

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1947-03
Bill No.: HB 1213
Subject: Law Enforcement Officers and Agencies; Boards, Commissions, Committees, and Councils
Type: Original
Date: April 10, 2017

Bill Summary: This proposal establishes the “Fourth Amendment Affirmation Act.”

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue	(Less than \$100,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Highway	(Up to \$50,000)	\$0	\$0
Conservation Commission	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on Other State Funds	(Less than \$150,000)	(Less than \$100,000)	(Less than \$100,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state there is additional information that would need to be collected such as the disability status of the individual, the English language proficiency of the individual, if a mental health professional was consulted, and if the driver was handcuffed before an arrest. Some of these, if not all, are currently captured in the narrative portion of reports but would need to be mandatory reporting to be compliant with the proposed legislation. Additionally, all reporting information on pedestrian stops would need to be added as we do not currently capture this data.

The following programming would be required to change/add the necessary fields and/or picklists to the field reporting forms to collect the necessary data to report. The interface between the field reporting application and the records management system would need to have programmatic changes to pass the necessary data to the records management system. The records management system would need to be modified to accept the new fields and data required to report the statistics. The reports and statistics analysis would also need to be changed to reflect and report the new data that is being collected and reported.

Highway Patrol IT Staff (250 hours @ \$60)	\$15,000
AFR modification - 100 hours	
NICHE modification and report modifications - 100 hours	
Database and interface changes - 50 hours	
 Vendor Staff Time (175 hours @ \$200)	 \$35,000
FatPot hours - 100 hours	
NICHE hour - 75 hours	
 Total	 \$50,000

Oversight assumes that the MHP could potentially absorb some of the internal IT costs. Therefore, Oversight will reflect the cost as “Up to” the estimate provided by MHP.

Officials from the **Department of Public Safety - Office of the Director (DPS)** state there will be cost in developing the course outlined within subsection 590.650.1, but we do not know how much it will cost to consult with “...appropriate groups and individuals having an interest and expertise in the field of implicit bias, fair and impartial policing, civil rights, cultural awareness, and diversity.” This could require several meetings with several groups. Including this, with the cost to develop a training program we are not able to ascertain a definitive fiscal impact. Thus,

ASSUMPTION (continued)

DPS assumes a cost of unknown, under \$100,000 in FY 2018 to the General Revenue Fund.

Officials from the Attorney General's Office (AGO) did not respond to our request for fiscal impact. Therefore, **Oversight** will assume the AGO could implement the changes in this proposal with existing resources.

Officials from the **Department of Social Services - State Technical Assistance Team** and the **Department of Natural Resources** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Department of Conservation (MDC)** assume an unknown cost of less than \$100,000 for training and staff time for reporting requirements.

Officials from the **Springfield Police Department** state this would have a dramatic fiscal impact to their agency in staff time, and it is not possible to determine an amount. This bill is essentially asking for a police report on every single citizen contact, and the information being required to far too extensive to be captured on a "form" in the same manner as the Vehicle Stop data currently required by the state and submitted to the Attorney General by this agency.

Officials from the Boone County Sheriff's Department, the Columbia Police Department, the Platte County Sheriff's Department, the St. Joseph Police Department, and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
GENERAL REVENUE			
<u>Costs</u> - DPS - to implement provision of the proposal and develop a training program	(Less than <u>\$100,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u>	FY 2018	FY 2019	FY 2020
(continued)	(10 Mo.)		

HIGHWAY FUND

<u>Costs</u> - MHP - IT costs to implement the proposal	<u>(Up to \$50,000)</u>	<u>\$0</u>	<u>\$0</u>
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ESTIMATED NET EFFECT TO THE HIGHWAY FUND	<u>(Up to \$50,000)</u>	<u>\$0</u>	<u>\$0</u>
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CONSERVATION COMMISSION FUND

<u>Cost</u> - MDC - training and staff time for reporting requirements	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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ESTIMATED NET EFFECT TO THE CONSERVATION COMMISSION FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2018	FY 2019	FY 2020
	(10 Mo.)		

LOCAL LAW ENFORCEMENT

<u>Costs</u> - Police Departments and Sheriff's Departments - additional training and reporting requirements	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL LAW ENFORCEMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill requires every law enforcement agency in Missouri to adopt a policy prohibiting unlawful policing that provides for appropriate counseling and training for any peace officer found to have engaged in unlawful policing.

The bill also specifies what a peace officer must report each time he or she stops a driver of a motor vehicle or completes a pedestrian stop, what each law enforcement agency shall do with the data it receives from its peace officers, and what the Attorney General shall do with the data received from each law enforcement agency, as well as what the Attorney General shall require of law enforcement agencies that report significant disproportions.

The bill specifies that each law enforcement agency with more than 50 peace officers shall create a community partnership and comply with requirements specified in the bill. If a law enforcement agency fails to comply with the requirements for three consecutive years, the Attorney General shall order the jurisdiction or governing body the law enforcement agency serves to forfeit 10% of its annual general operating revenue received from fines, bond forfeitures, and court costs for traffic violations. The penalty shall continue until such time as the requirements are met.

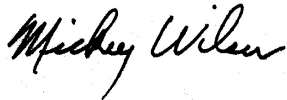
The bill specifies that all law enforcement agency training shall be in accordance with Police Officer Standards and Training (POST) commission standards, and it specifies that POST shall develop and disseminate guidelines and training for peace officers.

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

Department of Public Safety
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Springfield Police Department

NOT RESPONDING:
Attorney General's Office

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 10, 2017

Ross Strobe
Assistant Director
April 10, 2017