

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4370-09
Bill No.: HCS for HBs 1461, 1375, 1110, and 1103
Subject: Evidence; Housing
Type: Original
Date: March 3, 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 – 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>\$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 relates to the use of force:

§563.011 – This section defines certain terms relating to the defense of justification, including dwelling, forcible felony, remain after unlawfully entering, residence, and unlawfully enter.

§563.031 – In addition to current restrictions on the use of force, a person is not justified in using force against another if such person was attempting to commit, committing, or escaping after committing a forcible felony.

In addition to other circumstances when deadly force may be used, a person may use deadly force against an individual who unlawfully enters, remains, or attempts to enter a dwelling, residence, or vehicle lawfully occupied by the person or to protect himself or herself against death, serious injury, or any forcible felony.

This section states that a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not entering or remaining unlawfully.

§563.036 – This section regarding the use of physical force in defense of premises is repealed.

§563.074 – A person who uses justified force is immune from criminal prosecution and civil action for the use of such force. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by the plaintiff if the court finds that the defendant is immune from prosecution.

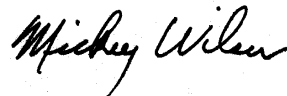
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Public Safety
– Missouri State Highway Patrol
– Director's Office
– Division of Fire Safety
– Capitol Police
Office of Prosecution Services
Springfield Police Department

NOT RESPONDING

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



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Director
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