

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0366-02
Bill No.: Truly Agreed To and Finally Passed HCS for SB 75
Subject: Firearms and Fireworks
Type: Original
Date: June 10, 2013

Bill Summary: This proposed legislation modifies provisions relating to firearms, sheriffs, intruder training and gun safety in public schools, and concealed carry permits.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Up to \$96,632 to Unknown - Could exceed \$100,000)	(\$44,754 to Unknown - Could exceed \$100,000)	(\$44,754 to Unknown - Could exceed \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Up to \$96,632 to Unknown - Could exceed \$100,000)	(\$44,754 to Unknown - Could exceed \$100,000)	(\$44,754 to Unknown - Could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Criminal Records	(\$900,000)	(\$10,250)	(\$10,506)
Conceal Carry Permit Fund*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	(\$900,000)	(\$10,250)	(\$10,506)

***Offsetting Transfers In and Disbursements are \$0 or Unknown - Expected to exceed \$100,000 annually.**

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 24 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government*	\$0	\$0	\$0

***Offsetting Income and Costs are \$0 to Unknown - Expected to exceed \$100,000.**

FISCAL ANALYSIS

ASSUMPTION

§§57.010, 57.104, 221.070, 221 102 - SHERIFFS

§ 57.010 - Qualifications for election of sheriff

Oversight assumes this section places requirements on candidates for the office of sheriff. This proposal would not have a fiscal impact on state or local funds.

§ 57.104 - Sheriffs can hire an attorney

Oversight assumes this section of the proposal is permissive and would not have a fiscal impact without action of a municipality, therefore, Oversight will not reflect a fiscal impact.

§ 221.070 - PRISONERS LIABLE FOR COST OF IMPRISONMENT

Officials from the **Department of Revenue (DOR)** assume if a person has not paid all money owed to the county jail upon release from custody and has failed to enter into, or honor an agreement with the sheriff to make payments toward the debt according to a repayment plan, the sheriff certifies to the clerk of the court the amount of the outstanding debt.

The circuit clerk reports to the Office of State Courts Administrator (CTS) the debtor's full name, date of birth, address, and the amount the debtor owes to the county jail. If the person satisfies the debt to the county jail or begins making regular payments in accordance with an agreement with the sheriff, the sheriff notifies the circuit clerk who then notifies CTS that the person shall no longer be considered delinquent.

DOR assumes this section would not fiscally impact their agency.

§ 221.102 JAIL CANTEEN

Oversight assumes this section of the proposal and could have a positive fiscal impact on municipalities and/or county governments if they implement a canteen. Therefore, Oversight will reflect a \$0 to Unknown positive impact on local political subdivisions.

ASSUMPTION (continued)

§§170.315 & 171.410 - INTRUDER TRAINING AND GUN SAFETY IN PUBLIC SCHOOLS

§170.315 - Active Shooter and Intruder Response Training for Schools Program (ASIRT)

Officials from the **Department of Elementary and Secondary Education (DESE)** state this section of the proposal will have no fiscal impact on their agency or on school districts.

Officials from the **Parkway School District** assume an unknown fiscal impact on their district.

Oversight assumes this section of the bill is now permissive and although schools may provide training and education about firearms safety, it is optional. Local law enforcement also will incur no training costs, unless the schools opt for the training.

§171.410 - Eddie Eagle Gun Safety Program

According to officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)**, the Public Information and Education Division currently offers the Eddie Eagle Gun Safety program to elementary school children upon a request from the school. In August 2012, a new Active Shooter power point program was introduced which is about an hour in length. Additionally, the Missouri School Board Association through the Center for Education Safety, and in conjunction with the Missouri Department of Public Safety, currently offers an active shooter training for school teachers and faculty through a company in Kansas known as STRATEGO. Therefore, the MHP anticipates no fiscal impact.

Officials from the **Parkway School District** assume an unknown fiscal impact on their district.

Officials from **DESE** state this section will have no fiscal impact on their agency or on school districts.

