

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4990-01
Bill No.: SB 739
Subject: Children and Minors; Crimes and Punishment; Firearms and Fireworks; Weapons
Type: Original
Date: January 8, 2016

Bill Summary: This proposal creates the crime of failing to stop illegal firearm possession, negligent storage of a firearm, and failure to notify a school of firearm ownership.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to a class D felony.

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 of direct offender costs either through incarceration (FY `15 average of \$16.809 per offender, per day, or an annual cost of \$6,135 per inmate) or through supervision provided by the Board of Probation and Parole (FY `15 average of \$6.04 per offender, per day or an annual cost of \$2,205 per offender).

The DOC assumes for a new class D felony, 3 offenders per year would be sentenced for the offense, one to prison and two to probation. Most offenders on probation would not be eligible for earned compliance credits and will serve the full five years. Those receiving a term sentence can expect to serve an average of 2 years in prison and 1.5 years on parole. The full impact will occur in year four and the impact will be 1.5 offenders in prison and eight offenders on field supervision.

In summary, DOC assumes a cost of \$8,788 in FY 2017, \$19,508 in FY 2018 and approximately \$28,000 per year thereafter.

Oversight assumes supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Elementary and Secondary Education (DESE)** defer to local school districts regarding costs associated with collecting, filing, and recording the firearm notifications as defined in Section 571.099.

In response to a similar proposal from 2015 (SB 23), officials for the **Kansas City Public Schools** stated they see no unfunded mandates within the proposed legislation.

In response to a similar proposal from the 2014 session (SB 548), officials from the **Francis Howell School District (FHSD)** stated there would be some fiscal impact to the FHSD, as their building information specialists would need to add this information to the student record. It is difficult to calculate an exact cost, but it is presumed to be de minimis.

ASSUMPTION (continued)

Based upon the responses we received, **Oversight** will assume the proposal would only cause a minimal impact to state agencies as well as local political subdivisions and could be absorbed within existing appropriation levels.

Subsection 571.099.4 allows a \$100 fine for failure to notify a school district or school of firearm ownership. **Oversight** assumes the amount of fine revenue collected from this provision will be minimal and will not reflect an impact in the fiscal note.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of failing to stop the illegal possession of a firearm - a new Class A misdemeanor, unless a child causes injury or death, then the offense becomes a new Class D felony. This bill also creates the new crime of negligent storage of a firearm - also a Class D felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Department of Public Safety - Missouri Highway Patrol** and **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** assume the proposal would not have a fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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.

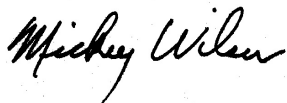
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Public Safety
Missouri Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Corrections
Department of Elementary and Secondary Education
Kansas City Public Schools
Francis Howell School District



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January 8, 2016

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January 8, 2016