

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4370-02  
Bill No.: HB 1461  
Subject: Evidence; Housing  
Type: Original  
Date: February 24, 2006

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**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
<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 2007	FY 2008	FY 2009
<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 LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Public Safety – Capitol Police, – Missouri State Highway Patrol, – Missouri State Water 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 will not have a significant direct fiscal impact on county prosecutors, although it may lead to an increase in prosecutions/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 1110, LR # 3046-01), officials assumed the proposal would have no fiscal impact on their agency.

ASSUMPTION (continued)

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 **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 1110, LR # 3046-01), 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><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>
<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></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 allows the justifiable use of deadly force in several new circumstances against persons who pose an imminent threat of harm. The duty to retreat before using either deadly force or mere physical force is not required as long as the person using deadly force or physical force is not unlawfully present at the location where the altercation occurs.

Anyone who takes actions that create a reasonable fear of imminent harm in another person and who unlawfully enters or remains in vehicles, ships, airplanes, churches, schools, government offices, entertainment establishments, public transportation, or any structure where a person lives or conducts business may be subject to the legitimate use of deadly force.

Anyone who uses force in a lawful manner will be immune from both civil and criminal penalties. If anyone sues a person who is ultimately found to have acted lawfully in using defensive force, the plaintiff and his or her attorney must pay court costs and any expenses incurred by the defendant as a result of the lawsuit.

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

- 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

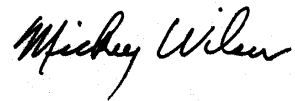
Springfield Police Department

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