§302.181 - FORM OF LICENSE - CONCEALED CARRY ENDORSEMENT

DOR assumes this section proposes a change to include "as §571.101 existed prior to August 28, 2013" in reference to determining expiration of nondriver's license containing a concealed carry endorsement. DOR assumes this section will have no impact since the provisions of changes to §571.101 included within this bill indicate DOR will no longer issue endorsements on driver license or nondriver licenses after August 28, 2013, thus DOR is currently meeting this provision.

ASSUMPTION (continued)

§§571.101 & 571.104 - CONCEALED CARRY PERMITS

§571.101

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state that there will be significant operational and financial impacts resulting from this bill. The initial implications are briefly outlined below:

The system design of the state Automated Fingerprint Identification System (AFIS) system workflow will need to be modified in the following ways: a workflow will need to be created to enable incoming Concealed Carry Weapon (CCW) submissions to be identified by the system and process through the system without updating, inserting, or saving any fingerprint or demographic data. This will be an entirely new workflow that occurs outside of normal AFIS processing.

Modifications will also need to be made to the state Computerized Criminal History (CCH) system. Modifications will enable the issuance of a State Identification (SID) number without saving any data from the transaction or permanently establishing a SID number.

Modifications will also need to be made to the state digital archiving system, Content Manager. After records are processed through AFIS, a copy is archived. Copies are often retrieved to either provide a reprinted copy to the submitting agency, should the initial results not be received and also to assist in billing questions. Neither of these functions will be possible with the enactment of this proposed legislation.

In addition to the above concerns, all three of the systems listed above are backed up. Additional modifications will need to be made to either prevent this data from being included in the backups or purge the data after they have already been backed up.

In addition to the system workflow modifications that will be required, enactment of this legislation will prevent any sheriff's offices from enrolling (CCW) applicants into the upcoming state or FBI Rapback program in which subsequent arrest information is provided to the enrolling agency.

Also, this legislation could result in the exclusion of sheriff's offices from participating in the MACHS2 program for CCW applicants which would enable them to receive the results of the background check online in a matter of minutes, in most cases, via a secure website.

ASSUMPTION (continued)

In addition to the changes listed above, the largest concern is the MHP inability to comply with the requirement to destroy all documents including fingerprint records that were provided by an applicant for a CCW endorsement prior to August 28, 2013. Due to system design, this mandate would not be possible due to the fact that the capability that would be required to identify all of these records in their entirety does not exist. Some of these records could be purged (the ones in which the CCW prints were the only prints that individual has on file), although the process to do so would be completely manual and would consume hundreds, if not thousands of man-hours.

The records that could not be completely purged in their entirety would be all of the records in which more than one set of fingerprints has been submitted for an individual. Since a composite set of fingerprints of the best fingerprint images is retained in AFIS, along with the most recent Offense Cycle Number (OCN), name, sex, race, and date of birth, the information stored in AFIS is a "hybrid" of all fingerprint submissions for that person throughout their lifetime, in order to ensure the best fingerprint images possible.

Also, any CCW submissions prior to August 1, 2008, would not be able to be purged, due to resources that do not exist to completely identify and purge these records from all systems completely.

Lastly, due to the fact that these fingerprints already exist in the state AFIS database, there is a very real possibility that some of these may be tied to latent (crime scene) cases. Deleting these fingerprints may require the potential purging of these latent cases as well.

Because of the complexity and enormity of modifying the current AFIS system, the exact fiscal impact is unknown. An estimated quote from MorphoTrak, the state AFIS vendor, for this work has not been received at this time; however, due to the nature of the workflow that would need to be altered/implemented, the cost estimate is expected to be approximately **\$750,000**.

§571.101.1

DOR assumes this section proposes to change concealed carry endorsements to a concealed carry "permit". This subsection includes language making the new concealed carry permit valid for a period of five years. Proposed language indicates a concealed carry endorsement issued prior to August 28, 2013, shall continue for a period of three years from the date of issuance or renewal authorizing the carrying of concealed weapons as would the newly proposed permit.

DOR will continue to issue endorsements as currently required up to August 28, 2013, when, based on other provisions within this bill, the DOR will no longer issue new or renewal

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ASSUMPTION (continued)

concealed carry endorsements. The changes in this section have no impact on DOR.

