

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3581-15
BILL NO.: CCS for HCS for SS for SB 813
SUBJECT: Law Enforcement Agencies: Employee/Employer, Funerals; Law Enforcement Districts; Jail Districts Sales Tax; Peace Officers Standards and Training
TYPE: Original
DATE: May 9, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue*	(\$0 to \$770,000)	(\$0 to \$770,000)	(\$0 to \$770,000)
Criminal Records System Fund	\$21,638	\$19,191	\$18,456
Total Estimated Net Effect on <u>All</u> State Funds	(\$0 to \$748,362)	(\$0 to \$750,809)	(\$0 to \$751,544)

* SUBJECT TO APPROPRIATION - DOR collection fee on regional jail districts sales tax not included in total.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0
Law Enforcement District Fund	\$0	\$0	\$0
County Crime Reduction Fund	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 12 pages.

FISCAL ANALYSIS

ASSUMPTION

Disciplinary Hearings

Officials from the **Office of Administration, Department of Public Safety - Missouri Highway Patrol, Office of State Courts Administrator, and the Office of Attorney General** assume this proposal would have no fiscal impact to their agencies.

In response to a similar proposal, officials from the **Jefferson City Police Department** assumed there would be no fiscal impact to their agency.

In response to a similar proposal, officials from the **Department of Public Safety - Director's Office** assumed the state will be required to reimburse municipalities for any new or increased activities or service beyond that required by existing law.

Oversight assumes the extent of any new or increased activities or service which are beyond the requirements of existing law, will be minimal and can be absorbed within the municipal budgets. While this proposal could result in some procedural changes, Oversight assumes the fiscal impact would be minimal and could be absorbed within existing resources.

Death and Burial Benefits

In response to a similar proposal last session, officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** stated that MHP has had 11 officers killed in the line of duty since 1969, an average of one officer every 2.72 years. The statewide average of officers killed in the line of duty is 3 officers per year. However, since the Patrol cannot estimate the number of officers killed in any given year, MHP officials cannot estimate fiscal impact for the \$100,000 death benefit and \$10,000 burial benefit.

Officials from the **Department of Public Safety (DPS) - Director's Office** assume there could be unknown costs as a result of this proposal as it would pay a death benefit to the surviving spouse or child of a public safety officer and would pay burial benefits for a public safety officer killed in the line of duty. Currently, there are 19,000 police officers in the state of Missouri.

In response to a similar proposal, officials from the **Department of Public Safety - Division of Fire Safety (DFS)** assumed they would request appropriations to provide burial and death benefits to families of public safety officers killed in the line of duty. DFS estimates 4 fire fighter deaths per year and assumes the maximum burial and death benefits would be paid to the victim's survivors.

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ASSUMPTION (continued)

4 fire fighter deaths x \$10,000 burial benefit = \$40,000

4 fire fighter deaths x \$100,000 death benefit = \$400,000

DFS assumes the benefits would be paid from the general revenue fund.

In response to a similar proposal, officials from the **Missouri State Water Patrol**, **Missouri Capitol Police**, and **Missouri National Guard** assumed this proposal would have no fiscal impact on their agencies.

Officials from the **Department of Natural Resources (DNR)** assume this proposal would provide burial benefits not to exceed \$10,000 and death benefits of \$100,000 subject to appropriation, for children and spouses of public safety officers who are killed or permanently and totally disabled in the line of duty.

The definition of a public safety officer would include DNR's state park rangers. DNR has 47 state park rangers and 22 commissioned state park superintendents that would be included in the definition of a public safety officer and therefore eligible for burial and death benefits.

Officials from the **Department of Conservation (MDC)** assume this proposal would have no fiscal impact on MDC funds.

In response to a similar proposal last session, officials from the **Department of Corrections (DOC)** assumed that DOC employees would meet the criteria of "public safety officer" pursuant to this proposal. There would be no fiscal impact to DOC due to enactment of this proposal. It is unclear whether any benefit would be paid for employees permanently and totally disabled.

Last session, DOC noted that there have been three employees killed in the line of duty over the past soon-to-be twenty-five years. A DOC officer was slain at Jefferson City Correctional Center (fka Missouri State Penitentiary or MSP) in 1975 and also in 1979. Another DOC officer died as a result of a stabbing at Moberly Correctional Center (fka Moberly Training Center for Men) in 1983.

