

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3131-01
Bill No.: HB 1459
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Prisons and Jails
Type: Original
Date: December 30, 2019

Bill Summary: This proposal changes the laws regarding the time a person may be detained upon arrest.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|--|------------|------------|------------|
| FUND AFFECTED | FY 2021 | FY 2022 | FY 2023 |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| 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 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|--|----------|----------|----------|
| FUND AFFECTED | FY 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|-------------------------|-------------------------|-------------------------|
| FUND AFFECTED | FY 2021 | FY 2022 | FY 2023 |
| Local Government | \$0 to (Unknown) | \$0 to (Unknown) | \$0 to (Unknown) |

FISCAL ANALYSIS

ASSUMPTION

§544.170 - Detainment upon arrest

Oversight notes the **Attorney General's Office**, the **Department of Corrections**, the **Department of Public Safety - Missouri State Highway Patrol**, the **Springfield Police Department**, and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct 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 **Boone County Sheriff's Department (BCSD)** state costs would be incurred for housing/detaining a person for each day one is detained based upon being a danger to themselves or others. However, the BCSD will not house persons in the jail based solely upon being a danger to themselves or others without criminal charges. They will be taken to a mental health facility for evaluation.

Officials from the **St. Louis County Police Department (SLCPD)** estimate there will be a need for one hour of retraining, two hours of policy development and review, and three hours of training preparation. The SLCPD has an authorized strength of 1,020 police officers. The average pay for police officers including fringe benefits is \$46.72 an hour. Therefore, the training would cost approximately \$47,888 ($\$47,654.40 + \$93.44 + \140.16).

Oversight notes the cost for the Boone County Sheriff's Department and the St. Louis County Police Department. Oversight is unable to project a statewide cost; therefore, the impact to local governments will be presented as \$0 to (Unknown) for the additional time some arrested persons are kept in custody. Oversight notes the law would allow local law enforcement the flexibility to detain persons beyond 24 hours, but would not require it.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments 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 2021 (10 Mo.) | FY 2022 | FY 2023 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | FY 2021 (10 Mo.) | FY 2022 | FY 2023 |
|---|---------------------|---------|---------|
|---|---------------------|---------|---------|

**LOCAL GOVERNMENT - POLICE
AND SHERIFF'S DEPARTMENTS**

Costs - Police and Sheriff's Departments
 (§544.170) Increased costs to train and
 the development of policy

| | | |
|----------------------------|----------------------------|----------------------------|
| <u>\$0 to</u> (Unknown) | <u>\$0 to</u> (Unknown) | <u>\$0 to</u> (Unknown) |
|----------------------------|----------------------------|----------------------------|

**ESTIMATED NET EFFECT ON
LOCAL GOVERNMENT - POLICE
AND SHERIFF'S DEPARTMENTS**

| | | |
|----------------------------|----------------------------|----------------------------|
| <u>\$0 to</u> (Unknown) | <u>\$0 to</u> (Unknown) | <u>\$0 to</u> (Unknown) |
|----------------------------|----------------------------|----------------------------|

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Currently, a person arrested and confined in jail without a warrant, for any alleged breach of the peace or other criminal offense, or suspicion thereof, must be discharged within 24 hours from the time of arrest. This bill allows a person reasonably believed to be a danger to himself, herself, or others to be detained for 72 hours or until the person is reasonably believed to no longer be a danger, whichever occurs first.


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

Attorney General's Office
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Boone County Sheriff's Department
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services



Julie Morff
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December 30, 2019



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December 30, 2019