

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0592S.04C  
Bill No.: SCS for HCS for HB 59  
Subject: Attorney General; Attorneys; Courts; Courts, Juvenile; Crimes and Punishment;  
Criminal Procedure; Judges; Law Enforcement Officers and Agencies; Internet  
and E-Mail  
Type: Original  
Date: April 19, 2021

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Bill Summary: This proposal modifies provisions relating to public safety.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue*	Could exceed (\$2,484,051)	Could exceed (\$2,421,444 to \$2,553,924)	Could exceed (\$2,427,250 to \$2,559,730)
<b>Total Estimated Net Effect on General Revenue</b>	<b>Could exceed (\$2,484,051)</b>	<b>Could exceed (\$2,421,444 to \$2,553,924)</b>	<b>Could exceed (\$2,427,250 to \$2,559,730)</b>

\*Costs include 24,145 POST-certified peace officers in Missouri meeting with a program service provider (estimated at \$300 per) every 4 years, plus the cost of 2 new Department of Public Safety employees.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
988 Public Safety Fund*	\$0	\$0	\$0
Conservation Commission	(Unknown, less than \$250,000)	(Unknown, less than \$250,000)	(Unknown, less than \$250,000)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Unknown, less than \$250,000)</b>	<b>(Unknown, less than \$250,000)</b>	<b>(Unknown, less than \$250,000)</b>

\*Revenue and expenses assumed to net to zero.

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue (AGO)	2 FTE	2 FTE	2 FTE
General Revenue (DPS)	2 FTE	2 FTE	2 FTE
988 Public Safety Fund – (DPS)	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>6 FTE</b>	<b>6 FTE</b>	<b>6 FTE</b>

- ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

§§84.400, 84.575, 590.070 & 590.075

**SEQ CHAPTER 1** Officials from the **Department of Public Safety (DPS)** assume the following:

The chief executive officer of each law enforcement agency shall, prior to commissioning any peace officer, request a certified copy from the director of all notifications received pursuant to section 590.070 and the director shall provide all notifications stored electronically to the chief executive officer who requested the notifications within three business days after receipt of request. If the director receives any additional notifications regarding the candidate for commissioning within sixty days of a chief executive officer's request under this section, a copy of such notifications shall be forwarded by the director to the requesting chief executive officer within three business days following receipt.

In order to meet the requirement to respond to requests for a certified copy of officer records within three business days, the Department of Public Safety will need an additional 1.00 FTE Program Specialist in order to research the request and pull all of the information together. There is still an issue with pulling older documents that are currently archived as it takes time to receive those records from the State Archives.

In order to facilitate a faster response time in compiling the records, the department is requesting staff and equipment support in order to scan all of the older, archived records so that they are immediately accessible. The department is proposing the use of approximately six part-time individuals to scan the documents. The amount of documents to be scanned is unknown at this time. We left the scanning costs in for all three years but that could vary based upon the actual number of documents.

There are also ITSD-costs in the amount of \$59,180 for purchasing scanners and paying for licenses and operating fees. The Department of Public Safety will need to scan officer records from 1979 through March 1, 2015. This will require the purchase of scanners as well as ITSD services to set up the scanning process and acquire licensing and ongoing SDC costs.

#### One-Time Costs

Scanners (Qty 2): \$20,000 each	= \$40,000 total
Licensing (for each scanner): \$3,600 each	= \$ 7,200 total
Staff Time to Build:	= <u>\$11,500</u>

Total one-time costs	= \$58,700
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#### On-Going Costs

OnBase User Fee (to be able to access the system) = \$20/month/user x 2 = \$480

**Oversight** does not have information to the contrary to that provided by DPS. Therefore, Oversight will reflect DPS's impact for fiscal note purposes. Oversight assumes the six (6) part-time FTE would not be provided fringe benefits and may not be needed past FY 2022 and the state would only pay Social Security and Medicare benefits of 7.65 percent. In addition, Oversight assumes the DPS would not need additional rental space for FTE.

In response to similar legislation from this year, SS for SCS for SBs 53 & 60, officials from the **City of Bland, St. Louis City** and **Boone County** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** assumes these changes may have a potential indirect impact but Oversight assumes these changes will not have a direct fiscal impact. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§211.072 & 547.031 – Modifies provisions relating to criminal procedure

Officials from the **Attorney General's Office (AGO)** state §547.031 provides that the AGO may "appear, question witnesses, and make arguments" in a hearing on a motion brought by a prosecuting attorney or circuit attorney to vacate or set aside a judgement against a previously convicted individual. This section also allows the AGO to intervene in any appeals to a judge's decision made by the prosecuting or circuit attorney or the defendant.

