

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0497-01  
Bill No.: HB 41  
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Criminal Procedure  
Type: Original  
Date: December 16, 2016

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Bill Summary: This proposal specifies that if charges are filed against a law enforcement officer based on a officer-involved shooting, the judge must appoint a special prosecutor.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

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

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

☐ 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
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of Prosecution Services (OPS)** state the proposal would have no measurable fiscal impact on their agency. In response to a similar proposal from 2016 (HB 1560), OPS stated the proposal would have an unknown negative fiscal impact on the budgets of county prosecuting attorney's office by requiring funds to be paid to special prosecutors.

Officials from the **Office of the State Courts Administrator** and the **Department of Public Safety - Missouri Highway Patrol** each assume no fiscal impact from the proposal.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from **Callaway County** state this will have a minor impact on their county.

In response to a similar proposal from 2016 (HB 1560), officials from **St. Louis County** stated the costs from this could vary greatly and is based on who the court appoints as a special prosecutor. If it is a private attorney it could be \$250+ an hour and depending the case, which could be hundreds of hours plus expenses of expert witnesses. It is difficult to determine the costs because there are many unknown variables.

Officials from Boone County, Cass County, Clay County, Greene County, and Jackson County did not respond to **Oversight's** request for fiscal impact.

**Oversight** will range the fiscal impact to local political subdivisions from \$0 (no officer-involved shootings to be investigated/prosecuted or the judge appoints a current prosecutor of a county or St. Louis City) to an unknown amount of expense. The expense can vary greatly by political subdivision depending on the circumstances such as number of officer-involved shootings, who is appointed and the amount of the fee.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2018  
(10 Mo.)

FY 2019

FY 2020

**LOCAL POLITICAL SUBDIVISIONS**

Costs - for special prosecutors assigned to investigate and/or prosecute officer-involved shootings

\$0 or  
(Unknown)

\$0 or  
(Unknown)

\$0 or  
(Unknown)

**ESTIMATED NET EFFECT TO  
LOCAL POLITICAL SUBDIVISIONS**

**\$0 or  
(Unknown)**

**\$0 or  
(Unknown)**

**\$0 or  
(Unknown)**

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 the appropriate court judge to appoint a special prosecutor when the prosecutor in any county or St. Louis City files charges or receives a complaint against a law enforcement officer from actions arising out of an officer-involved shooting. The special prosecutor must take over prosecutorial duties until the final disposition of the case.

The appropriate court judge may appoint any attorney licensed in Missouri as special prosecutor. If the special prosecutor is a prosecutor in any county or St. Louis City, then the attorney will receive no additional compensation for serving as a special prosecutor. If the special prosecutor is not a prosecutor in any county or St. Louis City, then the attorney will receive a reasonable fee for serving as special prosecutor. The fee will be determined by the judge appointing the attorney and will be paid by the office of the prosecutor in the jurisdiction in which the complaint or charge is filed.

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

Office of Prosecution Services  
Department of Public Safety  
Attorney General's Office  
Office of the State Courts Administrator  
Callaway County  
St. Louis County



Mickey Wilson, CPA  
Director  
December 16, 2016

Ross Strobe  
Assistant Director  
December 16, 2016