Officials from the **Department of Transportation (DHT)** assumed the total benefit provided by this legislation is \$110,000 per death. The majority of the salaries and benefits provided to officers employed by MHP come from the Highway Fund. Therefore, any additional appropriations to fund this program would result in a reduction in funding to DHT. However, DHT cannot estimate the number of deaths that may occur in any given year.

ASSUMPTION (continued)

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This proposal defines a “public safety officer” as “any firefighter, police officer, capitol police officer, sheriff, deputy sheriff, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed *or permanently and totally disabled in the line of duty.*” [emphasis added] This proposal also states that “within the limits of the amounts appropriated therefor, the department shall provide, as defined in this section, a burial and a death benefit to: (1) A spouse of a public safety officer killed in the line of duty; or (2) If there is no surviving spouse, an eligible child of a public safety officer or employee killed in the line of duty.” The proposal provides for a \$10,000 burial benefit and a \$100,000 death benefit. Although the language of the proposal is unclear, if this proposal would pay a death and burial benefit only on those public safety officers killed in the line of duty, based on MHP information of an average of three public safety officers being killed per year and DFS estimates of four fire fighter deaths per year, **Oversight** assumes there could be a fiscal impact to the State of up to \$110,000 per officer killed in the line of duty, or \$770,000, subject to appropriation. As no specific funding source is named in this proposal, Oversight assumes that death and burial benefits would come from General Revenue if appropriated. If this proposal was intended to pay a death and burial benefit to survivors of public safety officers who were killed **or** those permanently and totally disabled in the line of duty at the time of their death, Oversight assumes the fiscal impact could be significantly more.

Law Enforcement Districts

Oversight assumes this proposal is permissive. Counties where the voters would petition for establishment of a Law Enforcement District would have costs and income. Oversight will show fiscal impact to Local Governments as zero. Oversight assumes that Law Enforcement Districts costs would not exceed income resulting with either zero fiscal impact or a positive unknown balance.

Jail Districts: Sales Tax

Department of Corrections assumes no fiscal impact.

Officials from the **Department of Revenue** assume this proposal would have no fiscal impact provided Jail District boundaries include the area within each member county.

Oversight assumes this proposal is permissive and would require jail districts that wanted to impose a sales tax, (which could not exceed 1%), to receive voter approval.

ASSUMPTION (continued)

Jail districts that would submit the question of levying a sales tax would have election costs.

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Oversight assumes the state would retain a 1% collection fee which would be deposited in the States' General Revenue Fund. The amount of revenue that would be generated in a given year is unknown. Currently there are no Regional Jail Districts.

Peace Officer Standards and Training

Officials from the **Office of State Courts Administrator, Department of Conservation, Department of Labor and Industrial Relations, Department of Public Safety - Peace Officers Standards and Training**, and the **Office of Adjutant General** assume this proposal would have no fiscal impact to their agencies.

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** assume the Patrol's Criminal Records and Identification Division would require 1 FTE Fingerprint Technician to process the additional 3,515 fingerprint searches per year that will be required as a result of the proposal. MHP also assumes fees totaling \$49,210 will be deposited into the Criminal Records System Fund as a result of the additional fingerprint searches (3,515 searches per year x \$14.00 per search = \$49,210).

Officials from the **Department of Natural Resources (DNR)** assume this proposal addresses the level of certified training requirements for peace officers, certified reserve officers, non-certified reserve officers, bailiffs, etc. The legislation addresses procedures that certified law enforcement training centers must follow (i.e. requiring applicants to submit fingerprints and an authorization for a criminal history background check; age and residency requirements for entry into a law enforcement academies, etc.). The legislation requires the chief executive officer of each law enforcement agency to notify the Peace Officer Standards and Training Commission of all departures from employment of commissioned peace officers, indicating in certain situations the reason for the separation when a peace officer is appointed or separated from the agency.

DNR's state park rangers are currently responsible for meeting the 470 hour training requirement pursuant to section 590.105.1. RSMo. Therefore, this legislation does not fiscally impact the department. The legislation requires any applicant to a certified law enforcement training center to submit fingerprints and an authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant. DNR already incurs the cost of the criminal background checks when sending applicants to the peace officer certification program.