§571.101.7

DOR assumes the change from "concealed carry endorsement" to "concealed carry permit" would remove the requirement for the Director of Revenue to issue a concealed carry endorsement.

The changes within this section of the bill removing the endorsement issuance requirements will require DOR to:

- Complete a sweep of the system to remove all data associated with the concealed carry endorsement issuance from the Missouri Driver Record, Central Driver Information System and Certificate of Qualification for a Concealed Carry Weapon Endorsement file used for confirmation of valid issuance;
- Stop all renewal notices related to concealed carry weapons endorsements;
- Remove all action processes related to concealed carry weapons endorsement holders;
- Perform programming changes to DOR systems to update the application process to eliminate the option to add or renew a concealed carry endorsement;
- Modify the design of the nondriver or driver license to remove option for CCW endorsement posting; and
- Work with the Office of State Courts Administrators to modify the reporting for concealed carry endorsement suspensions and revocations to ensure the form is submitted to the issuing sheriff agency.
- Develop file transfer process with MOSMART to transfer data for concealed carry endorsement holders.

ASSUMPTION (continued)

Driver License Bureau FY 14

Administrative Analyst	320 hrs @ \$24 (1 ½) per hr	\$ 7,680
Management Analyst Specialist II	400 hrs @ \$23 per hr	\$ 9,200
Revenue Band Manager	80 hrs @ \$30 per hr	\$ 2,400
	Total	\$ 19,280

Personnel Services Bureau FY 14

Update Web Page Information - Administrative Analyst III	20 hrs @ \$22	\$ 440
Develop Procedures - Management Analysis Spec I	40 hrs @ \$20	\$ 800
	Total	\$ 1,240

OA-ITSD

ITSD hours calculated on 400 FTE hrs x \$27.05 per hr = **\$10,820**

License Contractor hours to update design documents and modify folio formats for issuance of the document with the endorsement: MorphoTrust: 140 hours x \$200 per hr = **\$28,000**

In summary, DOR assumes a cost of **\$59,340** (\$19,280 + \$1,240 + \$10,820 + 28,000) in FY 14 to provide for the implementation of the changes of this section of the proposal.

Revenue Impact

The provisions of §571.101 already remove the renewal requirement for the CCW endorsement. The revenue impact is addressed under those provisions. However, in addition to the revenue loss from the removal of the CCW expiration, there will be an unknown loss in revenue from the underlying bill requiring CCW endorsement holders to eventually possess a CCW permit issued by the sheriff.

There is a potential loss of general revenue collections due to the decrease in applicants for new, duplicate or renewal documents for a Concealed Carry Weapon (CCW) endorsement.

As of 3/21/2013, the total concealed carry endorsement holders on file was 178,854.

For purposes of this fiscal estimate, an estimated 97 % of CCW holders have added it to a

ASSUMPTION (continued)

nondriver license (NDL); therefore approximately 3% have it on a driver license.

$178,854 \times 97\% = 173,488/3 \text{ years} = 57,829$ estimated annual applicants for CCW endorsement renewal for nondriver licenses.

Nondriver License with CCW:

57,829	Estimated annual NDL applicants renewing CCW.
x \$3	Fee for new or renewal nondriver with CCW.
\$173,487	Estimated annual loss of General Revenue due to estimated reduction in NDL transactions from elimination of CCW renewal requirement.

$\$173,487/12 = 14,457 \times 10 \text{ months} = \mathbf{\$144,570}$ estimated loss in FY 14.

\$173,487 estimated loss in FY 15 and 16.

Driver License with CCW:

$178,854 \times 3\% = 5366/6 \text{ years} = 894$ estimated annual applicants for CCW endorsement renewal for driver licenses.

894	Estimated annual driver license applicants renewing CCW endorsement
x \$ 7.50	Estimated duplicate operator license applied to renew CCW endorsement.
\$6,705	Estimated annual loss from reduction in driver license CCW endorsements.

$\$6,705/12 = \$559 \times 10 = \$5,590$ estimated loss of funds from driver license with CCW applications in FY 14.

