

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1031S.02C
Bill No.: SCS for SB 74
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies
Type: Original
Date: March 7, 2021

Bill Summary: This proposal modifies provisions relating to hate crimes against law enforcement officers and first responders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$47,694)	(\$82,681)	(\$83,327)
Total Estimated Net Effect on General Revenue	(\$47,694)	(\$82,681)	(\$83,327)

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

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§590.1265 – Establishes the Police Use of Force Transparency Act

Officials from the **Department of Public Safety’s Office of the Director (DPS)** state in order to receive and analyze use of force data under this new language, the DPS is requesting a one (1) full-time 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 notes the provisions of this bill have a delayed effective date of January 1, 2022. Therefore, Oversight will adjust the fiscal impact provided by the DPS to 6 months for FY 2022.

Officials from the **St. Louis County Police Department** state the proposed legislation would require the Department to collect various types of data from use of force incidents to submit to the National Incident Use of Force Data Collection portal and 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.

Officials from the **Fruitland Area Fire Protection District** assume a positive impact for law enforcement and first responders. The reporting system component is needed to compile data for future legislation as well as data for development of training programs to better train responders for recognition and situational awareness of incidents where threats to their well-being would be a factor.

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.

Bill as a Whole

Officials from the **Office of the State Courts Administrator**, the **Attorney General's Office**, the **Department of Corrections**, the **Department of Natural Resources**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Department of Public Safety's Division of Fire Safety and Capitol Police**, **State Emergency Management Agency** and **Missouri Highway Patrol** 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.

Officials from the **Clay County Sheriff's Office**, the **Kansas City Police Department** and the **St. Joseph 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.

Officials from the **Crestwood Police Department** and the **Ellisville 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 law enforcement agencies and fire protection districts 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DPS – (\$590.1265)</u>			
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)
<u>Total Costs – DPS</u>	<u>(\$47,694)</u>	<u>(\$82,681)</u>	<u>(\$83,327)</u>
FTE Change – DPS	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$47,694)</u>	<u>(\$82,681)</u>	<u>(\$83,327)</u>
Estimated Net FTE Change to the General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (6 Mo.)	FY 2023	FY 2024
	<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.

FISCAL DESCRIPTION

This act modifies provisions relating to law enforcement officers.

HATE OFFENSES (Section 557.035)

Under current law, all violations of third degree assault, first degree harassment, property damage over \$750, and certain unlawful use of a weapon offenses, can be charged as Class D felonies if the state believes the offense was motivated because of race, color, religion, national origin, sex, sexual orientation or disability. This act adds employment as a law enforcement officer or first responder to the list of protected classes.

Under current law, all violations of fourth degree assault, second degree property damage, first degree trespass, and rioting, can be charged as Class E felonies if the state believes the offenses was motivated because of race, color, religion, national origin, sex, sexual orientation or disability. This act adds employment as a law enforcement officer or first responder to the list of protected classes and repeals the offense of tampering with property for the purpose of causing substantial inconvenience.

POLICE USE OF FORCE (Section 590.1265)

This act establishes the "Police Use of Force Transparency Act of 2021."

Starting January 1, 2022, each law enforcement agency shall, at least annually, collect and report local data on use-of-force incidents involving peace officers to the National Use of Force Data Collection through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation (FBI). Use-of-force incidents shall include fatalities and serious physical injuries that are connected to the use of force by an officer.

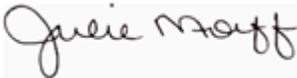
Additionally, each law enforcement agency shall submit such information to the Department of Public Safety. The personally identifying information of individual peace officers shall not be included in the reports. The Department of Public Safety shall, no later than October 31, 2021, develop standards and procedures governing the collection and reporting of use-of-force data. The standards shall be consistent with the requirements, definitions, and methods of the National Use of Force Data Collection administered by the FBI.

The Department of Public Safety shall publish the data reported by law enforcement agencies in a publicly available report at least annually starting January 30, 2023. Finally, the Department of Public Safety shall undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies, with a report to be released to the public no later than June 30, 2025. The report shall be updated at least every five years.

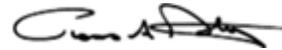
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Attorney General's Office
Department of Corrections
Department of Natural Resources
Department of Social Services
Missouri Department of Conservation
Department of Public Safety
 Division of Fire Safety
 Capitol Police
 State Emergency Management Agency
 Missouri Highway Patrol
Crestwood Police Department
Clay County Sheriff's Office
Ellisville Police Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
Fruitland Area Fire Protection District



Julie Morff
Director
March 7, 2021



Ross Strobe
Assistant Director
March 7, 2021