

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3907-01  
Bill No.: SB 697  
Subject: Crimes and Punishment; Firearms and Weapons  
Type: Original  
Date: December 30, 2019

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Bill Summary: This proposal adds provisions making it unlawful for certain persons to possess firearms.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$131,930)	(Less than \$178,165)	(Less than \$212,948)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Less than \$131,930)</b>	<b>(Less than \$178,165)</b>	<b>(Less than \$212,948)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</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 2021</b>	<b>FY 2022</b>	<b>FY 2023</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 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

**§571.070 - Unlawful possession of firearms**

Officials from the **Department of Corrections (DOC)** state this proposal creates a new law pertaining to unlawful possession of firearms. It creates two new class D felonies. The first is for possessing a firearm when someone has a restraining order issued against him or her for harassing, stalking, or threatening a family member or child. The second is for possessing a firearm after being convicted of a misdemeanor crime of domestic assault, being illegally or unlawfully in the United States, being dishonorably discharged from the Armed Forces or renouncing U.S. citizenship. These are new crimes, and the actual impact to DOC is unknown.

The DOC will use a standard response for these new crimes as there is little direct data on which to base an estimate. For each new class D felony, the DOC estimates three people will be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is five years, of which 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years. The cumulative impact on the department is estimated to be 17 additional offenders in prison and 43 on field supervision by FY 2025.

Change in prison admissions and probation openings with legislation

	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
<b>Change (After Legislation - Current Law)</b>										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
<b>Cumulative Populations</b>										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
<b>Impact</b>										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60	60
P&P Officers + or -		0	0	0	0	0	0	0	0	0

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes a 2% inflation)
Year 1	6	(\$6,386)	(\$31,930)	10	absorbed	\$0	(\$31,930)
Year 2	12	(\$6,386)	(\$78,165)	20	absorbed	\$0	(\$78,165)
Year 3	17	(\$6,386)	(\$112,948)	31	absorbed	\$0	(\$112,948)
Year 4	17	(\$6,386)	(\$115,207)	37	absorbed	\$0	(\$115,207)
Year 5	17	(\$6,386)	(\$117,511)	43	absorbed	\$0	(\$117,511)
Year 6	17	(\$6,386)	(\$119,861)	43	absorbed	\$0	(\$119,861)
Year 7	17	(\$6,386)	(\$122,258)	43	absorbed	\$0	(\$122,258)
Year 8	17	(\$6,386)	(\$124,704)	43	absorbed	\$0	(\$124,704)
Year 9	17	(\$6,386)	(\$127,198)	43	absorbed	\$0	(\$127,198)
Year 10	17	(\$6,386)	(\$129,742)	43	absorbed	\$0	(\$129,742)

The DOC states it currently has employees who have full orders of protection and/or who have misdemeanor crimes of domestic violence. This legislation removes the review process the department currently uses to determine if an employee can carry a weapon and continue employment in a position that requires the use of a weapon. The DOC's current review process involves an examination of the circumstances of the offense to assess whether the employee is able to carry a firearm in accordance with the federal Gun Control Act. The legislation essentially removes the review process. Therefore, employees who are convicted of a domestic violence offense or who are placed under a full order of protection would no longer be eligible to be employed as an officer. These employees would be subject to dismissal if they are not eligible for an alternative position. Ultimately, the DOC may have to dismiss a small number of officers if this legislation is passed.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

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 possessing a firearm and having a prior conviction or domestic abuse. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

ASSUMPTION (continued)

In Fiscal Year 2019, SPD's Trial Division opened 815 cases where the charge was unlawful possession of a firearm, of the 62,002 cases opened.

571.070	Possession/Conceal Firearm FC		10 Cases
571.070	Unlawful Possession of a Firearm		805 Cases
		Total	815 Cases

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.

**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.

**Oversight** notes the **Department of Public Safety - Missouri State Highway Patrol** and **Office of State Courts Administrator** 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.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> - DOC (§571.070) Increased incarceration costs	(\$31,930)	(\$78,165)	(\$112,948)
<u>Costs</u> - DPS (§571.070) 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 \$131,930)</u></b>	<b><u>(Less than \$178,165)</u></b>	<b><u>(Less than \$212,948)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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

Currently, it is unlawful for certain persons to possess firearms. This act adds provisions making it unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence, any person who is illegally or unlawfully in the United States, any person who was once a United States citizen but has renounced that citizenship, and any person subject to certain court orders relating to domestic violence to possess a firearm.

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



Julie Morff  
Director  
December 30, 2019



Ross Strobe  
Assistant Director  
December 30, 2019