It is impossible to determine how many motions will be filed by prosecutors and the circuit attorney across the state, however, the AGO assumes that there will be a need for at least two senior level assistant attorneys general, one for the eastern and one for the western side of Missouri, to adequately research each case and to defend the state's interest in these motions to vacate or set aside a prior conviction judgement. If there is a significant number of motions brought throughout the state, the need for the AGO staff could be warranted. Therefore, the AGO assumes a **negative fiscal impact of \$259,417 to unknown** in the first full year fiscal year of this policy's enactment, with costs ongoing into perpetuity.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the AGO.

In response to similar legislation from this year (SCS for SB 440), officials from **Office of the State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes the number of cases disposed for juveniles certified in adult court and committed to the Division of Youth Services each year in the following table:

JUVENILE CASES DISPOSED

	Certified to Adult <u>Court</u>	Committed to the Division of Youth <u>Services</u>
2019	48	467
2018	41	535
2017	60	562
2016	53	591
2015	57	662

Table 56 - OSCA's Annual Statistical Supplement Reports

**Oversight** assumes this proposal modifies provisions for juvenile in detention centers who have been certified to stand trial as an adult. Without additional information from OSCA, Oversight will assume no fiscal impact from this proposal.

§546.265 – Privileged communications in criminal matters

**SEQ CHAPTER 1** In response to similar legislation from this year (SS for SCS for SBs 53 & 60) officials from the **Columbia Police Department**, the **Crestwood Police Department**, the **Lake St. Louis Police Department**, the **Springfield Police Department** and the **Tipton Police Department** each assumed the proposal will have no 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.

§565.240 – Unlawful posting of certain personal information over the internet

Officials from the **Department of Corrections (DOC)** state §565.240 introduces a new class E felony.

Since this is a new offense, the department will use a standard class E felony response. For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

DOC estimates a cost of \$6,463 in FY 2022, \$15,822 in FY 2023 and \$16,139 in FY 2024.

#### **SEQ CHAPTER 1** *§590.030 – Peace officer licensure*

In response to similar legislation from this year (SB 289) officials from the **Department of Public Safety – (Capitol Police)**, the **Crestwood Police** and the **Walnut Grove Police Department** each assumed the proposal will have no 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.

#### *§590.192 – Mental health programs for law enforcement officers*

Officials from the **Department of Public Safety - Office of the Director (DPS)** state this proposal establishes a new program, the "Critical Incident Stress Management Program" within the Department of Public Safety. In order to accomplish the many duties and responsibilities required under this bill, the DPS will need one (1) Program Manager. Additionally, this proposal establishes a new fund, 988 Public Safety Fund, to support the services provided for peace officers under subsection 1. In order to manage the new fund, the DPS is requesting one (1) FTE Program Specialist.

**Oversight** notes §590.192 creates the “Critical Incident Stress Management Program”. The program will provide services to peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. All peace officers will be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider will send a notification to the peace officer’s commanding officer when the check-in is complete. It also creates the 988 Public Safety Fund to be used solely by DPS for the purpose of providing services for peace officers affected by a critical incident.

**Oversight** contacted the POST commission to determine the number of licensed peace officers in Missouri. POST stated the total number of licensed and commissioned peace officers in the state is 24,145. This number includes working and not-currently working officers. Of this number, 14,836 are working full-time and 1,799 are reserve (part-time) officers. Because this legislation states all peace officers, Oversight will use the 24,145 number to determine a fiscal impact. At a cost of \$300 per visit (estimated by the MHP below), Oversight will reflect costs of \$7,243,500 over a four-year period  $[(24,145 * 300)/4 = \textbf{\$1,810,875}]$ , plus FTE costs as presented by DPS.

Additionally, Oversight will reflect the possibility that the General Assembly could appropriate moneys to this new fund from the General Revenue Fund. Oversight assumes all appropriated

moneys, will be expended in the same year on services such as consultation, risk assessment, education, intervention, and other crisis intervention services. For fiscal note purposes, Oversight assumes expenses and services provided under this proposal will equal income and net to zero.

**Oversight** contacted the Department of Public Safety - Missouri Highway Patrol (MHP) and MHP states the Patrol currently provides counseling services to their peace officers who are involved in a critical incident like those described in §590.192.1 of this bill. Section 590.192.2 of this bill mandates all peace officers meet with a program service provider once every three to five years. Currently, the Patrol has 1,339 total peace officers, this includes members, Gaming officers, DDCC, and CVOs. This bill would require 447 (1,339 officers divided by 3) officers per year to meet with the program service provider. At an estimated cost of \$300 per visit, there will be a total expense per year of \$134,100. Oversight notes this would be MHP's portion of the impact to the 988 Public Safety Fund.