FY 14

$\$5,590 \times 75\% = \mathbf{\$4,193}$	Loss to Highway Fund
$\$5,590 \times 15\% = \mathbf{\$ 839}$	Loss to Cities
$\$5,590 \times 10\% = \mathbf{\$ 558}$	Loss to Counties

ASSUMPTION (continued)

FY 15 and FY 16

\$6,705 x 75% = **\$5,029** Loss to Highway Fund.
\$6,705 x 15% = **\$1,006** Loss to Cities.
\$6,705 x 10% = **\$ 670** Loss to Counties.

Oversight will assume no loss in the number of Driver's Licenses and will show no impact to Highway Fund, Cities, or Counties.

However, it is noted that DOR pays \$2.2261 per license issued. Assuming 57,829 nondriver license applicants annually will not renew, DOR will no longer incur the cost to produce and mail the license, resulting in a savings of \$128,733.

FY 14 - **\$107,278** estimated savings to the General Revenue fund.

FY 15 & 16 - **\$128,733** estimated savings to the General Revenue fund.

License Office Revenue

58,723	Estimated annual CCW endorsement renewals
x \$2.50	Processing fee for a nondriver with CCW or duplicate driver license with CCW
\$146,808	

FY 14

\$146,808/12 = \$12,234 x 10 = **\$122,340** estimated loss in FY 14 of license office processing fees due to the elimination of the CCW endorsement.

FY 15 & FY 16

\$146,808 estimated annual loss of license office processing fees.

§571.101.9

DOR assumes this subsection includes a provision that as of August 28, 2013, DOR shall not keep any record of an application for a concealed carry permit. This section further requires that the DOR shall give to the members of MOSMART, created under §650.350, any information

ASSUMPTION (continued)

collected by DOR related to an application for a concealed carry endorsement for purposes of dissemination of the information to the applicable sheriff agency.

The changes within this subsection also prohibit release of concealed carry record information by batch processing and should only be available for single entry query. This conflicts with §571.104 which requires DOR to suspend or revoke the endorsement under enumerated circumstances.

Administrative Impact

DOR must develop and provide the required data related to concealed carry endorsement holders by originating number of agency issuing certificate of qualification and provide all application related information to MOSMART.

Associated cost estimated for Driver License Bureau and OA-ITSD have been included with §571.101.7.

§571.101.10

DOR assumes proposed changes in this subsection prohibit the release of information regarding any holder of a concealed carry permit or concealed carry endorsement issued prior to August 28, 2013. It further indicates no bulk download or batch data shall be performed or distributed to any federal, state or private entity, except for MOSMART. Any state agency that has retained any documents or records, including fingerprint records, shall destroy such documents or records upon successful issuance of a permit.

Officials from the St. Louis County Police Department (SLCPD) assume combining the 2014, 2015 & 2016 fiscal years would result in an estimated minimum fiscal impact from this proposed legislation would come to \$107,274.33. This legislation would remove the Department of Revenue from the concealed carry permit process and increase costs for the SLCPD. These added costs include:

1) An estimated computer programmer's time of 160 hours to make enhancements to the Conceal Carry Weapon (CCW) program to change the type of printing to CCW cards, plus the routing of data and calculation of notification letters. At the hourly rate of \$39 , this totals \$6,240.

2) An additional police records clerk will be necessary to perform the printing/mailing of

ASSUMPTION (continued)

notification letters, assist in the CCW card printing process, and process correspondence relating to CCW permits. This totals \$43,129 , which includes salary and fringe benefits.

3) Due to the size and type of cards specified by the Department of Public Safety, a new printer and laminator will be needed, at a cost of approximately \$400.

4) There will be miscellaneous supply costs for paper, envelopes and postage at a cost yet to be determined.

Thus the estimated cost increase to the SLCPD for the processing of CCW permits would be a minimum of \$49,769 for the first year, and subsequent years would be a minimum of \$43,129 for the cost of the police records clerk.

Oversight assumes the St. Louis County Police Department would be eligible for grant funding, as outlined in the proposal, to cover the costs of issuing CCW permits.

§571.104.1 (3)

DOR states this subsection includes provisions for the driver license or nondriver license with a concealed carry endorsement issued prior to August 28, 2013, in addition to provisions for surrender of the concealed carry permit proposed within this bill.

