

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3735-01
Bill No.: SB 663
Subject: Firearms; Crimes and Punishment; Political Subdivisions
Type: Original
Date: February 6, 2020

Bill Summary: This proposal modifies and removes provisions relating to concealed firearms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
College and University Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

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 2019, SPD's Trial Division opened 609 cases under charge code 571.030 of the 62,002 total cases opened. If due to this proposed change in legislation, the cases increased 15 percent, the SPD could see an additional 91 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 \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with 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 2020 is 91, the SPD could spend an approximately 2,593.50 (91 cases x 28.5 hours) hours on these cases annually. With 2,080 work hours each year, the SPD would need 1.25 APD (2,593.50 / 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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS.

In response to a similar proposal from 2019 (SB 121), officials from the **City of Columbia** assumed 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 there is no fiscal impact to the City of Springfield; however, the proposal impedes upon the City's police power.

Officials from the **University of Missouri (MU)** state this bill will have a significant financial impact on MU that is difficult to estimate. Factors that drive the increased cost include additional security equipment and employing additional police officers.

Officials from the **University of Central Missouri (UCM)** state there doesn't appear to be any fiscal implications created specifically by this bill; however, there could be some depending on decisions by UCM staff.

Officials from **Missouri State University (MSU)** assume there is a negative fiscal impact of an undetermined amount.

In response to a similar proposal from 2019 (SB 121), officials from the **Northwest Missouri State University** assumed 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 above for additional security equipment and security staff or increased training of existing staff may apply to community college districts and to other political subdivisions. Oversight cannot estimate a statewide cost; therefore, the impact to colleges and universities and political subdivisions will be presented as \$0 to (Unknown).

ASSUMPTION (continued)

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.

Oversight notes the **Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Corrections, the Department of Public Safety - Missouri State Highway Patrol, the Missouri House of Representatives, the Department of Transportation, the Office of State Courts Administrator, the Missouri Senate, the City of Kansas City, the City of O’Fallon, the Springfield Police Department, the St. Louis County Police Department, the St. Louis County Department of Justice Services, State Technical College of Missouri, and Sherwood Cass R-VIII School District** have each stated the proposal would not have a direct fiscal impact on their respective 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 sheriff’s departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
Costs - SPD ((§§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>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
COLLEGE & UNIVERSITY FUNDS			
<u>Costs</u> - College & University (§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712) Increase in operational costs	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON COLLEGE & UNIVERSITY FUNDS	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
POLITICAL SUBDIVISIONS			
<u>Revenue</u> - School Districts - (§571.030) Fine revenue from citations	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<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> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>\$0 or Unknown</u> <u>to (Unknown)</u>	<u>\$0 or Unknown</u> <u>to (Unknown)</u>	<u>\$0 or Unknown</u> <u>to (Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

UNLAWFUL USE OF CONCEALED WEAPONS (Section 571.030)

Under this act, a person commits the offense of unlawful use of a weapon if a person knowingly carries a concealed weapon into:

- Any public higher education institution without the consent of a member of the governing body of the institution, unless a person has a valid concealed carry permit;
- Any public elementary or secondary school facility without the consent of a member of the school board, unless the person is a designated school protection officer;
- 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 the school sanctioned firearm event;
- Any police, sheriff, or highway patrol station without the consent of the chief law enforcement officer of that station;
- Any jail, prison, or correctional institution;
- Any building that is solely occupied by a court, except certain certified law enforcement officers and any person who has a valid concealed carry permit and consent of the presiding judge;
- 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; and
- Any arena or stadium with a seating capacity of five thousand or more that is managed or leased by a private entity.

FISCAL DESCRIPTION (continued)

This act repeals provisions prohibiting the possession of a concealed firearm in places of worship, any election precinct on any election day, and certain buildings owned or occupied by the state and federal government, or any political subdivision. This act also decriminalizes the offense of carrying a concealed weapon onto any private property without consent of the owner.

Finally, this act provides that the offense of unlawful use of a concealed weapon does not include the storage of a firearm in a vehicle, except where prohibited by federal law, so long as the firearm remains stored in the vehicle and is not at anytime brandished.

CONCEALED CARRY PERMITS

(Section 571.107)

This act repeals provisions that prohibit 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 higher education institution;
- Any portion of a building that has a child care facility;
- Any riverboat gambling facility;
- Any gated amusement park;
- Any church or other place of religious worship;
- Any hospital accessible to the public; and
- Any public higher education institution building.

FISCAL DESCRIPTION (continued)

PUBLIC EMPLOYEES WITH CONCEALED CARRY PERMITS

(Section 571.108 and 571.109)

This act prohibits the state or any county, municipality or other political subdivision from imposing any ordinance, rule, policy, contractual agreement, or employment agreement restricting an employee with a valid concealed carry permit from carrying a concealed weapon.

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.

WEAPONS IN BUS TERMINALS

(Sections 577.703 & 577.712)

Finally, this act repeals the offense of possession and concealment of a dangerous or deadly weapon upon a bus and

repeals provisions that made it unlawful for someone to possess a deadly or dangerous weapon in a bus terminal.

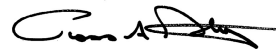
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Corrections
Department of Public Safety - Missouri State Highway Patrol
Missouri House of Representatives
Department of Transportation
Missouri Office of Prosecution Services
Office of State Courts Administrator
Missouri Senate
State Public Defender's Office
City of Kansas City
City of Springfield
City of O'Fallon
City of Columbia
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services
State Technical College of Missouri
University of Missouri
University of Central Missouri
Missouri State University
Northwest Missouri State University
Sherwood Cass R-VIII School District



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February 6, 2020



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