

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3046-01
Bill No.: HB 1110
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Real and Personal Property
Type: Original
Date: February 24, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol, – Division of Fire Safety, – Missouri State Water Patrol, – Capitol Police, Office of the State Public Defender, Boone County Sheriff's Department, and the Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal will not have a significant direct fiscal impact on county prosecutors, although it may lead to an increase in prosecutions/caseloads.

Officials from the **St. Louis Metropolitan Police Department (SLMPD)** assume the proposal could have a fiscal impact on their agency. Section 563.072.4 could create an expense for the SLMPD if it is sued for criminal prosecution.

ASSUMPTION (continued)

Oversight assumes, based on the responses received from other law enforcement agencies, that the St. Louis Metropolitan Police Department could absorb any fiscal impact within existing resources.

Officials from the **Kansas City Police Department** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal (HB 1103, LR # 3170-01), officials assumed the proposal would have no fiscal impact on their agency.

Officials from the Columbia Police Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, and the St. Louis County Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<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

The proposed legislation specifies that a person with the lawful right to be in a dwelling, residence, or vehicle, who has a reasonable fear of imminent peril of death or physical injury to oneself or another, may use defensive force that is likely to cause death or physical injury to another when: (1) the person against whom the defensive force was used had unlawfully or forcefully entered or attempted to enter or remove another person from a dwelling, residence, or vehicle; or (2) the person using defensive force knew or had reason to believe that an unlawful and forcible entry or act had occurred.

Deadly force may also be used if a person reasonably believes that it is necessary to protect oneself or another against the imminent use of unlawful force or to prevent the imminent commission of a forcible felony. These uses are justified and provide the person using defensive force immunity from criminal prosecution and any civil actions.

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 State Courts Administrator

Department of Public Safety

- Missouri State Highway Patrol
- Division of Fire Safety
- Missouri State Water Patrol
- Capitol Police

Office of Prosecution Services

Office of the State Public Defender

Boone County Sheriff's Department

Kansas City Police Department

Springfield Police Department

St. Louis Metropolitan Police Department

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NOT RESPONDING

**Columbia Police Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Police Department**

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

Mickey Wilson, CPA
Director
February 24, 2006