

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0133-02  
Bill No.: SB 40  
Subject: Firearms; Weapons; Law Enforcement Officers and Agencies; Crimes and Punishments  
Type: Original  
Date: January 21, 2019

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Bill Summary: This proposal creates the offense of unlawfully storing and securing a firearm in the presence of a child.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §571.064 - Unlawfully storing and securing a firearm in the presence of a child

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they 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 unlawfully storing and securing a firearm in the presence of a child, a new class D misdemeanor. If death or serious bodily injury occurs, the charge would escalate to a class A misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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** notes over the last three fiscal years, the SPD has lapsed a total of \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

ASSUMPTION (continued)

Officials from the **St. Louis County Police Department** state the proposed legislation would require the storage of firearms at the request of the public. These firearms would have to be stored separately from evidence. The department would need to purchase safes with separate sections for both firearms and long guns. Each safe has a maximum capacity of 24 firearms. The estimated cost of each safe is \$700. The department would need a minimum of eight safes for a total of \$5,600 (\$700 x 8). Additionally, there would be an increase in operational costs to tag, track, and inventory the weapons to ensure proper storage and to make contact with owners who do not retrieve their weapon. The average hourly cost of a police officer including fringe and benefits is \$46.69 per hour. However, the exact impact to the department is unknown.

Officials from the **Jackson County Sheriff's Department** state any proposed legislation that requires the execution of search warrants will have an unknown impact.

**Oversight** is unable to project a statewide cost for police and sheriff's departments; therefore, the impact to local governments will be presented as \$0 to (Unknown).

Officials from the **Department of Corrections, Department of Public Safety - Missouri State Highway Patrol, Office of State Courts Administrator, Joplin Police Department, Springfield Police Department** and **Boone County Sheriff's Department** each assume the proposal would not fiscally impact their respective agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to [www.legislativeoversight.mo.gov](http://www.legislativeoversight.mo.gov).

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
<u>Costs - SPD (\$571.064)</u>			
Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>	<b><u>(Less than \$100,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS</b>			
<u>Costs - Police and Sheriff's Departments</u> (§571.064)			
Increase in operational costs	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE AND SHERIFF'S DEPARTMENTS</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>	<b><u>\$0 to</u></b> <b>(Unknown)</b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill creates the offense of unlawfully storing and securing a firearm in the presence of a child. This offense is committed if a child gains access to a readily dischargeable firearm and a person, acting with criminal negligence, failed to secure the firearm or left the firearm in a place they knew or should have known the child could gain access.

Unlawfully storing and securing a firearm is punishable as a Class D misdemeanor, unless the child discharges a round from the firearm causing death or serious bodily injury to themselves or someone else, in which case it is punishable as a Class A misdemeanor. In certain circumstances no arrest for committing the offense of unlawfully storing and securing a firearm in the presence of a child shall be made until a week has passed since the offense was committed.

A voluntary storage program is created by this bill where anyone can store their firearms at any law enforcement agency's office in the state for thirty day increments. Finally, this bill requires all licensed firearms dealers to display certain signage in certain areas of their store.

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 Corrections  
Department of Public Safety -  
    Missouri State Highway Patrol  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
State Public Defender's Office  
Joplin Police Department  
Springfield Police Department  
St. Louis County Police Department  
Boone County Sheriff's Department  
Jackson County Sheriff's Department



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