

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4119-01
Bill No.: SB 520
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: February 6, 2020

Bill Summary: This proposal changes the period of detention on arrest without a warrant to 48 hours.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§544.170 - Detainment upon arrest

Oversight notes the **Attorney General's Office**, the **Department of Corrections**, and the **Springfield Police Department** have each stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **St. Louis County Police Department (SLCPD)** state if the proposed legislation is passed, the SLCPD may experience cost savings. Currently, officers are required to complete warrant application prior to going off shift which often results in overtime costs. The proposed legislation would allow officers the opportunity to complete the warrant application process on their next shift, if scheduled within 48 hours, creating the potential for an unknown amount of cost savings.

It should be noted that the SLCPD does not operate a detention facility; therefore, the additional costs of housing, feeding, and medicating the offenders would be the responsibility of the St. Louis County Justice Services.

Officials from **St. Louis County** state in 2018, there were 2,230 24-hour holds in the St. Louis County Department of Justice Services. A 2015 survey of jail expenses and revenue from the Vera Institute of Justice calculated the "short-run" marginal cost (the cost affected as soon as the inmate population changes) at \$6.23. Increasing 24-hour holds to 48-hour holds would cost our department, at a minimum, approximately \$14,000 per fiscal year.

We are unable to determine the "long-run" marginal cost (adjustments made to staffing levels in response to changes in jail capacity) without seeing the changes in our population first hand. This change could also lead to a rise in medical transports, medical visits, hospitalizations, and a restructuring of our policies and procedures.

Oversight notes the savings for the St. Louis County Police Department and the cost for the St. Louis County Department of Justice Center. Oversight is unable to project a statewide impact to local jailers for the additional time some persons maybe kept in custody. Oversight assumes the personnel savings to a departments would be more than offset by the additional costs. Therefore, Oversight will reflect an impact to local governments will be presented as \$0 to (Unknown). Oversight notes this proposal is permissive and allows more flexibility to local law enforcement.

ASSUMPTION (continued)

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
---	---------------------	---------	---------

**LOCAL GOVERNMENT - POLICE
AND SHERIFF'S DEPARTMENTS**

<u>Savings</u> - Police and Sheriff's Department - potential reduction in overtime costs if law enforcement is allowed to complete additional duties regarding arrested person after 24 hours	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
---	-------------------	-------------------	-------------------

<u>Costs</u> - Police and Sheriff's Departments (\$544.170) Increased costs to house individuals kept in custody	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
--	---------------------	---------------------	---------------------

ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</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

Under current law, all persons arrested and confined in any jail, without warrant or other process, for any alleged breach of the peace or other criminal offense, shall be discharged from custody within 24 hours from the time of arrest, unless they are charged with a criminal offense. This act changes the period of detention on arrest without a warrant to 48 hours.

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

Attorney General's Office
Department of Corrections
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services



Julie Morff
Director
February 6, 2020



Ross Strobe
Assistant Director
February 6, 2020