ASSUMPTION (continued)

Oversight assumes for purposes of this fiscal note that if local law enforcement offices elected to pay for additional training required under this proposal for certification, there would be unknown

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costs to local governments. However, these costs would likely be minimal since the proposal appears to allow payment by local governments for additional training costs only if excess funds are available and appears to allow a county of the third classification to adopt an order or ordinance approving certification with only one hundred and twenty hours of training.

County Crime Reduction Fund

Oversight assumes this section is permissive and would have no fiscal impact unless the County Commission would by resolution create the County Crime Reduction Fund. Should a County Commission establish a Crime Fund, the fund would be eligible to receive monies from fines levied for misdemeanors, as a condition of probation. The fine could not exceed \$1,000.

For purposes of this fiscal note Oversight will show fiscal impact from these sections as \$0 or unknown. Oversight assumes the unknown fiscal impact would be positive.

County Sheriffs' Certification

Department of Public Safety officials assume this proposal would have no fiscal impact to their department.

Officials stated that this bill requires that at the time a person takes office as sheriff he or she have at least 120 hours of peace officer training. Failure to do so vacates the office. This provision is effective January 1, 2001. Currently, elected sheriffs are required to participate in a specially designed 120-hour training program, which may be paid for by the state. Whether the training requirement is met before or after assuming office is left to the discretion of the county, but must be completed within 18 months of taking office.

Oversight assumes that pursuant to current law, Sections 590.170 and 590.175 RSMo, newly elected sheriffs must complete a 120 hour training program within 18 months of taking office. The cost of the training program is paid for by the state of Missouri.

FISCAL IMPACT - State Government

FY 2001	FY 2002	FY 2003
(10 Mo.)		

GENERAL REVENUE FUND

Death and Burial Benefits

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<u>Cost</u> - Department of Public Safety (DPS) Death and Burial Benefits*	(\$ 0 to \$770,000)	(\$ 0 to \$770,000)	(\$ 0 to \$770,000)
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Jail Districts: Sales Tax

<u>Income</u> - Department of Revenue 1% collection fee	Unknown	Unknown	Unknown
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ESTIMATED PARTIAL NET EFFECT ON GENERAL REVENUE FUND**	(\$0 to \$770,000)	(\$0 to \$770,000)	(\$0 to \$770,000)
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* Subject to Appropriation.
 ** Does not include unknown collection fee revenue.

CRIMINAL RECORDS SYSTEM FUND

Peace Officer Standards and Training

<u>Costs</u> - Department of Public Safety			
Salaries	(\$17,230)	(\$21,193)	(\$21,723)
Fringe Benefits	(6,615)	(8,136)	(8,339)
Expense and Equipment	(3,727)	(690)	(692)
Total	(\$27,572)	(\$30,019)	(\$30,754)

<u>Income</u> - Department of Public Safety			
Fingerprint Searches	\$49,210	\$49,210	\$49,210

ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND	\$21,638	\$19,191	\$18,456
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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Law Enforcement Districts

LAW ENFORCEMENT DISTRICT FUND

<u>Income</u> to Law Enforcement Fund from property tax collections	Unknown	Unknown	Unknown
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Costs to Law Enforcement Fund
 From funding of law enforcement related activities. (Unknown) (Unknown) (Unknown)

ESTIMATED NET EFFECT TO LAW ENFORCEMENT FUND* \$0 \$0 \$0

***This proposal is permissive. Oversight assumes that Law Enforcement Districts costs would not exceed income which would result with either an annual zero fiscal impact or a positive unknown fund balance.**

Jail Districts: Sales Tax

LOCAL GOVERNMENTS

Income - Regional Jail Districts
 Sales Tax Trust Fund Unknown Unknown Unknown

Cost - Regional Jail Districts
 Operations (Unknown) (Unknown) (Unknown)

ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS* \$0 \$0 \$0

***Oversight assumes this proposal to be permissive. Jail Districts whose governing body would submit to the voters the question of implementing a local sales tax would have election cost. Oversight assumes that costs would not exceed income resulting in either zero or positive fund balances.**

FISCAL IMPACT - Local Government FY 2001 FY 2002 FY 2003
 (continued) (10 Mo.)

