

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4542-05
Bill No.: SB 828
Subject: Attorney General; Civil Penalties; Civil Rights; Crimes and Punishment;
 Disabilities; Law Enforcement Officers and Agencies; Minorities
Type: Original
Date: March 19, 2018

Bill Summary: This proposal creates a process for reducing bias in policing.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials from the **Department of Public Safety**, the **Missouri Highway Patrol**, the **Department of Natural Resources**, the **Department of Social Services - State Technical Assistance Team**, and the **St. Louis County Department of Justice Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Department of Conservation (MDC)** assume an unknown fiscal impact, but likely less than \$100,000 due to record keeping and training needs, to their department.

Oversight assumes the MDC could implement this proposal within existing appropriations.

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **St. Louis County Police Department** state Senate Bill 828 creates a process for reducing bias in policing. The process includes changes to the way data is collected and analyzed. At minimum, this bill would require all commissioned staff to undergo one hour of training. There are currently 915 commissioned employees making an average hourly rate of \$46.77. The training would also have to be developed over approximately 5 hours at an hourly rate of \$50.00. At minimum, the training would cost \$43,045.

In addition to the training, REJIS would have to make changes to the current data collection system. In order for these changes to be made, REJIS would charge St. Louis County Police Department for the work. The cost of these changes is unknown.

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

Oversight will assume local law enforcement agencies will comply with the laws and will not be required to forfeit revenue from traffic violations to the state under §590.650.10(4).

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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LOCAL LAW ENFORCEMENT

<u>Costs - training and programming expenses for changes in law</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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

Currently, every time a peace officer stops a driver the officer must document certain information concerning the stop. This information is compiled by the law enforcement agency and sent to the Attorney General who produces a report. This act modifies various parts of this process.

The act provides that the information documented by the peace officer concerning a vehicle stop must contain whether the driver resides in the jurisdiction of the stop and if consent was given, how the driver's consent was documented. If an investigative stop is made, the officer must document the cause for the stop.

The report produced by the Attorney General shall identify situations in which the data submitted by the law enforcement agencies indicates that racial and ethnic groups are disproportionately affected by law enforcement activity. The report shall include group ratios of disparity for stops, post-stop activities, searches, and contraband found using benchmarks, as defined in the act. The report shall provide certain information not only for each agency, but also for the state overall. Additionally, the Attorney General may allow the Department of Public Safety to extract data report by the law enforcement agencies used for the report.

FISCAL DESCRIPTION (continued)

Law enforcement agencies must adopt a policy regarding discriminatory policing, rather than race-based traffic stops. The policy must prohibit discriminatory policing and provide for annual reviews, rather than periodic reviews, of the Attorney General's report. The review must analyze complaints received by the law enforcement agency and indicate the number of complaints alleging discriminatory policing. Such review shall be made available to the public. The policy may allow for the dismissal of an officer found to have engaged in discriminatory policing within ninety days of the review.

Members of law enforcement are prohibited from using discriminatory policing. Law enforcement agencies must create a policy prohibiting discriminatory policing, which shall be accessible to the public, and policies to eliminate discriminatory policing in the administration of consent searches. Such procedures shall include requiring a peace officer to document articulable facts about the circumstances leading to the request for consent in individual searches and require the communication of certain information regarding voluntary consent to the individual. Peace officers must obtain written or audio or video recorded consent to search prior to a consent search. Officers shall not ask for consent when they have probable cause. During a traffic stop, a peace officer may only request certain documents from the driver. Any evidence obtained in violation of the policy requirements set forth in the act is inadmissible in court.

If a law enforcement agency reports to the Attorney General for three consecutive years data regarding vehicle stops that demonstrates a significant disproportion in minority stops and the Attorney General determines that a significant disparity exists, then the agency shall be subject to review by the Attorney General for three additional years. If the agency continues to submit data that demonstrates significant disparity, then the Attorney General shall require changes in the agency's policies and practices, and the agency may be subject to ongoing oversight by the Attorney General. If after six years the Attorney General determines that significant disparity still exists, then the governing body that the agency serves may be required to forfeit twenty-five percent of its annual general operating revenue received from fines, bond forfeitures, and courts costs for traffic violations.

A person who suffers harm due to discriminatory policing may bring a civil action to recover damages or other relief as deemed appropriate by the court.

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
Department of Public Safety
Missouri Highway Patrol
Office of the State Courts Administrator
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
St. Louis County Department of Justice Services
St. Louis County Police Department

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
March 19, 2018