

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3101S.01I
Bill No.: SB 755
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and
Agencies; Prisons and Jails
Type: Original
Date: January 15, 2024

Bill Summary: This proposal modifies provisions relating to detention on arrest without a warrant.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

*Reflects potential additional costs of housing arrestees for an additional day; however, the law enforcement agencies would realize other positive benefits from this additional time.

FISCAL ANALYSIS

ASSUMPTION

§544.170 – Period of detention

Officials from the **Office of Attorney General (AGO)** assume any potential 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 or investigation.

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 **Department of Natural Resources**, the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Office of the State Public Defender**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, the **Overland Police Department**, the **St. Louis County Police Department**, the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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 organizations.

In response to similar legislation (SB 130) from 2021, officials from the **Boone County Sheriff's Department** stated over the last several years, the department has seen a large increase in those persons arrested on felony charges. At this time, the jail is housing just six misdemeanor detainees with more than 200 detainees' total. The extension to 48 hours for certain felony arrestees will result in an increase in the amount of time a felony arrestee is housed in the jail. The daily average cost to house a detainee is around \$60 a day. The jail intakes 8-12 persons a day. Therefore, the department estimates the housing cost will increase \$120 a day.

In response to similar legislation (SB 130) from 2021, officials from the **Lewis County Sheriff's Department** stated the impact will vary dependent on size and scope of the jurisdiction. The cost per day will also vary from jurisdiction. Generally, the cost of incarceration ranges from \$45 per day to \$80 per day. Departments must consider new booking data and calculate the release of these types of inmate.

In response to similar legislation (SB 130) from 2021, officials from the **Crestwood Police Department** stated this 48 hour detention period could have a fiscal impact, though not terribly burdensome, on the department for the extra meals the city would provide to the suspect/prisoner.

In response to similar legislation (SB 130) from 2021, officials from the **Ellisville Police Department** stated this would have a positive impact from a criminal investigation standpoint. The minor fiscal impact of housing someone an extra day is greatly offset by the positive nature of this change.

Oversight notes the statements of fiscal impact and no impact to various police and sheriff's departments. Oversight is unable to project a statewide impact to local jailers for the additional time some persons may be kept in custody. Oversight will reflect an impact to local governments as \$0 to (Unknown) additional costs, but as stated above, this additional time would be beneficial to law enforcement agencies. Oversight notes this proposal is permissive and allows more flexibility to local law enforcement.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other local law enforcement were requested to respond to this proposed legislation but did not. A general listing of political subdivisions opting to participate in the Missouri Legislative Information System (MOLIS) is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
POLICE AND SHERIFF'S DEPARTMENTS			
<u>Cost - Police and Sheriff's Departments</u> (\$544.170) Potential increased costs to house individuals kept in custody longer p. 3-4	<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

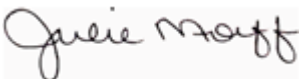
Under current law, all persons arrested and confined in any jail, without warrant or other process, for any alleged breach of the peace or other criminal offense, shall be discharged from custody within 24 hours from the time of arrest, unless they are charged with a criminal offense.

This act changes the period of detention on arrest without a warrant to 48 hours if a person is arrested for a criminal offense involving a dangerous felony or deadly weapon.

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 – Missouri Highway Patrol
Department of Social Services
Missouri Department of Conservation
Office of the State Public Defender
Phelps County Sheriff's Department
Kansas City Police Department
Overland Police Department
St. Louis County Police Department
Boone County Sheriff's Department
Crestwood Police Department
Ellisville Police Department
Lewis County Sheriff's Department
Missouri Office of Prosecution Services
Office of the State Courts Administrator



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January 15, 2024



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January 15, 2024