

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0977S.01I
Bill No.: SB 43
Subject: Crimes and Punishment; Liability; Criminal Procedure; Civil Procedure
Type: Original
Date: January 23, 2023

Bill Summary: This proposal modifies provisions relating to self-defense.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 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 2024	FY 2025	FY 2026
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Repeals §563.016 and implements §§563.031 and 563.085 – Self-defense

Officials from the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Public Safety – (Capitol Police, Office of the Director, and 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 **Kansas City Police Department**, the **St. Joseph Police Department**, and the **Phelps County Sheriff’s Department** assume the proposal will have no fiscal impact on their organizations.

In response to similar legislation from 2022 (SB 666), officials from the **Attorney General’s Office** assumed the proposal will have no fiscal impact on their organization.

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

Officials from the **St. Louis County Police Department** state the proposed legislation would protect a person who threatens or uses force pursuant to §563.031 and would have an unknown fiscal impact on the department. The Department’s Bureau of Criminal Investigations would be responsible for investigating each use of self-defense instance to determine whether the use of force was justified or not. However, without knowing how many cases the department would see each year, or the complexity of the case, which would contribute to the additional amount of investigative hours worked, it is impossible to provide a cost.

Oversight notes the cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff’s departments; therefore, the impact to local governments will be presented as \$0 to (Unknown).

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 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
POLICE AND SHERIFF’S DEPARTMENTS			
<u>Cost - Police Departments (§563.031)</u> Increase in investigations p. 3	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON 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

This act modifies provisions relating to the use of self-defense.

PRESUMPTION OF REASONABLENESS (Section 563.031)

Under current law, the defendant has the burden to prove he or she reasonably believed physical or deadly force was necessary to protect him or herself or a third person.

This act provides that there shall be a presumption of reasonableness that the defendant believed such force was necessary to defend him or herself or a third person.

IMMUNITY FROM LIABILITY (Section 563.085)

This act provides that a person who uses or threatens to use force in self-defense is immune from criminal prosecution and civil action for the use of such force, unless such force was used against a law enforcement officer who was acting in the performance of his or her official duties and the person reasonably knew or should have known that the person was a law enforcement officer.

Additionally, a law enforcement agency may use standard procedures for investigating the use or threatened use of force, but the agency may not arrest the person for using or threatening to use force unless the agency determines that there is probable cause that the force that was used or threatened was unlawful.

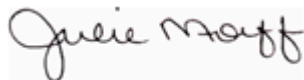
This act provides that the defendant can raise a claim of self-defense during a pre-trial hearing in either a criminal or civil case which shall shift the burden on the party seeking to overcome the immunity by proof of clear and convincing evidence.

Finally, this act repeals provisions relating to civil remedies that are unaffected by criminal provisions of self-defense law.


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 Natural Resources
Department of Corrections
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
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



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January 23, 2023



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