

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3666H.01I
Bill No.: HB 2118
Subject: Courts; Law Enforcement Officers and Agencies; Crimes and Punishment
Type: Original
Date: February 28, 2022

Bill Summary: This proposal modifies and establishes provisions relating to the use of self-defense.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
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 2023	FY 2024	FY 2025
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§563.031 and 563.085 – Use of self-defense

Officials from the **Attorney General’s Office**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Public Safety – (Capitol Police, Office of the Director, and Missouri Highway Patrol)**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender**, the **Kansas City Police Department**, and the **Phelps County Sheriff’s 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 the proposed legislation would protect a person who threatens or uses force pursuant to RSMo 563.031 and would have an unknown fiscal impact on the Department. The Department’s Bureau of Criminal Investigations would be responsible for investigating each use of self-defense instance to determine whether the use of force was justified or not. However, without knowing how many cases the Department would see each year, or the complexity of the case, which would contribute to the additional amount of investigative hours worked, it is impossible to provide a cost.

Oversight notes the unknown impact for the St. Louis County Police Department; however, Oversight is unsure if the local law enforcement would now conduct additional investigation efforts because of this bill. Oversight assumes some level of investigation would be conducted regardless of this bill. Therefore, the impact to police and sheriff’s departments will be presented as \$0 to an (Unknown) cost based on the response from the St. Louis County Police Department.

Oversight only reflects the responses 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 listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
POLICE AND SHERIFF'S DEPARTMENTS			
<u>Cost – Police and sheriff's departments (\$563.031) Potential increase in the investigation of use-of-force cases p. 3</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLICE AND SHERIFF'S DEPARTMENTS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Under current law, the defendant has the burden to prove he or she reasonably believed physical or deadly force was necessary to protect him or herself or a third person.

This bill provides that there shall be a presumption of reasonableness that the defendant believed such force was necessary to defend him or herself or a third person.

The bill also provides that a person who uses or threatens to use force in self defense is immune from criminal prosecution and civil action for the use of such force, unless such force was used against a law enforcement officer who was acting in the performance of his or her official duties and the person reasonably knew or should have known that the person was a law enforcement officer.

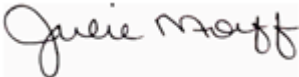
Additionally, a law enforcement agency may use standard procedures for investigating the use or threatened use of force, but the agency may not arrest the person for using or threatening to use force unless the agency determines that there is probable cause that the force that was used or threatened was unlawful.

The bill provides that the defendant can raise a claim of self defense during a pre-trial hearing in either a criminal or civil case, which would shift the burden on the party seeking to overcome the immunity by proof of clear and convincing evidence. Finally, the bill repeals provisions relating to civil remedies that are unaffected by criminal provisions of self-defense law.

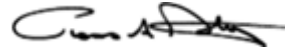
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Natural Resources
Department of Corrections
Department of Public Safety
Department of Social Services
Missouri Department of Conservation
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Kansas City Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



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