

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1109H.01I
Bill No.: HB 460
Subject: Law Enforcement Officers and Agencies; Criminal Procedure
Type: Original
Date: March 1, 2021

Bill Summary: This proposal establishes "The John Ashcroft Fourth Amendment Affirmation Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains NumberOfPages pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- ☐ 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.

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

FISCAL ANALYSIS

ASSUMPTION

§590.650 – Fourth Amendment Affirmation Act

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Missouri Department of Conservation (MDC)** state an unknown fiscal impact but likely less than \$100,000 due to training and staff time for reporting requirements.

Oversight assumes some annual training is conducted regardless of this bill and this change could be incorporated into that training. Oversight assumes the MDC will be able to implement the provisions within the proposal with existing resources.

Officials from the **Office of Administration - Budget and Planning (OA/B&P)** state section 590.650.7(6) requires the forfeiture of 25% annual general operating revenue from fines, bond forfeitures, and traffic violation court costs if after six years of review, a law enforcement agency does not address discriminatory policing practices. Such forfeitures would be deposited into GR and earmarked for the Peace Officers Standards and Training Commission.

The aforementioned review will only begin after three consecutive years of reporting a significant disproportion (the ratio of minority to white stops > 125% state disparity) in police stops.

Therefore, any increase to total state revenue would not be for at least nine years and would be dependent upon a law enforcement agency making no attempt to address discriminatory policing practices for that entire period.

Oversight notes, based on the OA/B&P response, it will be at least nine years before any revenue would be deposited into General Revenue which would only occur if the law enforcement agency made no attempt to address discriminatory policing practices. Oversight assumes agencies will comply and that the proposal will have no fiscal impact.

Officials from the **Department of Natural Resources**, the **Department of Public Safety – (Missouri Highway Patrol and Office of the Director)**, the **Department of Social Services**, the **Office of the Governor**, the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, and the **St. Louis County Police Department** 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.

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 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

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

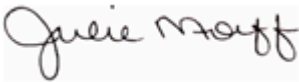
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

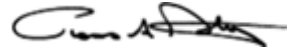
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Natural Resources
Department of Public Safety
Department of Social Services
Missouri Department of Conservation
Office of Administration –
 Budget and Planning
Office of the Governor
Office of the State Courts Administrator
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department



Julie Morff
Director
March 1, 2021



Ross Strobe
Assistant Director
March 1, 2021