

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1282-02
Bill No.: SB 328
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Weapons
Type: Original
Date: May 4, 2009

Bill Summary: The proposal creates a Task Force on the Use of Conducted Energy Devices.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor, Office of Administration – Administrative Hearing Commission, Department of Public Safety – Missouri State Highway Patrol, Missouri House of Representatives, and the Missouri Senate** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Boone County Sheriff's Department (BCSD)** assume the proposal would result in losses of a minimum of \$69,534. This figure represents the amount of money the BCSD has spent through 2008 on taser equipment purchases only. Approximately \$2,700 is to be expended in 2009 for tasers and taser equipment as part of their budgetary replacement schedule. These figures do not include the cost BCSD incurred in training instructors and operators since the inception of the taser program at the BCSD.

Oversight assumes the Boone County Sheriff's Department would experience losses in that equipment and training may be deemed unusable. However, BCSD would not experience a loss of revenues as a result of the proposal. Therefore, Oversight has reflected no fiscal impact.

Officials from the **Springfield Police Department** assume this legislation effectively eliminates the use of tasers which will increase the cost of officer and suspect injury and fatalities. Officials estimate it will cost the City of Springfield a minimum of \$100,000 annually and will cost lives of suspects because officers will use deadly force in every circumstance where they could normally use a taser to save their lives or the lives of others.

Oversight assumes some law enforcement agencies that are political subdivisions of the state would elect to be exempt from CED use by adopting with the policy outlined in Section 571.250.11. Oversight also assumes local law enforcement agencies could incur increased costs as a result of the proposal due to the provisions in Section 571.250.11. Oversight assumes this cost to be Unknown.

Oversight assumes Office of Administration would incur increased costs to reimburse task force members for necessary expenses incurred in the performance of task force duties, as the task force is created within the Office of Administration. Oversight assumes Office of Administration can absorb these costs within existing resources.

ASSUMPTION (continued)

Officials from the **Jackson County Sheriff’s Department** responded to Oversight’s request but issued no fiscal impact statement.

Officials from the Greene County Sheriff’s Department, St. Louis County Police Department, Columbia Police Department, Kansas City 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 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL GOVERNMENT			
<u>Costs – Local Law Enforcement Agencies</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation creates the “Task Force on the Use of Conducted Energy Devices” within the Office of Administration. The commission shall have ten members appointed by the governor, with the advice and consent of the senate: two medical experts, two scientific experts, two legal experts, two law enforcement experts, and two private citizens who have been shot by a conducted energy device (CED) or whose family member has been shot by a CED.

FISCAL DESCRIPTION (continued)

The task force is designed to evaluate the safety of conducted energy devices (CEDs), commonly known as tasers, and to make recommendation regarding their use by law enforcement. The task force shall hold public hearings and study all aspects of CED use in this state.

The task force shall determine if there are adequate studies on the use and effects of CEDs representing independent perspectives, and if other research is needed on issues such as how frequently CEDs are used, the effects of CED use on human health, typical operation of CEDs by law enforcement, possible circumstances when CED use should be limited, sufficiency of law enforcement training, and other issues of interest to the task force.

The task force shall report to its findings and recommendations to the Governor, Attorney General, and legislature by January 1, 2011. It shall make recommendations to amend the statutes which assure: 1) that CED use is banned, if necessary, because of safety or abuse concerns; 2) a suspension of CED use, if necessary, until scientific research adequately determines CED safety; or 3) there is sufficient research and an ability to set policy on CED use ensuring certain safety and abuse prevention requirements.

Until the task force report is completed and its recommendations are passed and signed into law, CED use shall be suspended in this state, except by law enforcement agencies which adopt certain policies outlined in the proposal.

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

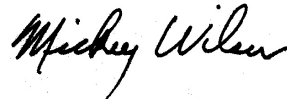
SOURCES OF INFORMATION

Office of the Attorney General
Office of the Governor
Office of Administration
 – Administrative Hearing Commission
Department of Public Safety
 – Missouri State Highway Patrol
Missouri House of Representatives
Missouri Senate
Boone County Sheriff's Department
Jackson County Sheriff's Department
Springfield Police Department

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NOT RESPONDING

**Greene County Sheriff's Department
St. Louis County Police Department
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department**



Mickey Wilson, CPA
Director
May 4, 2009