

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5212-04
Bill No.: HCS for SCS for SB 1172
Subject: Crimes and Punishment; Weapons
Type: Original
Date: May 7, 2008

Bill Summary: The proposal prohibits certain persons, including dangerous felons from possessing an explosive weapon.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office, – Missouri State Highway Patrol, Department of Conservation, and the Boone County Sheriff’s Department** assume the proposal would have no fiscal impact on their agencies.

In response to a previous version of the proposal (SCS for SB 1172, LR # 5212-02), officials from the **Department of Public Safety – Division of Fire Safety** and the **– Missouri State Water Patrol** assumed the proposal would have no fiscal impact on their agencies.

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

Officials from the **Department of Corrections (DOC)** assume they cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY07 average of \$41.21 per inmate per day, or an annual cost of \$15,040 per inmate) or through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender per day, or an annual cost of \$887 per offender).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this bill and therefore the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

ASSUMPTION (continued)

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seven (7) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

In response to a previous version of the proposal (SCS for SB 1172, LR # 5212-02), officials from the **Office of Prosecution Services (OPS)** assumed the proposal could potentially increase the number of cases referred to prosecuting attorneys for criminal charges, but it is assumed that any increase could be handled without adding any personnel. OPS assumes the proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services.

In response to a previous version of the proposal (SCS for SB 1172, LR # 5212-02), officials from the **Office of the State Public Defender (SPD)** assumed increasing penalties on existing crimes, or creating new crimes, will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, Platte County Sheriff's Department, and the St. Louis County Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>	<u>(Less than</u> <u>\$100,000)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2009 (10 Mo.)	 FY 2010	 FY 2011
	 <u>\$0</u>	 <u>\$0</u>	 <u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposal creates the crime of unlawful refusal to transfer by denying sale of a firearm to a non-licenses, who is otherwise not prohibited from possessing a firearm. The crime is a class A misdemeanor. (Section 571.014)

The proposal allows licensed importers, manufacturers, dealers, or collectors to possess, manufacture, transport, repair, or sell a firearm silencer as a curio, ornament, or keepsake. Currently, it is not a crime for a person to possess, manufacture, transport, repair, or sell a firearm silencer if such action was incident to dealing with the silencer as a curio, ornament, or keepsake, or it is used in a lawful dramatic performance, but only if the silencer is in a nonfunctioning condition. Under this act, the silencer would not have to be in such nonfunctioning condition. (Section 571.020)

The proposal creates the crime of unlawful possession of an explosive weapon, a class C felony. (Section 571.072)

FISCAL DESCRIPTION (continued)

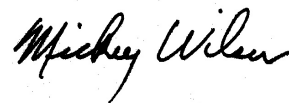
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Public Safety
– Director's Office
– Missouri State Highway Patrol
– Division of Fire Safety
– Missouri State Water Patrol
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department

NOT RESPONDING

Buchanan County Sheriff's Department
Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
Platte County Sheriff's Department
St. Louis County Police Department



Mickey Wilson, CPA
Director

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