In response to similar legislation from this year (SB 551) officials from the **Department of Public Safety – (Capitol Police)** and the **St. Joseph Police Department** each assumed the proposal will have no 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.

**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.

#### §590.1265 – Police Use of Force Transparency Act

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in order to receive and analyze use of force data under this new language, the DPS is requesting one (1) FTE Research/Data Analyst. The department will also need ITSD assistance in order to set up a system to receive information and put it into a format to analyze for reporting purposes.

**Oversight** will adjust the fiscal impact provided by the DPS to 6 months for FY 2022.

In response to similar legislation from this year (HCS for HB 998) officials from the **Department of Public Safety – (Capitol Police)** and the **St. Joseph Police Department** each assumed the proposal will have no 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 **St. Louis County Police Department** state the proposed legislation would require the Department to collect various types of data from use of force incidents to submit to the Department of Public Safety. While the Department currently reports any uses of force

resulting in fatalities or serious injury to the FBI's National Use of Force Data Collection, the proposed legislation does not specify if additional information would need to be collected for other types of uses of force. This may become problematic if some of the information that would need to be collected for the DPS is not already tracked by the Department. If this were the case, the Department would need to devote additional time, training, and resources in order to develop and utilize new methods to track the required information. Therefore, without knowing the specific information that the Department is required to report to the DPS, it is impossible to determine an estimated cost on the proposed legislation.

**Oversight** notes the provisions of this bill require the DPS to establish and operate a system to intake and report on use-of-force incidents consistent with the Federal Bureau of Investigation's National Use of Force Data Collection. Therefore, Oversight assumes the St. Louis Police Department will be able to implement the provisions within the proposal with existing resources.

*Responses regarding the proposed legislation as a whole*

Officials from the **Missouri Department of Conservation (MDC)** assume an unknown negative fiscal impact that is likely less than \$250,000 for training costs for this proposal in §§590.030 and 590.1265.

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the MDC.

Officials from the **Department of Mental Health**, the **Department of Natural Resources**, the **Missouri Highway Patrol**, the **Department of Social Services**, the **Office of the State Treasurer**, the **Office of the State Public Defender**, the cities of **Claycomo**, **Corder**, **Hughesville**, **Kansas City**, **O'Fallon**, **Springfield**, the **Kansas City Police Department** and **Missouri Office of Prosecution Services** each assume the proposal will have no 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 **DOC** assume no fiscal impact to the rest of the sections not already mentioned in the assumptions above.

**SEQ CHAPTER 1** **Rule Promulgation**

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The



Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

**SEQ CHAPTER \h \r 1Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties and local law enforcement agencies 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 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Cost – DPS - §590.075</u> Certified notifications			
Personal Service	(\$38,476)	(\$46,633)	(\$47,099)
Fringe Benefits	(\$32,886)	(\$35,639)	(\$35,796)
Equipment & Expense	(\$3,348)	(\$871)	(\$893)
Temporary Help	(\$110,400)	\$0 to (\$132,480)	\$0 to (\$132,480)
One-time costs	(\$58,700)	\$0	\$0
On-base user fee	(\$400)	(\$480)	(\$480)
<u>Total Costs – DPS - §590.075</u> p. 3-4	(\$244,210)	(\$83,623) to (\$216,103)	(\$84,268) to (\$216,748)
FTE Change - DPS	1 FTE	1 FTE	1 FTE
<u>Cost – AGO - §547.031 p. 4-5</u>	Could exceed...	Could exceed...	Could exceed...
Personal Service	(\$133,333)	(\$161,600)	(\$163,216)
Fringe Benefits	(\$64,900)	(\$78,420)	(\$78,965)
Equipment & Expense	(\$32,971)	(\$19,397)	(\$19,882)
<u>Total Costs - AGO</u>	<u>Could exceed</u> <u>\$231,204</u>	<u>Could exceed</u> <u>\$259,417</u>	<u>Could exceed</u> <u>\$262,063</u>
FTE Change – AGO	2 FTE	2 FTE	2 FTE
<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND (continued)</b>			
<u>Cost - DOC - §565.240 – new</u> class E felony for posting information p. 5	(\$6,463)	(\$15,822)	(\$16,139)
<u>Transfer Out – to the 988</u> Public Safety Fund (§590.192) p. 6-7	(\$1,961,980)	(\$1,987,401)	(\$1,988,953)
<u>Costs – DPS</u> (§590.1265) Administer the Use of Force Act p. 7-8			