Administrative Impact

DOR will continue to provide approved format for temporary receipt for a surrendered document. No fiscal impact for the current version in place today.

§571.104.1 (4)

DOR assumes this subsection includes new provisions for persons with a concealed carry permit or concealed carry endorsement issued prior to August 28, 2013 upon conviction, discharge or commitment specified in §§571.101 to 571.121, resulting in a full revocation of privilege. The sheriff shall report the change in status to the MULES. DOR will be unable to take action since all record data will have been removed as prescribed.

§571.104.2

DOR assumes this subsection changes provisions related to renewal and issuance of a concealed

ASSUMPTION (continued)

carry permit. It no longer allows for renewal of a concealed carry endorsement. Fiscal impact is included in the response to §571.101.7 for removing the endorsement issuance processes.

§571.104.3

DOR assumes this subsection proposes to remove provisions requiring the sheriff to notify DOR if a concealed carry certificate holder failed to renew the certificate within six months. This change requires DOR to modify the concealed carry endorsement action entry screens to remove the option to invalidate concealed carry endorsement when notified by the sheriff of failure to renew. Associated cost estimates for Driver License Bureau and OA-ITSD have been included in the response to §571.101.7.

§§571.101 & 571.104

According to officials from the **Department of Public Safety - Missouri State Highway Patrol**, currently, concealed carry weapon information is maintained by the Department of Revenue. The Missouri Uniform Law Enforcement System (MULES) is only a pass-through for the information. A database file would have to be developed by the Highway Patrol and the vendor, CPI, to be able to store the information in MULES and have it readily available upon request from law enforcement. This database would have to maintain information that shows compliance and also allow the sheriff's department to make status changes. The following is a breakdown of the changes and the resulting cost for the Patrol:

\$ 10,000 - Discovery and Design
\$ 75,000 - Database Modifications and Reporting
\$ 25,000 - Message Switch Modifications
\$ 15,000 - Testing
\$ 25,000 - Project Management
\$150,000 - Total

The total cost to the Patrol is **\$150,000** (\$10,000 + \$75,000 + \$25,000 + \$15,000 + \$25,000). There will be an annual maintenance cost of approximately \$7,500 for the database modifications and reporting and \$2,500 for the message switch modifications.

§650.350 - CONCEAL CARRY PERMIT FUND

This section creates the "Conceal Carry Permit Fund" within the state treasury. The director of the Department of Public Safety (DPS) must distribute all of the funds annually in the form of

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ASSUMPTION (continued)

grants approved by the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART). DPS must administer all MoSMART grant deposits. Grant funds must be spent first to ensure county law enforcement agencies' ability to comply with the issuance of conceal carry endorsements, including but not limited to, equipment, records management hardware and software, personnel, supplies, and other services.

Oversight will reflect a potential cost to the General Revenue Fund of \$0 or (Unknown - Could exceed \$100,000) depending on the potential General Assembly appropriation to fund the program. Oversight assumes if an appropriation is made, it will be for more than \$100,000 annually.

DOR assumes provisions of this section require DOR to begin transferring any records related to the issuance of a concealed carry endorsement to MoSMART. Costs are included within estimates under §571.101.7.

Bill as a whole:

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb at least some of the costs related to this proposal within normal working hours. Oversight will reflect administrative cost to the DOR of "Up to" their estimate. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

According to officials from the **Office of Secretary of State (SOS)**, many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal with core funding. If multiple bills pass which require the printing and

ASSUMPTION (continued)

distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Department of Elementary and Secondary Education** state this proposal will have no fiscal impact on their agency or on school districts.

