

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1076S.01I
Bill No.: SB 135
Subject: Law Enforcement Officers and Agencies; Civil Rights; Criminal Procedure;
Attorney General
Type: Original
Date: February 1, 2021

Bill Summary: This proposal establishes the "Fourth Amendment Affirmation Act".

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.

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	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§590.650 – Fourth Amendment Affirmation Act

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Office of Administration - Budget & Planning (OA/B&P)** state section 590.650.7(4) requires the forfeiture of 25% annual general operating revenue from fines, bond forfeitures, and traffic violation court costs if after six years of review, a law enforcement agency does not address discriminatory policing practices. Such forfeitures would be deposited into General Revenue and earmarked for the Peace Officers Standards and Training Commission.

The aforementioned review will only begin after three consecutive years of reporting a significant disparity (the ratio of minority to white stops > 125% state disparity) in police stops.

Therefore, any increase to total state revenue would not be for at least nine years and would be dependent upon a law enforcement agency making no attempt to address discriminatory policing practices for that entire period.

Oversight notes, based on the OA/B&P response, it will be at least nine years before any revenue would be deposited into General Revenue which would only occur if the law enforcement agency made no attempt to address discriminatory policing practices. Therefore, Oversight assumes the proposal will have no fiscal impact.

Officials from the **Department of Public Safety – (Office of the Director and Missouri Highway Patrol)**, the **Missouri Department of Conservation**, the **Office of the Governor**, the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, and 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.

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

FISCAL IMPACT – Small Business

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

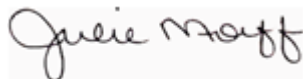
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Public Safety
 Missouri Department of Conservation
 Office of Administration - Budget and Planning
 Office of the Governor
 Office of the State Courts Administrator
 Crestwood Police Department
 Ellisville Police Department
 Kansas City Police Department
 St. Louis County Police Department



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 February 1, 2021



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 February 1, 2021