

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0972-06  
Bill No.: Perfected SS#2 for SCS for SB Nos. 199, 417, & 42  
Subject: Courts; Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies  
Type: Original  
Date: April 28, 2015

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Bill Summary: This proposal modifies a provision specifying when law enforcement officers are justified in using deadly force.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</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 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Capitol Police**, the **Department of Natural Resources** and the **Department of Social Services - State Technical Assistance Team** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of the bill, officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal would not fiscally impact their agency.

Officials from the **Missouri Department of Conservation** state this proposal would have an unknown impact on their agency.

In response to a previous version of this proposal, officials from the **Cole County Sheriff's Department**, the **Boone County Sheriff's Department**, and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar version of this proposal, officials from the **Attorney General's Office** assumed that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the Columbia Police Department, the Independence Police Department, the Jackson County Sheriff's Department, the Platte County Sheriff's Department, the Springfield Police Department, the St. Joseph Police Department, the St. Louis Police Department, and the St. Louis County Police Department did not respond to our request for fiscal impact.

**Oversight** assumes state and local law enforcement agencies would be able to implement the changes in this proposal without incurring a material fiscal impact.

### Senate Amendment 1:

In response to a similar provision, officials from the **Attorney General's Office (AGO)** stated this proposal authorizes the AGO to bring civil action on behalf of any citizen against a person acting under color of law, for an alleged violation of constitutional rights of freedom of assembly and petition and from unreasonable search and seizure. The AGO represents various public agencies, including the Highway Patrol, St. Louis Metropolitan Police Department and the Kansas City Police Board, which could be named as defendants. Due to the potential conflict of interest, should the proposal be enacted, the AGO may need to retain outside counsel. Consequently, while the number of cases is unknown, the potential cost could exceed \$100,000.

ASSUMPTION (continued)

Officials from the **Office of Administration - General Services Division** note that the state self-assumes its own liability under the state Legal Expense Fund, 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.

If a claim were successfully brought against a state agency or a state employee alleging a violation of this proposal, the Legal Expense Fund could be required to pay such claim or claims.

Office of Administration-General Services assumes that neither any state agency nor any state employee would violate the proposal. Therefore, it is assumed that no successful claims will be made against the Legal Expense Fund and the proposal would thus have no fiscal impact upon the Office of Administration-General Services. However, should that assumption prove incorrect, significant costs could be incurred by the Legal Expense Fund.

FISCAL IMPACT - State Government                      FY 2016                      FY 2017                      FY 2018

**GENERAL REVENUE**

<u>Costs</u> - AGO - SA1	(Could exceed	(Could exceed	(Could exceed
to bring civil action on behalf of any	<u>\$100,000)</u>	<u>\$100,000)</u>	<u>\$100,000)</u>
citizen acting under color of law, for an			
alleged violation of constitutional rights			

<b>ESTIMATED NET EFFECT TO THE</b>	<b>(Could exceed</b>	<b>(Could exceed</b>	<b>(Could exceed</b>
<b>GENERAL REVENUE FUND</b>	<b><u>\$100,000)</u></b>	<b><u>\$100,000)</u></b>	<b><u>\$100,000)</u></b>

FISCAL IMPACT - Local Government                      FY 2016                      FY 2017                      FY 2018

	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

The bill states that every person who interferes or attempts to interfere with their constitutional rights, shall be liable to the party injured in an action at law, suit, or equity.

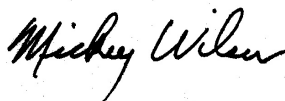
The repeal and reenactment of the second occurrence of Section 563.046 has an emergency clause.

The repeal and reenactment of the first occurrence of Section 563.046 shall become effective January 1, 2017.

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 - Missouri Highway Patrol  
Department of Natural Resources  
Missouri Department of Conservation  
Department of Social Services  
Cole County Sheriff's Department



Mickey Wilson, CPA  
Director  
April 28, 2015

Ross Strobe  
Assistant Director  
April 28, 2015