

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0149-05
Bill No.: HCS for SCS for SB 62 & 41
Subject: Crimes and Punishment; Criminal Procedure
Type: Original
Date: April 19, 2007

Bill Summary: The proposal changes the laws relating to the defensive use of force and revises the laws regarding concealed firearms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown	(More than \$100,000) to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Natural Resources, Department of Corrections, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, – Missouri State Water Patrol, Department of Conservation, and the Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services.

In response to a similar proposal (HB 462, LR # 1453-02), officials from the **Office of the State Public Defender (SPD)** assumed the proposal reduces the crime of transfer of concealable firearms without a permit from a class A misdemeanor (which SPD has to handle because it involves jail time) to an infraction (which SPD does not have to handle because it does not involve jail time). The proposal essentially removes all these cases from SPD’s jurisdiction. However, SPD doesn’t get a lot of these cases, so the overall impact is minimal.

In response to a similar proposal (HB 462, LR # 1453-02), officials from the **Boone County Sheriff’s Department (BCSD)** assumed the provisions eliminating Section 571.090 in the proposal would result in substantial losses to their agency. This legislation effectively eliminates the requirement to obtain a permit before acquiring a concealable firearm. The BCSD annually processes approximately 2,000 permits to acquire concealable firearms. The fee charged for each permit is \$10. The annual losses to the BCSD would be approximately \$20,000.

Oversight assumes the repealing of the provision requiring a permit to acquire a concealable firearm would result in a loss to sheriff’s departments statewide. The total loss is dependent upon the number of permits issued, which is an unknown number. Based upon the number of permits processed in Boone County, Oversight assumes the total loss to sheriff’s departments statewide is Unknown, but more than \$100,000 per fiscal year.

ASSUMPTION (continued)

In response to a similar proposal (HCS for HB 180, 395, & 615, LR # 0452-02), officials from the **Boone County Sheriff's Department** assumed Section 571.095 of the proposal would result in additional revenues; however, they cannot accurately project the revenues generated. Boone County maintains 50 to 100 firearms in their evidence inventory. Some of these firearms were owned by defendants, some belong to known victims and will be returned to the victim, some are illegal weapons, and some the owners are not or cannot be identified. Boone County states the value of these firearms can range from as little as \$10 to up to several hundred dollars or more.

Oversight assumes the proposal could result in additional revenues for local law enforcement agencies. Oversight has reflected these revenues as unknown.

Officials from the Greene County Sheriff's Department, Jackson County Sheriff's Department, St. Louis County Police Department, Columbia Police Department, Kansas City Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – County sheriff’s revolving fund			
Proceeds from sale of firearms (§ 571.095)	Unknown	Unknown	Unknown
<u>Losses</u> – Sheriff’s departments			
Permit fees (§ 571.090)	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>	<u>(More than \$100,000)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(More than \$100,000) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>	<u>(More than \$100,000) to Unknown</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation makes state restrictions on the transfer of concealable firearms identical to the federal restrictions. The penalty for an illegal transfer of concealable firearms is reduced from a class A misdemeanor to an infraction punishable by a fine of not more than \$100. The permit requirement for the purchase of a concealable firearm is repealed.

The proposed legislation allows police or sheriff departments to sell or trade certain confiscated firearms to licensed firearms dealers. The proceeds of any sale or gains from the trade would be deposited into the county sheriff’s revolving fund.

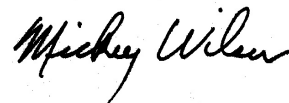
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Natural Resources
Department of Corrections
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
 – Missouri State Water Patrol
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department
Springfield Police Department

NOT RESPONDING

Greene County Sheriff's Department
Jackson County Sheriff's Department
St. Louis County Police Department
Columbia Police Department
Kansas City Police Department
St. Louis Metropolitan Police Department



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Director
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