

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0461S.06P  
 Bill No.: Perfected SS for SCS for SB Nos. 53 & 60  
 Subject: Boards, Commissions, Committees, and Councils; Cities, Towns, and Villages;  
 Law Enforcement Officers and Agencies; Counties; County Government; Crimes  
 and Punishment  
 Type: Original  
 Date: March 24, 2021

Bill Summary: This proposal modifies provisions relating to law enforcement officers.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	(\$2,016,137)	(\$2,085,904)	(\$2,088,419)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$2,016,137)</b>	<b>(\$2,085,904)</b>	<b>(\$2,088,419)</b>

\*Costs include 24,145 POST-certified peace officers in Missouri meeting with a program service provider (\$300 per) every 4 years, plus the cost of 2 new Department of Public Safety employees.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
988 Public Safety Fund*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Revenue and expenses assumed to net to zero. Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue – DPS	1 FTE	1 FTE	1 FTE
988 Public Safety Fund - DPS	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

## FISCAL ANALYSIS

### ASSUMPTION

§§84.400, 84.575, 563.015, 566.145, 590.070 & 590.075

In response to a previous version and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of Sexual Conduct in the Course of Public Duty, a class E felony. Section 566.145 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD 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 SPD for fiscal note purposes.

In response to a previous version, officials from the **Department of Corrections**, the **Department of Public Safety's Office of the Director** and the **Missouri Highway Patrol** each assumed 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.

In response to a previous version, officials from the **City of Bland**, the **City of Corder**, the **City of O'Fallon**, **St. Louis City**, **Boone County** and the **Kansas City Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** assumes these changes may have a potential indirect impact but Oversight assumes these changes will not have a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§546.265 – Privileged communications in criminal matters

In response to similar legislation from this year (SB 312) officials from the **Missouri Highway Patrol** and the **Office of the State Public Defender** each assumed 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.

In response to similar legislation from this year (SB 312) officials from the **Columbia Police Department**, the **Crestwood Police Department**, the **Kansas City Police Department**, the

**Lake St. Louis Police Department**, the **Springfield Police Department** and the **Tipton Police Department** each assumed 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.

§565.240 – Unlawful posting of certain personal information over the internet

Officials from the **Department of Corrections** state §565.240 introduces a new class E felony.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

DOC estimates a cost of \$6,463 in FY 2022 and roughly \$16,000 per year thereafter.

**Oversight** has requested information regarding this section of the proposal. Upon the receipt of this information, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note if needed.

§590.030 – Peace officer licensure

In response to similar legislation from this year (SB 289) 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 **Crestwood Police Department**, the **Kansas City Police Department** and the **Walnut Grove Police Department** each assumed 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.

Bill as a Whole

Officials from the **Attorney General’s Office**, the **Office of the State Courts Administrator** and the **Missouri Office of Prosecution Services** 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.

### Rule Promulgation

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

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 request funding through the appropriation process.

Officials from the **City of Claycomo**, the **City of Kansas City**, the **City of Springfield**, the **St. Joseph 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 cities, counties and local law enforcement agencies 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.

### Senate Amendment 1 - §57.280 – Collection fees for sheriffs regarding eviction proceedings

In response to similar legislation from this year (SB 404) officials from the **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for OSCA.

In response to similar legislation from this year (SB 404) officials from the **City of Claycomo**, the **City of Corder**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield** and

**Jackson County** each assumed 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** notes according to tables 30 & 36 of the OSCA's Statistical Annual Report Supplement, a 5 year average (2015-2019) shows there were 10,222 cases filed annually for landlord actions. Oversight is unclear how many of those actions relate to evictions. Oversight assumes this proposal would allow sheriffs to receive up to \$50 for service of any summons, writ, or other order of the court in connection with any eviction proceeding which would increase revenues for county funds. Therefore, Oversight will reflect a \$0 or unknown positive fiscal impact to county funds from this proposal.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties and sheriff 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.