Officials from the **Office of Attorney General, Joint Committee on Administrative Rules, Office of Administration - Division of Accounting, Office of State Courts Administrator, Joint Committee on Administrative Rules, Office of State Treasurer, Kansas City Public School District, Springfield Police Department, University of Missouri System (Charter School Sponsor), and St. Louis County** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Savings</u> - Department of Revenue (DOR) - Costs to produce and mail licenses (§571.101.7)	\$107,278	\$128,733	\$128,733
<u>Costs</u> - Department of Public Safety (DPS) - Potential transfer to Concealed Carry Permit Fund (§650.350)	\$0 or (Unknown - Could exceed \$100,000)	\$0 or (Unknown - Could exceed \$100,000)	\$0 or (Unknown - Could exceed \$100,000)
<u>Costs</u> - DOR - Programming expenses for concealed carry permits (§571.101.7)	(Up to \$59,340)	\$0	\$0
<u>Revenue Loss</u> - DOR - Decrease in fees for CCW endorsements (§571.101.7)	<u>(\$144,570)</u>	<u>(\$173,487)</u>	<u>(\$173,487)</u>
ESTIMATE NET EFFECT ON GENERAL REVENUE	(Up to \$96,632 to Unknown - could exceed <u>\$100,000</u>)	(\$44,754 to Unknown - could exceed <u>\$100,000</u>)	(\$44,754 to Unknown - could exceed <u>\$100,000</u>)

FISCAL DESCRIPTION (continued)

§§57.010, 57.100, 57.104, 221.070, 221 102 - SHERIFFS

§57.010 - QUALIFICATIONS FOR ELECTION OF SHERIFF

This section provides that no person will be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590. Any person filing for the office must have the license at the time of filing. These provisions do not apply to St. Louis County or St. Louis City.

§57.100 - SHERIFFS TO ISSUE CONCEALED CARRY PERMITS

Every sheriff must maintain, house, and issue concealed carry permits beginning January 1, 2014.

§57.104 - SHERIFFS CAN HIRE AN ATTORNEY

The sheriff of any first class county not having a charter form of government, second class county, third class county, or fourth class county may employ an attorney to aid and advise the sheriff in the discharge of his or her duties and represent him or her in court.

§221.070 - PRISONERS LIABLE FOR COST OF IMPRISONMENT

Under current law, prisoners in a county jail must pay the costs of their board. This section requires the circuit clerk in each county to report to the Office of State Courts Administrator the names of people certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. Whenever a person has satisfied his or her debt or begun making regular payments to the sheriff, the sheriff must notify the clerk that the person is no longer considered delinquent.

§221.102 - JAIL CANTEEN

The sheriff of any county may establish and operate a canteen or commissary in the county jail for the use and benefit of the prisoners. The revenues received from the canteen or commissary must be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation. Any excess moneys must be deposited in the Inmate Prisoner Detainee Security Fund.

FISCAL DESCRIPTION (continued)

§§170.315 & 171.410 - INTRUDER TRAINING AND GUN SAFETY IN PUBLIC SCHOOLS

§170.315 - ASIRT

This section establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district and charter school may train teachers and school employees on how to respond to students with information about a threatening situation and how to address a potentially dangerous or armed intruder or active shooter in the school or on school property. Training may be conducted on an annual basis. Initial training may be eight hours in length and continuing training may be four hours in length. All school personnel must annually participate in a simulated active shooter and intruder response drill conducted by law enforcement professionals, as described in the act. Program instructors must be certified by the Department of Public Safety's Peace Officers Standards Training Commission.

§171.410 - EDDIE EAGLE GUNSAFE PROGRAM

Each school district and charter school may annually teach the Eddie Eagle Gunsafe Program to first grade students, or use a substantially similar or successor program of the same qualifications. The purpose of the program will be to promote safety and protection of children and emphasize how students should respond if they encounter a firearm. School personnel and program instructors must not make value judgments about firearms. Firearms are prohibited from the teaching of the program. Students with disabilities will participate to the extent appropriate.

§571.011 - FIREARMS OWNERSHIP RECORDS

Any records of ownership of a firearm or applications for ownership or an endorsement that allows a person to own, acquire, possess, or carry a firearm are not open records and will not be open for inspection except by order of the court to persons having a legitimate interest. Any person who violates this provisions of guilty of a class A misdemeanor.

§§571.101 & 571.104- CONCEALED CARRY PERMITS

§571.101

Under current law, a person seeking to carry concealed firearms must apply to the sheriff for a certificate of qualification for a concealed carry endorsement. Upon the issuance of the certificate, the person must then present the certificate to the DOR, which issues a driver's

FISCAL DESCRIPTION (continued)

licenses or nondriver's licenses with a concealed carry endorsement.

