

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1116H.01I
Bill No.: HB 456
Subject: Law Enforcement Officers and Agencies; Crimes and Punishment; Search and Seizure
Type: Original
Date: February 3, 2021

Bill Summary: This proposal modifies provisions relating to search warrants.

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.

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.

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

FISCAL ANALYSIS

ASSUMPTION

§§105.240, 542.271, 542.276, 542.291, 542.296, and 544.200 – Search warrants

Officials from the **Attorney General’s Office**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, and the **Springfield 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.

Officials from the **St. Louis County Police Department** state §§105.240, 542.271, 542.291, and 544.200 of the proposed legislation would require law enforcement agencies to eliminate no knock warrants unless the alleged perpetrator has committed a violent felony offense and will escape or cause bodily harm to others. Specifically, 542.291.2 deems warrants invalid if they authorize or imply that knocking is not required; however, it authorizes officers to serve the warrant as long as they knock and announce unless the alleged perpetrator has committed a violent felony offense and will escape or cause bodily harm to others. Policy changes and additional training to officers will be required.

Policy creation and updating would require 8 hours of policy research and 4 hours of policy authoring. The average hourly wage of the policy development position is \$46.69. The total cost of policy development is approximately \$560.

The training development would require 8 hours at the same hourly wage of \$46.69. The total cost of training development is approximately \$374.

All 960 commissioned officers would be required to attend at least four hours of training. The average rate of a police officer is \$46.69. The total cost of attending training is approximately \$179,290. This cost does not include covering shifts for officers at the training, which will likely result in required overtime. Therefore, the total estimated cost of this legislation could exceed \$180,224 (\$560 + \$374 + \$179,290).

Oversight notes the fiscal impact for the St. Louis County Police Department. Oversight is unable to project a statewide cost; however, Oversight assumes some annual training of officers is conducted regardless of this bill, and this change could be incorporated into that training. Oversight will reflect a potential (\$0 or (Unknown)) cost to local police and sheriffs’ departments from this proposal to update policies and conduct training.

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	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
LOCAL GOVERNMENT – POLICE AND SHERIFF’S DEPARTMENTS			
<u>Costs</u> – Police and Sheriff’s Departments (Increased cost to train and develop policy)	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS – POLICE AND SHERIFF’S DEPARTMENTS	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill relates to search warrant procedures. In its main provisions the bill:

- (1) Requires that "no knock" search warrants of all types be issued only with reasonable suspicion that the perpetrator of a violent felony offense will escape or cause bodily harm to others;

(2) Stipulates that searches are not reasonable if conducted without notice of purpose and authority by a peace officer unless the officer has a reasonable suspicion that the perpetrator of a violent felony offense will escape or cause bodily harm to others;

(3) Declares that warrants authorizing searches in contradiction to the aforementioned requirements are invalid on their face and may be used only with notice of authority and purpose unless the peace officer has a reasonable suspicion that the perpetrator of a violent felony offense will escape or cause bodily harm to others;

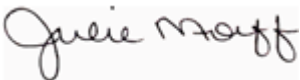
(4) Authorizes a motion to dismiss in cases where an invalid warrant is used or a search is conducted in violation of the requirement that there is a reasonable suspicion that the perpetrator of a violent felony offense will escape or cause bodily harm to others.

This bill has an emergency clause.

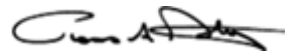
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Public Safety
Office of the State Courts Administrator
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
Springfield Police Department
St. Louis County Police Department



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February 3, 2021



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