

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1344-03
Bill No.: SS for SCS for SB 351 with HCA 1
Subject: Peace Officer Standards and Training
Type: Original
Date: May 9, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Conservation, Office of the State Courts Administrator,** and the **Department of Public Safety** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation from this year, officials from the **Office of Prosecution Services** assumed this proposal would not fiscally impact their agency.

In response to a similar proposal from last session, officials from the **Department of Public Safety - Peace Officer Standards and Training** assumed this legislation would not fiscally impact their agency.

Officials from the **Department of Health (DOH)** state that this proposal would not affect them because curriculum for domestic violence and family violence training for peace officers has already been implemented. No new duties for DOH would occur.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those cases arising where indigent persons were charged with a B Misdemeanor for fraudulently holding a peace officer commission. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Department of Public Safety's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 32 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 48 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal would be \$1,968, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

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 request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

In response to similar legislation from this year, officials from the **Department of Natural Resources (DNR)** stated the legislation addresses the level of certified training requirements for peace officers, certified reserve officers, & reserve officers.

The DNR stated that their 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 their department.

The legislation requires the DNR to notify, within 30 days, the POST Commission of all departures from employment of commissioned peace officers, indicating in certain situations.

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. The DNR already incurs the cost of the criminal background checks when sending applicants to the peace officer certification program.

In response to similar legislation from this year, officials from the **Jefferson City Police Department** assumed that while there would be savings in their general revenue funded expenditures, the amount of that saving would be dependent on levels and availability of training. This varies during fiscal years. If enacted, they would be able to increase training for other employees.

Officials from the **Johnson County Sheriff's Department** and the **Boone County Sheriff's Department** each assume this proposal would not fiscally impact their respective agencies.

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 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.

Oversight also assumes changing the time frame for newly elected or reelected sheriffs to give bond to the state with sureties to on or before he or she takes office would not have a fiscal impact to the state, nor to the local political subdivisions.

FISCAL IMPACT - State Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<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.

DESCRIPTION

This proposal revises the training and certification requirements for peace officers, certified reserve officers and reserve officers.

Beginning January 1, 2003 any sheriff who does not hold a valid peace officer license shall refrain from personally executing any of the police powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. A sheriff may, however, administer the execution of police powers through duly commissioned deputy sheriffs. Exceptions to this include first term sheriffs during their first twelve months and the sheriff of St. Louis County.

Any excess funds resulting from the one dollar surcharge collected in criminal cases, payable to the Peace Officers Standard and Training Fund (POST), shall be used to pay for additional training of peace officer or other local law enforcement personnel. The proposal adds new definitions to distinguish between peace officers and reserve officers.

Commissioned peace officers must hold valid peace officer licenses. The Director of the Department of Public Safety shall establish classes of peace officers, some which may not be valid for commission within certain counties or by certain agencies. The proposal lists exceptions to licensing requirement, such as persons with no power of arrest. POST shall establish minimum standards for basic training and qualifications. POST shall also set minimum requirements for racial profiling training. A license shall automatically expire if the licensee fails to hold a commission for a period of five consecutive years.

DESCRIPTION (continued)

RAS:LR:OD (12/00)

The act requires peace officers to have 470 to 600 hours of training, with exceptions including: 1) up to 1000 hours may be required for commission by state agency; 2) persons validly licensed on effective date of section; 3) peace officers certified and commissioned in a third class county before July 1, 2002 (120 hours, if adopted by political subdivision). Basic training of every peace officer shall include at least 30 hours of training regarding domestic violence cases. The POST commission shall establish continuing education requirements.

The POST commission shall also establish minimum training standards for instructors and training centers. The Director shall license instructors and curricula. The proposal requires fingerprinting of all academy applicants, in order to conduct a criminal history check.

Each law enforcement agency shall notify the Director within 30 days after commissioning any peace officer. The Director may require criminal background checks. The Director shall be notified within 30 days after any licensed peace officer ceases to be commissioned, including whether it was due to a violation of law or regulations, or a failure to meet minimum qualifications.

The proposal lists grounds for discipline of a license, including probation, suspension or revocation, and procedure for review before Administrative Hearing Commission. The proposal allows immediate suspension when any licensee has endangered the public, and provides due process for the officer. An applicant may be denied for the same reasons as listed for revocation or suspension.

This proposal deletes Sections 590.170 and 590.175 RSMo regarding first-term sheriff training certification.

No arrest shall be deemed unlawful solely due to licensure status of peace officer, and evidence regarding licensure cannot be received in any civil or criminal case. Records of applicants or licensees shall be closed to the public, other than name, licensure status and commissioning or employing agency. In any investigation or hearing pursuant to Chapter 590, RSMo, the Director may discover any records relating to applicant or licensee, regardless of any statutory or common law privilege.

It shall be a Class B misdemeanor to hold a commission without a valid license, or to violate any provision of Chapter 590, RSMo. Any law enforcement agency that commissions a peace officer in violation of Chapter 590, RSMo, shall not be eligible to receive state or federal funds for training of peace officers or for any other criminal justice purpose.

DESCRIPTION (continued)

RAS:LR:OD (12/00)

The proposal also removes the stipulation that each law enforcement agency shall adopt a policy on race-based traffic stops that provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The proposal also changes the time frame that newly elected or reelected sheriffs must give a bond and sureties to the state from fifteen days from election or appointment, to on or before the date he or she is sworn into office.

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

Missouri Department of Conservation
Department of Health
Office of the Secretary of State
Office of the State Public Defender
Office of Prosecution Services
Office of the State Courts Administrator
Department of Public Safety
Department of Natural Resources
Jefferson City Police Department
Johnson County Sheriff
Boone County Sheriff

NOT RESPONDING: **St. Louis Metropolitan Police Department, Kansas City Police
Jackson County Sheriff, St. Louis County Sheriff**



Jeanne Jarrett, CPA
Director

May 9, 2001