

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1102S.01I
Bill No.: SB 297
Subject: Law Enforcement Officers and Agencies; Highway Patrol; Attorney General;
Public Safety, Department of
Type: Original
Date: February 12, 2021

Bill Summary: This proposal creates a law enforcement officer use-of-force database to be maintained by the Attorney General.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(Could exceed \$981,717)	(\$471,255)	(\$476,118)
Total Estimated Net Effect on General Revenue	(Could exceed \$981,717)	(\$471,255)	(\$476,118)

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
General Revenue – Attorney General	5 FTE	5 FTE	5 FTE
Total Estimated Net Effect on FTE	5 FTE	5 FTE	5 FTE

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

§590.1254 – Use-of-force database

Officials from the **Attorney General's Office (AGO)** state the Federal Bureau of Investigation operates the National Use-of-Force data collection effort which would partially overlap with the use-of-force reporting program described in §590.1254.1(1) of this bill.

This bill would require the AGO to develop an expansive law enforcement activity reporting system and deploy it to over 600 law enforcement agencies across the state of Missouri in a matter of months. The expansive scope of the data to be reported under the system (e.g. over a dozen variables on every police-citizen contact in the state as only one part of the system) would make development difficult and time-consuming; therefore, the AGO would need to pursue a contract for IT services to build the system. An estimated contract cost of \$550,000 has been spread over the later part of FY 2021 and the first half of FY 2022 for this fiscal note; however, the exact cost of developing this system under the stated time constraints and complexity are unknown.

The AGO would then be required to maintain the system indefinitely, assisting thousands of users in its daily operation. To properly maintain this system, the AGO would need to employ three (3) Assistant Attorneys General I or their equivalent to act as program managers and two (2) Information Systems Specialists to handle daily maintenance and updates to the system.

Oversight notes the provisions of this bill require the use-of-force database to be operational by January 1, 2022. Therefore, Oversight will reflect the fiscal impact for the IT services in FY 2022 as (Could exceed \$550,000) in addition to the FTE costs as presented by the AGO.

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that

many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

Officials from the **Department of Natural Resources**, the **Department of Public Safety - (Capitol Police, Missouri Highway Patrol, and the Office of the Director)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Ellisville Police Department**, the **Kansas City Police Department**, and the **Springfield Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Crestwood Police Department** responded to the legislation but did not provide a fiscal impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – AGO</u> (\$590.1254) Use-of- force database			
Personal services	(\$226,175)	(\$274,124)	(\$276,865)
Fringe benefit	(\$123,113)	(\$148,637)	(\$149,547)
Expense and equipment	(\$82,429)	(\$48,494)	(\$49,706)
Contract for IT services	<u>(Could exceed \$550,000)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total costs - AGO</u>	<u>(Could exceed \$981,717)</u>	<u>(\$471,255)</u>	<u>(\$476,118)</u>
FTE Change - AGO	5 FTE	5 FTE	5 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Could exceed \$981,717)</u>	<u>(\$471,255)</u>	<u>(\$476,118)</u>
Estimated Net FTE Change for the General Revenue Fund	5 FTE	5 FTE	5 FTE

<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

This act establishes that the Attorney General shall maintain a database, available to the public, with data reported from the Missouri State Highway Patrol and law enforcement agencies within the state. Such data shall include information regarding:

- All use of force by a peace officer that results in death or serious bodily injury;
- All resignations of peace officers for violating department policies;
- All data relating to peace officer contacts with citizens, including whether the contact was a traffic stop and what was the suspected offense; and
- All instances of unannounced entry into a residence with or without a warrant.

The Missouri State Highway Patrol and law enforcement agencies shall not report the name, address, Social Security number, or any other identifying information of the subject of the use of force by a peace officer.

The database maintained by the Attorney General shall be published on the Attorney General's website and shall be in a searchable format. The database shall be made available to the public by January 1, 2022. The database shall include a law enforcement officer identification system to track peace officer complaints from one agency to another.

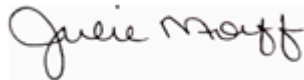
The Missouri State Highway Patrol and any law enforcement agency that fails to report such data as provided in the act shall be subject to suspension of its funding by its appropriating authority.

The Director of the Department of Public Safety shall have the authority to promulgate all necessary rules and regulations for the administration of this act.

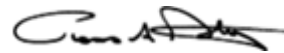
This legislation is federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Natural Resources
Department of Public Safety
Department of Social Services
Joint Committee on Administrative Rules
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the Secretary of State
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
Springfield Police Department



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February 12, 2021



Ross Strobe
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February 12, 2021