

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0400-02
Bill No.: SB 42
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: January 14, 2015

Bill Summary: This proposal modifies the provisions allowing law enforcement officers to use deadly force in certain circumstances.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Local Government	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Natural Resources**, and the **Springfield Police Department** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Department of Conservation** assume the proposal would have a negative fiscal impact on their agency.

Oversight assumes the proposal would not fiscally impact the Department of Conservation.

Officials from the **Columbia Police Department** state any change in the law regarding the use of deadly force will ultimately result in a department wide re-training of sworn members. Undertaking additional training will result in significant cost to the department which cannot fully be measured.

Officials from the **St. Louis County Police Department** state the exact fiscal impact of this bill on St. Louis County is unknown. This bill could potentially require the current training standards at the St. Louis County and Municipal Academy to be changed resulting in a cost to change the programs and a cost to train and retrain all officers on new standards of means of apprehension. There could also be a cost associated with suspending an officer without pay immediately after an officer involved death from a shooting with the suspect 20 feet away. Investigations could take weeks or even months, and the cost to staff the beat the officer is missing would result in more overtime pay. If at the end of the investigation an officer were to be cleared of any wrongdoing, then the suspension, loss of pay, and cost of overtime pay from St. Louis County would have a financial and emotional impact on officers and the Department as whole. Even with little or no cost to St. Louis County this bill could have a negative impact. The current law is comprehensive and is based on proven case law from other incidents nationwide.

Officials from the **Boone County Sheriff's Department** assumed this proposal could negatively impact their officers and their agency.

Officials from the Buchanan County Sheriff's Department, the Cole County Sheriff's Department, the Independence Police Department, the St. Charles Police Department, and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Oversight will reflect a potential cost to local police departments and sheriffs' offices that could exceed \$100,000 for training and other costs.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
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LOCAL POLITICAL SUBDIVISIONS

<u>Cost</u> - Police Departments and Sheriff's Departments - for additional training and other costs regarding new provisions on the use of deadly force	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</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

Under current law, a law enforcement officer may use deadly force when he or she reasonably believes the force is immediately necessary to effect an arrest and the suspect has committed or attempted to commit a felony, is attempting to escape by use of a deadly weapon, or may otherwise endanger life or seriously injure another person.

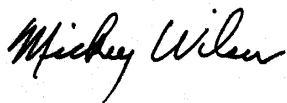
This act provides that a law enforcement officer may use deadly force only when all other means of apprehension have been exhausted or are unavailable, the officer has warned the suspect, and the officer reasonably believes the suspect is attempting to escape and possesses a deadly weapon.

In addition, this act provides that a law enforcement officer who uses deadly force against an unarmed person, who is 20 feet or farther away from the officer, must be immediately suspended from duty without pay until the incident has been fully investigated.

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
Attorney General's Office
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Boone County Sheriff's Department
Columbia Police Department
Springfield Police Department
St. Louis County Police Department



Mickey Wilson, CPA
Director

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Assistant Director

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