

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0285-01  
Bill No.: SB 121  
Subject: Firearms; Crimes and Punishment; Weapons  
Type: Original  
Date: February 26, 2019

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Bill Summary: This proposal modifies provisions relating to concealed carry of firearms.

**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
College and University Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 9 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 to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>	<b>\$0 or Unknown to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712 - Concealed carry of firearms

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 crimes regarding the unlawful use of a weapon. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2018, SPD's Trial Division opened 632 cases under charge code 571.030 of the 63,395 total cases opened. If due to this proposed change in legislation, the cases increased 15 percent, the SPD could see an additional 95 class E felonies.

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.

According to "The Missouri Project" (RubinBrown, June 2014), the number of hours that should be spent on a C/D/E felony case is 28.5. This number takes into account time for travel and in-court appearances. For purposes of this fiscal note, if the number of cases opened in 2019 is 95, the SPD could spend an approximately 2,708 (95 cases x 28.5 hours) hours on these cases annually. With 2,080 work hours each year, the SPD would need 1.3 APD (2,708 / 2,080).

ASSUMPTION (continued)

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources. However, since this bill only changes the locations where concealed weapons are allowed, Oversight assumes the number of individuals charged will be less than those stated by the SPD. Therefore, Oversight will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **City of Columbia** assume the proposal will not have a direct fiscal impact unless having more guns circulating in public places leads to more gun owners using them during disagreements which could result in more police calls and associated expenses of response.

Officials from the **City of Springfield** state the fiscal impact is unquantifiable without knowing how the proposed legislation and impedance on the city's sovereignty will affect the city's general fund.

**Oversight** notes the unknown impact for the cities of Columbia and Springfield and is unable to project a statewide cost; therefore, the impact to local governments-political subdivisions will be presented as \$0 to (Unknown).

**Oversight** notes that violations resulting in fines per §571.030.8(2) could vary widely from year to year. Civil penalties collected are distributed to the school district where the violation occurred; therefore, Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts on the fiscal note.

Officials from **Missouri State University (MSU)** assume there is a negative fiscal impact of an undetermined amount to implement multiple policy changes, retraining of existing security and transportation staff, and appropriate firearm storage to be installed throughout campus.

Officials from the **Northwest Missouri State University** assume a one-time training cost of approximately \$1,000 for employees and students. Dense population areas present a concern as it slows the response for emergency first responders.

**Oversight** notes that many of the assumptions noted by MSU officials would apply to community college districts and to other political subdivisions. Oversight cannot estimate a statewide cost; therefore, the impact to colleges and universities will be presented as \$0 to (Unknown).

**Oversight** notes that the **Department of Elementary and Secondary Education, Department of Higher Education, Department of Corrections, Department of Public Safety - Missouri State Highway Patrol, Missouri House of Representatives, Missouri Office of Prosecution**

ASSUMPTION (continued)

**Services, Office of State Courts Administrator, Missouri Senate, City of Kansas City, University of Central Missouri, Joplin Police Department, Springfield Police Department, St. Louis County Police Department, St. Louis County Justice Services, Boone County Sheriff's Department, Jackson County Sheriff's Department, Kirksville RIII School District and Springfield Public Schools** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, hospitals, school districts, colleges and universities, and police and sheriffs' 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</u> (§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712)			
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>
<b>COLLEGE &amp; UNIVERSITY FUNDS</b>			
<u>Costs - College &amp; University</u> (§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712)			
Increase in operational costs	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON COLLEGE &amp; UNIVERSITY FUNDS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>POLITICAL SUBDIVISIONS</b>			
<u>Costs</u> - (§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712)			
Increase in operational costs	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 or</u></b> <b><u>(Unknown)</u></b>
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**LOCAL SCHOOL DISTRICTS**

<u>Revenue</u> - (§571.030)			
Fine revenue from citations	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>

<b>ESTIMATED NET EFFECT ON LOCAL SCHOOL DISTRICTS</b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

According to this act, possession of a weapon in one of the following locations constitutes the unlawful possession of a firearm:

- Any public higher education institution without the consent of a member of the governing body of the institution, or anyone who has a valid concealed carry permit.
- Any public secondary or primary school without the consent of a member of the school board. Except if the person carrying the firearm has been designated by his or her district as a school protection officer, or has a valid concealed carry permit.
- Any school bus or on any premises of any school sponsored function, unless the weapon is possessed by an adult and is required in order to facilitate a school sanctioned firearm event.
- Any police, sheriff, or highway patrol station without the consent of the chief law enforcement officer of that station.

FISCAL DESCRIPTION (continued)

- Any jail, prison or correctional institution.
- Any building that is solely occupied by a court, except certain certified law enforcement officers.
- Any meeting, including committee meeting, of the General Assembly, unless the person carrying the firearm has a valid concealed carry permit.
- Any area of an airport that is controlled by a search of a person and their property.
- Anywhere carrying a firearm is prohibited by federal law.
- Any private property where the owner has posted certain signs stating the property is off-limits to concealed firearms
- Any arena or stadium with a seating capacity of five thousand or more that is managed or leased by a private entity.

This act repeals provisions where the possession of a firearm in certain locations currently constitutes the unlawful possession of a firearm. These locations include: places where people assemble to worship, any election precinct on any election day, and certain buildings owned or occupied by the state and federal government, or any political subdivision.

Additionally, this act repeals provisions that prohibited someone with a valid concealed carry permit from carrying a concealed weapon in the following locations:

- Any meeting of the governing body of a unit of local government or the General Assembly.
- Any polling place on any election day.
- Any establishment that serves intoxicating liquors.
- Any portion of a building that has a child care facility.
- Riverboat gambling facilities.
- Any gated amusement park.
- Any hospital accessible to the public.
- Any public higher education institution building.

This act allows the storage of a firearm in a person's vehicle at a location where possession of a firearm would otherwise constitute the unlawful possession of a firearm, except where prohibited by federal law so long as the firearm remains stored in the vehicle and is not at anytime brandished.

FISCAL DESCRIPTION (continued)

This act prohibits the state or any county, municipality or other political subdivision from restricting by ordinance, rule, policy, contractual agreement, or employment agreement where someone with a valid concealed carry permit can may carry a concealed firearm. Moreover, any public higher education institution may construct their own policies regarding concealed carry weapons on their campus, so long as such policies do not generally restrict the ability to carry a concealed weapon.

Finally, this act repeals the offense of possession and concealment of a dangerous or deadly weapon upon a bus and removes language that made it unlawful for someone to possess a deadly or dangerous weapon in a bus terminal.

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 Elementary and Secondary Education  
Department of Higher Education  
Department of Corrections  
Department of Public Safety -  
    Missouri State Highway Patrol  
Missouri House of Representatives  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
Missouri Senate  
State Public Defender's Office  
City of Columbia  
City of Kansas City  
City of Springfield  
Missouri State University  
Northwest Missouri State University  
University of Central Missouri  
Joplin Police Department  
Springfield Police Department  
St. Louis County Police Department



SOURCES OF INFORMATION (continued)

St. Louis County Justice Services  
Boone County Sheriff's Department  
Jackson County Sheriff's Department  
Kirksville RIII School District  
Springfield Public Schools



Kyle Rieman  
Director  
February 26, 2019

Ross Strobe  
Assistant Director  
February 26, 2019