#### Senate Amendment 2 - §590.192 – Mental health programs for law enforcement officers

In response to similar legislation from this year (SB 551) officials from the **Department of Public Safety - Office of the Director (DPS)** stated this proposal establishes a new program, the "Critical Incident Stress Management Program" within the Department of Public Safety. In order to accomplish the many duties and responsibilities required under this bill, the DPS will need one (1) Program Manager. Additionally, this proposal establishes a new fund, 988 Public Safety Fund, to support the services provided for peace officers under subsection 1. In order to manage the new fund, the DPS is requesting one (1) FTE Program Specialist.

**Oversight** notes §590.192 creates the "Critical Incident Stress Management Program". The program will provide services to peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. All peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer's commanding officer when the check-in is complete. It also creates the 988 Public Safety Fund to be used solely by DPS for the purpose of providing services for peace officers affected by a critical incident.

**Oversight** contacted the POST commission to determine the number of licensed peace officers in Missouri. POST stated the total number of licensed and commissioned peace officers in the state is 24,145. This number includes working and not-currently working officers. Of this number, 14,836 are working full-time and 1,799 are reserve (part-time) officers. Because this legislation states all peace officers, Oversight will use the 24,145 number to determine a fiscal impact. At a cost of \$300 per visit (estimated by the MHP), Oversight will reflect costs of \$7,243,500 over a four-year period  $[(24,145 * 300)/4 = \mathbf{\$1,810,875}]$ , plus FTE costs as presented by DPS.

Additionally, Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. Oversight assumes all appropriated moneys, if any, will be expended in the same year on services such as consultation, risk assessment, education, intervention, and other crisis intervention services. For fiscal note purposes, Oversight assumes expenses and services provided under this proposal will equal income and net to zero.

In response to similar legislation from this year (SB 551) officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated the Patrol currently provides counseling services to their peace officers who are involved in a critical incident like those described in 590.192.1 of this bill. Section 590.192.2 of this bill mandates all peace officers meet with a program service provider once every three to five years. Currently, the Patrol has 1,339 total peace officers, this includes members, Gaming officers, DDCC, and CVOs. This bill would require 447 (1,339 officers divided by 3) officers per year to meet with the program service provider. At an estimated cost of \$300 per visit, there will be a total expense per year of \$134,100.

In response to similar legislation from this year (SB 551) officials from the **Attorney General's Office**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Office of the State Treasurer**, the **Kansas City Police Department**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assumed 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.

Senate Amendment 2 (cont.) - §590.1265 – Police Use of Force Transparency Act

In response to similar legislation from this year (HCS for HB 998) officials from the **Department of Public Safety - Office of the Director (DPS)** stated in order to receive and analyze use of force data under this new language, the DPS is requesting one (1) FTE Research/Data Analyst. The department will also need ITSD assistance in order to set up a system to receive information and put it into a format to analyze for reporting purposes.

**Oversight** will adjust the fiscal impact provided by the DPS to 6 months for FY 2022.

In response to similar legislation from this year (HCS for HB 998) officials from the **Attorney General's Office**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police and Missouri Highway Patrol)** the **Department of Social Services**, the **Kansas City Police Department** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from this year (HCS for HB 998) officials from the **Missouri Department of Conservation** 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 for these agencies.

In response to similar legislation from this year (HCS for HB 998) officials from **the St. Louis County Police Department** stated the proposed legislation would require the Department to collect various types of data from use of force incidents to submit to the Department of Public Safety. While the Department currently reports any uses of force resulting in fatalities or serious injury to the FBI's National Use of Force Data Collection, the proposed legislation does not specify if additional information would need to be collected for other types of uses of force. This may become problematic if some of the information that would need to be collected for the DPS is not already tracked by the Department. If this were the case, the Department would need to devote additional time, training, and resources in order to develop and utilize new methods to track the required information. Therefore, without knowing the specific information that the Department is required to report to the DPS, it is impossible to determine an estimated cost on the proposed legislation.

**Oversight** notes the provisions of this bill require the DPS to establish and operate a system to intake and report on use-of-force incidents consistent with the Federal Bureau of Investigation's National Use of Force Data Collection. Therefore, Oversight assumes the St. Louis Police Department will be able to implement the provisions within the proposal with existing resources.