This act repeals the provisions requiring the person to present the certificate to the DOR for a driver's license or nondriver's license with a concealed carry endorsement. Instead, the permit issued by the sheriff authorizes the person to carry concealed firearms.

Concealed carry permits will be valid for five years from the date of issuance or renewal. A concealed carry endorsement issue prior to August 28, 2013 must continue for a period of three years from the date of issuance or renewal, as described in the act.

This act changes the eligibility requirements for a concealed carry permit. Non-citizens who are United States permanent residents are eligible. Currently, an applicant must not have pled guilty or pled no contest to certain crimes punishable by a prison term of one year or less. This act increases the prison term to two years.

This act adds closed records to the documents in which a person cannot have engaged in a pattern of behavior considered dangerous to obtain a concealed carry permit. Applicants must also not otherwise be prohibited from possessing a firearm under § 571.070 or 18 U.S.C. 922(g). If an applicant is not a U.S. citizen, the application must include his or her country of citizenship and any alien or admission number issued by the federal Bureau of Customs and Immigration Enforcement. An applicant must show a government-issued photo identification only for the purpose of verifying the person's identify for permit renewal.

The concealed carry permit must specify only the following information: the permit holder's name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature; the signature of the issuing sheriff; the date of issuance; and the expiration date.

The permit must be no larger than two inches wide by three and one-fourth inches and must be of a uniform style. The permit must be assigned a Missouri uniform law enforcement system county code and must be stored in sequential number.

Biometric data is prohibited from being collected from the applicant other than fingerprints. The sheriff must perform an inquiry of the National Instant Criminal Background Check System. If no disqualifying information is identified, the sheriff must issue the permit. However, if the required background checks are not completed within forty-eight calendar days and no disqualifying information has come to the sheriff's attention, the sheriff must issue a provisional permit. The permit will be valid until the sheriff issues or denies the certificate of qualification. The sheriff must revoke a provisional permit within twenty-four hours of receipt of any

FISCAL DESCRIPTION (continued)

background check that identifies a disqualifying record and must notify the Missouri Uniform Law Enforcement System (MULES).

Sheriffs must keep a record of all applications for concealed carry permits or provisional permits. Any record of an application that is incomplete or denied must be kept for a period not to exceed one year. Records of approved applications must be kept for one year after the expiration and non-renewal of the permit. Beginning August 28, 2013, the Department of Revenue must not keep any records of applications for concealed carry permits. Any information collected by the Department of Revenue related to an application for a concealed carry endorsement prior to August 28, 2013 must be given to MoSmart and the sheriff of the county in which the applicant resides.

An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013 is not public information, is considered personal protected information, and is required to not be batch processed for query and is only available for a single entry query if an individual is a subject of interest in an active criminal investigation or is arrested for a crime. In addition, the distribution of bulk downloads or batch data to federal, state, or private entities is prohibited, except to MoSmart as provided in the act. Any state agency that has retained any documents or records, including fingerprint records provided for a concealed carry endorsement prior to August 28, 2013 must destroy them upon successful issuance of a permit.

For purposes of chapter 571, the term "concealed carry permit" will include any concealed carry endorsement issued by the Department of Revenue before January 1, 2014 and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013.

§571.104

A concealed carry permit, or endorsement, must be suspended or revoked if the holder becomes ineligible, as described in the act. In addition, when a valid full order of protection, arrest warrant, or commitment occurs, or a court order in a criminal proceeding is issued, the concealed carry permit or endorsement must be surrendered, as described in the act.

To renew a concealed carry permit, a renewal application must be completed. In lieu of the fingerprint requirements and firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based background check, including an inquiry of the National Instant Criminal Background Check System, must be done for each renewal. The

FISCAL DESCRIPTION (continued)

process for renewing a concealed carry endorsement issue prior to August 28, 2013 will be the same as for renewing a concealed carry permit except that the applicant need only display his or her current driver's license or nondriver's licence containing an endorsement in lieu of the fingerprint and firearms safety training requirement.