Personal services	(\$23,085)	(\$46,632)	(\$47,098)
Fringe benefits	(\$13,761)	(\$27,678)	(\$27,836)
Equipment & expense	(\$3,348)	(\$871)	(\$893)
Total Costs – DPS - §590.1265	(\$40,194)	(\$75,181)	(\$75,827)
FTE Change-DPS	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>Could exceed (\$2,484,051)</b>	<b>Could exceed (\$2,421,444 to \$2,553,924)</b>	<b>Could exceed (\$2,427,250 to \$2,559,730)</b>
Estimated Net FTE Change to the General Revenue Fund	4 FTE	4 FTE	4 FTE
<b>988 PUBLIC SAFETY FUND</b>			
<u>Transfer In</u> – from General Revenue (§590.192) p. 6-7	\$1,961,980	\$1,987,401	\$1,988,953
<u>Costs</u> – DPS (§590.192) Administer 988 Public Safety Fund p. 6-7			
Personal services	(\$93,090)	(\$112,825)	(\$113,953)
Fringe benefits	(\$51,318)	(\$61,958)	(\$62,339)
Equipment and expense	(\$6,697)	(\$1,743)	(\$1,786)
Total Costs – DPS	(\$151,105)	(\$176,526)	(\$178,078)
FTE Change – DPS	2 FTE	2 FTE	2 FTE

<u>Costs – Officer evaluation/check-in (§590.192) p. 6-7</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>	<u>(\$1,810,875)</u>
<b>ESTIMATED NET EFFECT ON THE 988 PUBLIC SAFETY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Change to the 988 Public Safety Fund	2 FTE	2 FTE	2 FTE
<b>CONSERVATION COMMISSION FUNDS</b>			
<u>Cost – MDC – Training for §§590.030 &amp; 590.1265 p. 6-8</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>	<u>(Unknown, less than \$250,000)</u>
<b>ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUNDS</b>	<b><u>(Unknown, less than \$250,000)</u></b>	<b><u>(Unknown, less than \$250,000)</u></b>	<b><u>(Unknown, less than \$250,000)</u></b>

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<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

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

#### FISCAL DESCRIPTION

§§211.072 & 547.031 – Modifies provisions relating to criminal procedure

#### JUVENILE DETENTION (Section 211.072)

This act provides that a juvenile, under the age of 18, who has been certified to stand trial as an adult, if currently placed in a secure juvenile detention, shall remain in juvenile detention, pending finalization of the judgment and completion of appeal, if any, of the judgment

dismissing the juvenile petition to allow for prosecution under the general law, unless otherwise ordered by the juvenile court.

Upon any final judgment on appeal of the petition to dismiss prosecution of the juvenile under the general laws, and adult charges being filed, if the juvenile is currently in juvenile detention, the juvenile shall remain in detention unless the juvenile posts bond or the juvenile is transferred to an adult jail.

Additionally, this act provides that if the juvenile officer does not believe detention in a secure juvenile detention facility would be an appropriate placement or would continue to serve as an appropriate placement, the juvenile officer may file a motion in the adult criminal case, requesting that the juvenile be transferred from juvenile detention to jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in juvenile detention or being transferred to an adult jail. At the hearing, the juvenile, the juvenile's parents and counsel, the prosecuting attorney, and others as provided in the act, shall have the opportunity to present evidence and recommendations.

Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility or shall order that the pre-trial certified juvenile be held in an adult jail, but only after the court has made findings that it would be in the best interest of justice to move the pre-trial certified juvenile to an adult jail. The court shall weigh certain factors, as provided in the act, when deciding whether to detain a certified juvenile in an adult jail. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every 30 days to determine whether the placement of the certified juvenile in an adult jail is still in the best interest of justice.

This act provides that a juvenile cannot be held in an adult jail for more than 180 days unless the court finds, for good cause, that an extension is necessary or the juvenile waives the 180-day maximum period.

Effective December 21, 2021, all previously certified, pre-trial juveniles, under the age of 18, who had been certified prior to August 28, 2021 shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds that it would be in the best interest of justice to keep the juvenile in the adult jail. All certified juveniles who are held in adult jails shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement and a hearing shall be held as provided in the act. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a juvenile detention facility.

The issue of setting or posting bond shall be held in the pre-trial certified juvenile's adult criminal case.