**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.

#### Senate Substitute Amendment 4 - §84.575

**Oversight** assumes the proposal will have no fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note.



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<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
DOC - §565.240 – new class E felony for posting information p.4	(\$6,463)	(\$15,822)	(\$16,139)
<u>Transfer Out – to the 988 Public Safety Fund (§590.192) p. 6</u>	(\$1,961,980)	(\$1,987,401)	(\$1,988,953)
<u>Costs – DPS</u> (\$590.1265) Administer the Use of Force Act			
Personal services	(\$23,085)	(\$46,632)	(\$47,098)
Fringe benefits	(\$13,761)	(\$27,678)	(\$27,836)
Equipment & expense	(\$3,348)	(\$871)	(\$893)
IT Development/ database cost	(\$2,000)	(\$2,000)	(\$2,000)
Tableau License	(\$5,500)	(\$5,500)	(\$5,500)
<b>Total Costs – DPS</b>	<b>(\$47,694)</b>	<b>(\$82,681)</b>	<b>(\$83,327)</b>
FTE Change-DPS	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>(\$2,016,137)</b>	<b>(\$2,085,904)</b>	<b>(\$2,088,419)</b>
Estimated Net FTE Change to the General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>988 PUBLIC SAFETY FUND</b>			
<u>Transfer In</u> – from General Revenue	\$1,961,980	\$1,987,401	\$1,988,953
<u>Costs</u> – DPS (§590.192) Administer 988 Public Safety Fund p. 7			
Personal services	(\$93,090)	(\$112,825)	(\$113,953)
Fringe benefits	(\$51,318)	(\$61,958)	(\$62,339)
Equipment and expense	(\$6,697)	(\$1,743)	(\$1,786)
<u>Total Costs</u> – DPS	(\$151,105)	(\$176,526)	(\$178,078)
FTE Change – DPS	2 FTE	2 FTE	2 FTE
<u>Costs</u> – Officer evaluation/check-in	(\$1,810,875)	(\$1,810,875)	(\$1,810,875)
<b>ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change to the 988 Public Safety Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>COUNTY FUNDS</b>			
<u>Revenue</u> – increase in fees collected by sheriffs relating to summons, writ, or other order of the court for evictions (§57.280) p. 5	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON COUNTY FUNDS</b>	<u>Unknown</u>	<u>Unknown</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

§57.280

Under current law, sheriffs who serve any summons, writ, or other order of the court may collect fees in civil cases. These court fees are collected by the court clerk and held in certain state and local funds.

This act provides that a charge of up to \$50 may be received by a sheriff for service of any summons, writ, or order for an eviction proceeding. All charges shall be collected by the sheriff prior to the service being rendered and paid to the county treasurer. The funds shall be held in a fund established by the county treasurer and may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.

§590.192

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event.

This act provides that all peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used

as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

This act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

#### §590.1265

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By October 31, 2021, the Department of Public Safety must develop standards and procedures governing the collecting and reporting of the data. The Department of Public Safety must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department of Public Safety must analyze trends and disparities in the data and report the findings and make the report available to the public no later than June 30, 2025. The provisions of this bill have a delayed effective date of March 1, 2022.

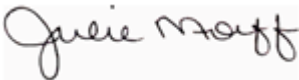
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

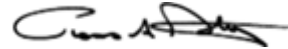
Attorney General's Office  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Capitol Police  
Department of Social Services  
Missouri Department of Conservation  
Office of the State Treasurer  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Office of the State Public Defender  
Department of Corrections  
Missouri Office of Prosecution Services  
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Missouri Highway Patrol  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
City of Bland  
City of Claycomo  
City of Corder  
City of Kansas City  
City of O'Fallon  
City of Springfield  
St. Louis City  
Boone County  
Columbia Police Department  
Crestwood Police Department  
Lake St. Louis Police Department  
Springfield Police Department  
Tipton Police Department  
Walnut Grove Police Department



Julie Morff  
Director  
March 24, 2021



Ross Strobe  
Assistant Director  
March 24, 2021