Late fees assessed for a renewal and notice of expired certificates to MULES and the individual are extended to concealed carry permits. Also, when a concealed carry permit or endorsement holder's permanent address changes and he or she reports the address change to the sheriffs, the sheriff of the new jurisdiction may charge processing fee not to exceed ten dollars. If the person has a concealed carry endorsement issued prior to August 28, 2013, he or she must also furnish proof to the DOR. The sheriff must report the residence change to MULES. A ten dollar fee may be charged for the replacement of a lost or destroyed permit or a driver's license or nondriver's license containing a concealed carry endorsement. A sheriff may charge a fee not to exceed ten dollars for name changes. The sheriff must report the name change to MULES.

§571.107 - CONCEALED CARRY ENDORSEMENT SUSPENSION

This section repeals the requirement that a concealed carry endorsement suspension be reinstated at the time of the individual's driver's license.

§571.111 - FIREARMS SAFETY INSTRUCTION

This section reduces, from fifty to twenty, the number of minimum rounds of live firing an applicant must do to receive a certificate of firearms safety training course completion by a qualified firearms safety instructor.

Certificates from a firearms safety instructor course approved by the Department of Public Safety must be notarized.

This section allows a qualified firearms safety instructor to submit a copy of a training instructor certificate, course outline bearing a notarized signature of the instructor, and recent photograph to the sheriff of the county in which he or she resides. The sheriff must collect an annual ten dollar fee from an instructor who chooses to submit the information and must retain a database of qualified instructors. This information will be a closed record except for access to any sheriff.

Any firearms safety instructor who violates any provision of §571.111 will be prohibited from instructing concealed carry permit classes and issuing certificates.

FISCAL DESCRIPTION (continued)

§571.114 - OTHER CONCEALED CARRY CHANGES

The forms used to petition a court to revoke an individual's concealed carry permit or endorsement will be updated to incorporate changes in the law, including: the previously mentioned allowable increase in prison term from one year to two years' imprisonment; the effect of the issuance of a provisional certificate of qualification; and disqualification based on 18 U.S.C. 922(g).

The term "concealed carry endorsement" is replaced, or supplemented with, the phrase "concealed carry permit" throughout to reflect the change from the issuance of a concealed carry endorsement to a concealed carry permit. The terms "provisional certificate of qualification" and "certificate of qualification" are changed, as appropriate, to "provisional permit." In addition, "permanent resident" is added in conjunction with "United States citizen" or "U.S. citizen." (§§50.535, 302.181, 571.030, 571.037, 571.107, 571.114, 571.121)

§650.350 - CREATION OF CONCEAL CARRY PERMIT FUND WITH MOSMART

Any information collected by the DOR related to a concealed carry endorsement must be given to the members of MoSmart. In addition, on August 28, 2013, DOR must begin transferring any records related to the issuance of a concealed carry permit to MoSmart for dissemination to sheriffs.

This section creates the "Conceal Carry Permit Fund" within the state treasury. The director of the Department of Public Safety (DPS) must distribute all of the funds annually in the form of grants approved by MoSMART. DPS must administer all MoSMART grant deposits. Grant funds must be spent first to ensure county law enforcement agencies' ability to comply with the issuance of conceal carry endorsements, including but not limited to, equipment, records management hardware and software, personnel, supplies, and other services.

This act repeals §571.102, which governed the effective date of the law based on the date when DOR begins issuing nondriver licenses with conceal carry endorsements.

This act contains an emergency clause on §650.350.

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

Department of Revenue
Department of Public Safety
 Missouri State Highway Patrol
Office of Administration
 Division of Accounting
Department of Elementary and Secondary Education
Office of Secretary of State
 Administrative Rules Division
Joint Committee on Administrative Rules
Office of State Courts Administrator
Office of Attorney General
Office of State Treasurer
Office of State Public Defender
School Districts
 Kansas City Public School District
 Parkway
Charter Sponsor
 University of Missouri System
Local Law Enforcement
 Springfield Police Department
 St. Louis County Police Department
St. Louis County



Ross Strope
Acting Director
June 10, 2013