\$1,467,658)</u>	<u>(\$1,761,190)</u>	<u>(\$1,791,190)</u>
ESTIMATED NET EFFECT TO THE DEPUTY SHERIFF SALARY SUPPLEMENTATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
COUNTY SHERIFF DEPARTMENTS			
<u>Income</u> - \$10 per summons, writ, subpoena or other order of court	\$1,467,658	\$1,761,190	\$1,761,190
<u>Expense</u> - disbursement of new \$10 per summons, writ or subpoena to the state's Deputy Sheriff Salary Supplementation Fund	(\$1,467,658)	(\$1,761,190)	(\$1,761,190)
<u>Transfer In</u> - to various county sheriff departments from state's Deputy Sheriff Salary Supplementation Fund	<u>\$1,467,658</u>	<u>\$1,761,190</u>	<u>\$1,761,190</u>
ESTIMATED NET EFFECT TO THE COUNTY SHERIFF DEPARTMENTS	<u>\$1,467,658</u>	<u>\$1,761,190</u>	<u>\$1,761,190</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Under this proposal, the sheriff shall receive an additional \$10 fee for service of any civil summons, writ, subpoena or other court order. The money received by the sheriff shall be collected by the county treasurer and made payable to the state treasurer.

The money paid to the state treasurer shall be deposited into the newly created "Deputy Sheriff Salary Supplementation Fund". The money shall be used only to supplement the salaries, and employee benefits resulting from such salary increases, of county deputy sheriffs. The Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), housed within the Department of Public Safety shall administer the fund.

Currently, peace officers who make traffic stops are required to receive annual training concerning the prohibition of race profiling. This act changes the training requirement to three hours within the law enforcement continuing education three-year reporting period.

This act allows records and documents regarding internal investigations by a law enforcement agency on the fitness and conduct of an officer employed by the agency, which are used solely for employment matters, to remain closed unless the records and documents are used in a criminal investigation.

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

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SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the State Treasurer
Office of the Secretary of State
Department of Public Safety
County Employee Retirement Fund
Boone County Sheriff's Department
City of Centralia



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Director
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