

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0086S.011
Bill No.: SB 130
Subject: Crimes And Punishment; Law Enforcement Officers And Agencies
Type: Original
Date: January 19, 2021

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 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains NumberOfPages pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Reflects potential additional costs of housing arrestees for an additional day; however the law enforcement agencies would realize other positive benefits from this additional time.

FISCAL ANALYSIS

ASSUMPTION

§544.170 – Period of detention

Officials from the **Attorney General's Office**, the **Department of Corrections**, the **Department of Natural Resources**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Greenwood Police Department**, the **Kansas City Police Department**, the **Springfield Police Department**, the **St. Joseph Police Department**, the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective 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 **Boone County Sheriff's Department** state over the last several years, the department has seen a large increase in those persons arrested on felony charges. At this time, the jail is housing just six misdemeanor detainees with more than 200 detainees' total. The extension to 48 hours for certain felony arrestees will result in an increase in the amount of time a felony arrestee is housed in the jail. The daily average cost to house a detainee is around \$60 a day. The jail intakes 8-12 persons a day. Therefore, the department estimates the housing cost will increase \$120 a day.

Officials from the **Lewis County Sheriff's Department** state impact will vary dependent on size and scope of jurisdiction. The cost per day will also vary from jurisdiction. Generally, the cost of incarceration ranges from \$45 per day to \$80 per day. Departments must consider new booking data and calculate the release of these types of inmate.

Officials from the **Crestwood Police Department** state this 48 hour detention period could have a fiscal impact, though not terribly burdensome, on the department for the extra meals the city would provide to the suspect/prisoner.

Officials from the **Ellisville Police Department** state this would have a positive impact from a criminal investigation standpoint. The minor fiscal impact of housing someone an extra day is greatly offset by the positive nature of this change.

In response to similar legislation from 2020 (SCS SB 520), officials from the **Manchester Police Department** stated this proposal will have an impact on our jail in the short term but will lessen the cost in the long run. The cost is much higher when we arrest someone, release them after a 24-hour period (because an investigation is not complete) and then have to arrest them a second

time when a warrant is later obtained. It is cheaper and safer to simply obtain a warrant while the person is still in custody. A 48-hour hold period will greatly enhance our ability to do this.

Officials from the **Kimberling City, Webster Groves, Weston, and Mexico Police Departments** responded to the legislation but did not provide a fiscal impact.

Oversight notes the statements of fiscal impact and no impact to various police and sheriff's departments. Oversight is unable to project a statewide impact to local jailers for the additional time some persons may be kept in custody. Oversight will reflect an impact to local governments as \$0 to (Unknown) additional costs, but as stated above, this additional time would be beneficial to law enforcement agencies. Oversight notes this proposal is permissive and allows more flexibility to local law enforcement.

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 –</u> <u>State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS			
<u>Savings</u> - Police and Sheriff's Department - Potential reduction in costs if law enforcement is allowed to complete additional duties regarding an arrested person within 48 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 longer	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

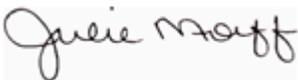
Under current law, all persons arrested and confined in any jail, without warrant or other process, for any alleged breach of the peace or other criminal offense, shall be discharged from custody within 24 hours from the time of arrest, unless they are charged with a criminal offense.

This act changes the period of detention on arrest without a warrant to 48 hours if a person is arrested for a criminal offense involving a dangerous felony or deadly weapon.

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
Department of Natural Resources
Department of Public Safety
Department of Social Services
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Crestwood Police Department
Ellisville Police Department
Greenwood Police Department
Kansas City Police Department
Kimberling City Police Department
Springfield Police Department
St. Joseph Police Department
St. Louis County Police Department
Boone County Sheriff's Department
Lewis County Sheriff's Department
Webster Groves Police Department
Weston Police Department
Mexico Police Department



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January 19, 2021



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