

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4031-01
Bill No.: SB 759
Subject: Firearms; Weapons; Law Enforcement Officers and Agencies; Crimes and Punishment
Type: Original
Date: January 6, 2020

Bill Summary: This proposal increase the penalties for the offenses of unlawful transfer of weapons and fraudulent purchase of 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
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 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	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§571.060 and 571.063 - Unlawful transfer of weapons and fraudulent purchase 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 enhanced penalties for Unlawful Transfer of Weapons - escalated from a class E to a class D felony. 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 one case under charge code 571.063 of the 62,002 total cases opened.

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.

ASSUMPTION (continued)

Oversight notes the **Department of Corrections** has stated the proposal would not have a direct fiscal impact on their organization. The DOC states there have been no admissions to prison and only one to probation for the current class E felony offense of Unlawful Transfer of Weapon in FY 2019. For the reclassification of the class E felony as a class D felony, there is no expected impact. The average length of probation is the same between class D and E felonies.

There have been no charges of class A misdemeanors under 571.060 in FY 2019. Therefore, for the reclassification of class misdemeanor A as a class E felony, the DOC estimates no impact.

There are no admissions to prison or probation for the current class E felony offense of Fraudulent Purchase of a Firearm in FY 2019. For the reclassification of class E as a class D felony, the DOC estimates no impact.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

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

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs - SPD (\$571.063) Salaries, fringe benefits, and equipment and expense</u>	<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 - 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

This act increases the penalties for the offenses of unlawful transfer of weapons and fraudulent purchase of firearms.

OFFENSE OF UNLAWFUL TRANSFER OF WEAPONS (SECTION 571.060) - under current law, the offense of knowingly selling, leasing, loaning, giving away or delivering a firearm or ammunition to any person who is not lawfully entitled to possess such firearm or ammunition is a class E felony. This act increases the penalty to a class D felony. Under current law, the offense of knowingly selling, leasing, loaning, giving away or delivering a blackjack to a person under eighteen years old without the consent of a parent or guardian is a class A misdemeanor. This act increases the penalty to a class E felony. Additionally, recklessly selling, leasing, loaning, giving away or delivering a firearm or ammunition for a firearm to a person who is intoxicated is a class A misdemeanor. This act increases it to a class E felony.

FRAUDULENT PURCHASE OF A FIREARM (SECTION 571.063) - under current law, the fraudulent purchase of a firearm is a class E felony. This act increases it to a class D felony.

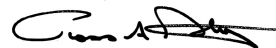
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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
January 6, 2020



Ross Strope
Assistant Director
January 6, 2020