

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3666H.02C  
Bill No.: HCS for HB 2118  
Subject: Courts; Law Enforcement Officers and Agencies; Crimes and Punishment  
Type: Original  
Date: March 17, 2022

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

**FISCAL SUMMARY**

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

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

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</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 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§§563.031 and 563.085 – Use of self-defense**

Officials from the **Attorney General’s Office**, the **Department of Corrections**, the **Department of Natural Resources**, the **Department of Public Safety – (Capitol Police, Office of the Director, and Missouri Highway Patrol)**, the **Department of Social Services**, 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 **St. Joseph Police Department** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version (HB 2118), officials from the **Missouri Department of Conservation** and the **Phelps County Sheriff’s Department** assumed the proposal will have no fiscal impact on their organization.

**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
<b>POLICE AND SHERIFF’S DEPARTMENTS</b>			
<u>Cost</u> – Police and sheriff’s departments (\$563.031) Potential increase in the investigation of use-of-force cases p. 3	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON POLICE AND SHERIFF’S DEPARTMENTS</b>	<u><b>\$0 to (Unknown)</b></u>	<u><b>\$0 to (Unknown)</b></u>	<u><b>\$0 to (Unknown)</b></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:

(1) The person against whom force was used or threatened was a law enforcement officer who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using or threatening to use force knew or reasonably should have known that the person was a law enforcement officer; and

(2) The force used or threatened occurred in a location readily accessible to the public or a place of public accommodation.

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.

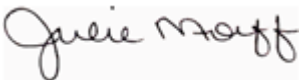
The bill provides that the defendant can raise a claim of self defense during a pre-trial hearing in either a criminal or civil case, which would shift the burden on the party seeking to overcome the immunity by proof of clear and convincing evidence.

Finally, the bill repeals provisions relating to civil remedies that are unaffected by criminal provisions of self-defense law.

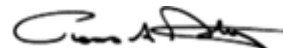
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### 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. Joseph Police Department  
St. Louis County Police Department  
Phelps County Sheriff's Department



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