

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3822-01
Bill No.: HB 1375
Subject: Courts; Crimes and Punishment; Housing; 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, 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 would have no fiscal impact on their agencies, although it may lead to an increase in prosecutions and caseloads.

Officials from the **Office of the State Public Defender** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the current session (HB 1103, LR # 3170-01), officials assumed the proposal would have no fiscal impact on their agency.

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.

ASSUMPTION (continued)

Officials from the **St. Louis Metropolitan Police Department (SLMPD)** did not respond to Oversight's request for fiscal impact. However, in response to a similar proposal from the current session (HB 1103, LR # 3170-01), officials assumed the proposed legislation could have a fiscal impact on their agency if they are sued for "criminal prosecution." Without any history, SLMPD is unable to provide an estimate.

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 Columbia Police Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, and 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 creates a presumption that a person using defensive force that is intended or is likely to cause great bodily harm to another person had reasonable fear of imminent peril of death or great bodily harm if the person against whom the defensive force was used was unlawfully and forcefully entering or removing a person against his or her will from a dwelling, residence, or occupied vehicle. The presumption is also created when the person who used defensive force had reason to believe that an unlawful and forcible act was occurring or had occurred. The presumption justifies the force used by the person and allows immunity from criminal prosecution for the use of this force.

The presumption does not apply if: (1) the person against whom the defensive force was used has a right to be in the dwelling, residence, or vehicle; (2) the person sought to be removed is a child or grandchild of the person against whom the defensive force is used; (3) the person who used defensive force is engaged in an unlawful activity; or (4) the person against whom the defensive force is used is a law enforcement officer performing his or her duties.

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
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

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