County Crime Reduction Fund

COUNTY CRIME REDUCTION FUND

Income to County Crime Reduction Fund \$0 to \$0 to \$0 to
 from fines, county , federal matching funds Unknown Unknown Unknown

Cost to County Crime Reduction Fund

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for supplementing criminal Investigations and Prosecutions (\$0 to Unknown) (\$0 to Unknown) (\$0 to Unknown)

ESTIMATED NET EFFECT TO COUNTY CRIME REDUCTION FUND* \$0 \$0 \$0

***Oversight assumes this provision is permissive and annual costs would not exceed income, therefore, fiscal impact would be either zero or a positive fund balance.**

FISCAL IMPACT - Small Business

Law Enforcement Districts

No direct fiscal impact to small business would be expected as a result of this proposal; however, should a small business be located within the boundaries of a district, that business would have additional property taxes to pay.

Jail Districts: Sales Tax

Small business located within a Regional Jail District, that would receive voter approval to impose a sales tax would expect to be fiscally impacted to the extent that they would collect and pay the sales tax within those districts.

County Sheriffs' Certification

The proposal may impact the volume of training conducted and income generated, by the Missouri Sheriff's training academy.

DESCRIPTION

Disciplinary Hearings

This proposal would set guidelines for hearings by grievance committees relating to the discipline of certain law enforcement officers, with which law enforcement agencies would be required to comply in the absence of similar procedures that are already in effect.

Death and Burial Benefits

This proposal establishes a death and burial benefit for certain public safety officers who are killed in the line of duty. The benefits are in addition to any workers' compensation settlements.

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Payment will be given first to the spouse of the officer. If no spouse exists, the benefit will be given to any eligible child.

The amount of the death benefit will be a lump sum of \$100,000. The amount of burial benefit will be up to \$10,000. Both amounts are subject to appropriation.

Law Enforcement Districts

This act would allow the creation of law enforcement districts in any non-charter county of the first class with a population less than fifty thousand to fund, promote and operate projects relating to law enforcement. Ten percent of the registered voters in a district may file a petition in circuit court requesting the creation of a district. The act sets forth the requirements and court procedure regarding the petition. A Board of Directors consisting of five elected members shall govern each law enforcement district. A district may impose a property tax if approved by voters. The act outlines the legal powers of a law enforcement district, including the powers to contract, borrow money and coordinate efforts with state and local agencies.

Jail Districts: Sales Tax

This proposal would authorize Regional Jail Commissions to have a 1/8%, 1/4%, 3/8% and 1/2% regional sales tax for the purpose of operating a Regional Jail District, if approved by qualified voters of the district. The proposal contains further provisions, which include: ballot language; implementation and effective date of the tax depositing revenue; use of funds collected; and establishment of the Regional Jail District Sales Tax Trust Fund and its operation. The provisions of this proposal will expire August 28, 2015.

DESCRIPTION (continued)

Peace Officer Standards and Training

This proposal would make several changes to Peace Officers Standards and Training certification requirements.

County Crime Reduction Fund

Allows the creation of a County Crime Reduction Fund to be governed by a board and to supplement the cost of criminal investigations or prosecutions. As a condition of probation, the court may require a contribution to the fund not to exceed \$1,000 for a misdemeanor.

This legislation is not federally mandated, would not duplicate any other program, and would not

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require additional capital improvements or rental space.

County Sheriffs' Certification

This act changes the training and certification requirements for elected sheriffs beginning January 1, 2001. Currently, elected county sheriffs are exempt from Chapter 590, RSMo, requiring minimum training hours, background check and other requirements of certification by the Director of the Department of Public Safety. This act makes elected sheriffs subject to such certification.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Administration
Department of Public Safety
 Director's Office
 Missouri State Highway Patrol
 Missouri Capitol Police
 Missouri State Water Patrol
 Division of Fire Safety
 Missouri National Guard
 Office of Adjutant General
 Peace Officers Standards and Training
Department of Natural Resources
Department of Corrections
Department of Conservation

SOURCES OF INFORMATION (continued)

Department of Transportation
Office of the Attorney General
Department of Revenue
Department of Labor and Industrial Relations
Jefferson City Police Department
Kansas City Police Department
City of Kirksville
City of St. Joseph
City of Independence
City of Blue Springs
Cole County Clerk

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A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA
Director
May 9, 2000