

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0882-01  
Bill No.: HB 479  
Subject: Peace Officer Standards and Training  
Type: Original  
Date: February 15, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety, Department of Conservation, Office of the State Courts Administrator** and the **Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Health** state that this proposal would not affect them because curriculum for domestic violence and family violence training for peace officers has already been implemented. No new duties for DOH would occur.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those cases arising where indigent persons were charged with a B misdemeanor for fraudulently holding a peace officers commission. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Jefferson City Police Department** assume that while there would be savings in their general revenue funded expenditures, the amount of that savings would be dependent on levels and availability of training. This varies during fiscal years. If enacted, they would be able to increase training for other employees.

In response to similar legislation from this session, officials from the **Office of Secretary of State (SOS)** assumed there would be costs due to additional publishing duties related to the Department of Public Safety's authority to promulgate rules, regulations, and forms. SOS estimated the division could require approximately 32 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 48 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal would be \$1,968, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS did not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Department of Natural Resources (DNR)** states the legislation addresses the level of certified training requirements for peace officers, certified reserve officers, & reserve officers.

The legislation requires any applicant to a certified law enforcement training center to submit fingerprints and an authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant. The DNR already incurs the cost of the criminal background checks when sending applicants to the peace officer certification program.

The legislation requires the DNR to notify, within 30 days, the POST Commission of all departures from employment of commissioned peace officers, indicating in certain situations.

The DNR states that their state park rangers are currently responsible for meeting the 470 hour training requirement pursuant to section 590.105.1. RSMo. Therefore, this legislation does not fiscally impact their department.

**Oversight** assumes for purposes of this fiscal note that if local law enforcement offices elected to pay for additional training required under this proposal for certification, there would be unknown costs to local governments. However, these costs would likely be minimal since the proposal appears to allow payment by local governments for additional training costs only if excess funds are available and appears to allow a county of the third classification to adopt an order or ordinance approving certification with only one hundred and twenty hours of training.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

## DESCRIPTION

This proposal reorganizes and makes several changes to Peace Officers Standards and Training (POST) licensure requirements. In its main provisions, the proposal:

- (1) Requires the POST Commission to establish various classes of peace officer licenses;
- (2) Requires minimum standards for basic training and certification of all peace officers which may vary by class of license. Currently, the training standards program is optional for reserve officers;
- (3) Requires the commission to set a minimum number of hours for basic training no lower than 470 hours and no higher than 600 hours, with certain exceptions;
- (4) Requires applicants to basic training centers to submit fingerprints and authorization for a criminal history background check, including FBI records. The cost of the criminal history check may be borne by the applicant;
- (5) Requires the chief executive officer of each law enforcement agency to give notice to the Director of the Department of Public Safety of all hires to and departures from employment of licensed peace officers, indicating in certain situations the reason for the separation;
- (6) Provides when the director will have cause to discipline a peace officer licensee and details the complaint and appeal procedure;
- (7) Provides when the director will have cause to suspend the license of a peace officer and details the suspension and appeal procedure;
- (8) Provides when the director will have cause to deny or conditionally grant an application for a peace officer license or entrance into a basic training course and details the appeal procedure;
- (9) Requires that all information concerning persons who are applicants or who are licensed as peace officers be kept confidential without written consent. Exceptions are provided for officers involved in litigation and information that is lawfully requested;
- (10) Allows the director to issue subpoenas, which can be enforced as a subpoena issued in a civil case in the circuit court;
- (11) Provides that all records relating to a licensed officer who is being investigated to determine fitness to serve are discoverable and admissible into evidence and that no privilege exists between peace officers and records custodians allowing records or testimony to be withheld;

DESCRIPTION (continued)

(12) Provides that those reporting information to the department when it is conducting an investigation as to licensed officers are immune to civil suit for damages if the information is given in good faith and without malice;

(13) Requires surcharge funds collected in the processing of criminal cases in excess of those allocated to pay for training required for licensed peace officers, county coroners, and their deputies be used to pay for additional training for licensed peace officers; and

(14) Makes it a class B misdemeanor to commission as a peace officer persons who are not licensed by the director and to accept a commission as a peace officer without a license.

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

Missouri Department of Conservation  
Department of Health  
Office of the Secretary of State  
Office of the State Public Defender  
Office of Prosecution Services  
Office of the State Courts Administrator  
Department of Public Safety  
Department of Natural Resources  
Jefferson City Police Department

**NOT RESPONDING:**      **St. Louis Metropolitan Police Department, Kansas City Police  
Boone County Sheriff, Johnson County Sheriff, Jackson  
County Sheriff, St. Louis County Sheriff**



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Director  
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