Finally, this act provides that upon attaining the age of 18 or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility. Any responsibility for transportation of the certified juvenile who remains in a secure juvenile detention facility shall be handled in the same manner as in all other adult criminal cases where the defendant is in custody.

MOTION TO VACATE OR SET ASIDE THE VERDICT (Section 547.031)

This act provides that a prosecuting or circuit attorney may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which the person was convicted shall have jurisdiction and authority to consider, hear, and decide the motion. Upon the filing of such a motion, the court shall order a hearing and issue findings of fact and conclusions of law on all issues presented. The Attorney General shall be given notice of hearing of such a motion and shall be permitted to appear, question witnesses, and make arguments in the hearing.

This act provides that the court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings; and the information and evidence presented at the hearing on the motion.

The prosecuting attorney, circuit attorney, or the defendant shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The Attorney General shall also have the right to intervene in any appeal filed by the prosecuting or circuit attorney or the defendant.

§565.240 – Unlawful posting of certain personal information over the internet

Under current law, a person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. Such offense is a Class C misdemeanor.

This act modifies the current offense by adding "any other personally identifiable information" and further provides that if a person knowingly posts the name, home address, Social Security number, telephone number, or any other personally identifiable information of any law enforcement officer, corrections officer, parole officer, or prosecuting attorney, or the information of an immediate family member of such officers, he or she shall be guilty of a Class E felony.

§590.030 – Peace officer licensure

Under current law, all licensed peace officers, as a condition of licensure, must obtain continuing law enforcement education and maintain a current address of record on file with the POST Commission.

This act provides that in addition to those requirements for licensure, peace officers must submit to being fingerprinted on or before January 1, 2022, and every six years thereafter and also submit to fingerprinting for the purposes of a criminal history background check and enrollment in the state and federal Rap Back Program.

Additionally, any time a peace officer is commissioned with a different law enforcement agency he or she must submit to being fingerprinted. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the peace officer's law enforcement agency. The Rap Back enrollment shall be for the purposes of peace officer disciplinary reports as required by law. Law enforcement officers and law enforcement agencies shall take all necessary steps to maintain officer enrollment in Rap Back for as long as an officer is commissioned with that agency. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022.

§590.192 – Mental health programs for law enforcement officers

This act establishes the "Critical Incident Stress Management Program" within the Department of Public Safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event.

This act provides that all peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer, except as in certain instances as provided in the act.

This act creates the "988 Public Safety Fund" within the state treasury and shall be used by the Department of Public Safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services.

§590.1265 – Police Use of Force Transparency Act

This bill establishes the "Police Use of Force Transparency Act of 2021", which provides that all law enforcement agencies must, at least annually, collect and report local data to the National Use of Force Data Collection through the Law Enforcement Enterprise portal administered by the Federal Bureau of Investigation on use-of-force incidents involving peace officers. Law

enforcement agencies must also report such data to the Department of Public Safety. Information collected and reported must not include personally identifying information of individual officers. By October 31, 2021, the Department of Public Safety must develop standards and procedures governing the collecting and reporting of the data. The Department of Public Safety must publish the data reported by law enforcement agencies, and the data will be considered a public record, consistent with state law. The Department of Public Safety must analyze trends and disparities in the data and report the findings and make the report available to the public no later than June 30, 2025. The provisions of this bill have a delayed effective date of March 1, 2022.

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

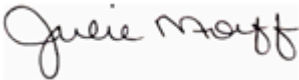
#### SOURCES OF INFORMATION

Attorney General's Office  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Capitol Police  
Department of Social Services  
Missouri Department of Conservation  
Office of the State Treasurer  
Kansas City Police Department  
St. Joseph Police Department  
St. Louis County Police Department  
Office of the State Public Defender  
Department of Corrections  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Missouri Highway Patrol  
Office of the Secretary of State  
Joint Committee on Administrative Rules  
City of Bland  
City of Claycomo  
City of Corder  
City of Hughesville  
City of Kansas City  
City of O'Fallon  
City of Springfield  
St. Louis City  
Boone County  
Columbia Police Department  
Crestwood Police Department

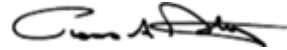


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Lake St. Louis Police Department  
Springfield Police Department  
Tipton Police Department  
Walnut Grove Police Department

A handwritten signature in cursive script, reading "Julie Morff".

Julie Morff  
Director  
April 19, 2021

A handwritten signature in cursive script, reading "Ross Strobe".

Ross Strobe  
Assistant Director  
April 19, 2021