

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0090S.01I  
 Bill No.: SB 147  
 Subject: Firearms; Crimes and Punishment; Law Enforcement Officers and Agencies;  
 Counties; Cities, Towns, and Villages; Victims of Crime  
 Type: Original  
 Date: February 7, 2025

Bill Summary: This proposal modifies provisions relating to public safety.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\*Oversight assumes the fiscal impact will be less than \$250,000.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government*</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>	<b>\$0 to Unknown</b>

\*Oversight assumes the fine revenue will be less than \$250,000.

## FISCAL ANALYSIS

### ASSUMPTION

Repeals §563.016 and implements §§290.148, 563.031, 563.085, 571.010, 571.020, 571.030, 571.069, 571.101, 571.104, 571.107, 571.108, 571.109, 571.205, 571.210, 571.215, 577.703, and 577.712 – Public Safety

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. However, the AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Office of Administration - Budget and Planning (B&P)** state section 571.020 modifies offenses related to the possession, manufacture, transportation, repair, and sale of certain weapons, section 571.030 modifies penalties pertaining to the unlawful use of weapons on private property, and section 577.703 modifies the offense of bus hijacking. To the extent any related fines or penalties are deposited in the state treasury, TSR may be impacted.

**Oversight** notes that violations of section §571.030.8(2) could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fines vary widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Department of Corrections (DOC)** assume this change does not allow these individuals to actually bring a weapon into a correctional facility, which appears to be supported with language in 571.107 and 571.215. If this is the case, there is no impact.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Health and Senior Services, the Department of Higher Education and Workforce Development, the Department of Mental Health, the Department of Natural Resources, the Department of Labor and Industrial Relations, the Department of Public Safety – (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Office of the Director, Missouri Gaming Commission, Missouri Highway Patrol, Missouri Veterans Commission, and State Emergency Management Agency), the Department of Revenue, the Department of Social Services, the Missouri Department of Conservation, the Missouri Department of Transportation, the Missouri Ethics Commission, the Missouri National Guard, the Office of the Governor, the Office of the State Public Defender, the Office of Administration, the Office of Administration - Administrative Hearing Commission, the Petroleum Storage Tank Insurance Fund, the Office of the State Auditor, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, Oversight Division, the Missouri House of Representatives, the Missouri Senate, the Missouri Office of Prosecution Services, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan, the Missouri State Employee's Retirement System, the State Tax Commission, the City of Kansas City, the Phelps County Sheriff's Department, the Branson Police Department, the Kansas City Police Department, the St. Louis County Police Department, the University of Missouri, Northwest Missouri State University, and the University of Central Missouri** each assume the proposal will have no fiscal impact on their respective organizations.

In response to similar legislation from 2024 (SB 1117), officials from the **MoDOT & Patrol Employees' Retirement System, the Office of the State Treasurer, and the Missouri Higher Education Loan Authority** each assumed the proposal would have no 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.

Officials from the **Missouri Department of Agriculture** defer to the **Office of Administration** for the potential fiscal impact of this proposal.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, schools, hospitals, colleges and universities and local law enforcement were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>GENERAL REVENUE</b>			
<u>Cost</u> – OSCA – Potential impact on courts from provisions relating to public safety	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</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 2026 (10 Mo.)	FY 2027	FY 2028
<b>POLITICAL SUBDIVISIONS</b>			
<u>Revenue</u> – School districts (§571.030) Potential fine revenue	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<b>ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS</b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>	<b><u>\$0 to Unknown</u></b>

FISCAL IMPACT – Small Business

This proposal requires any business with annual gross volume sales made is more than \$500,000 that elects to prohibit firearms to post a sign and to assume legal custodianship of anyone entering the property. Businesses would also be expected to guard anyone authorized to carry firearms against criminal or harmful acts from people or animals. This section also allows those individuals to sue those businesses for any damages suffered while under custodianship. To the

extent the signage requirement and legal responsibilities confer direct costs and liabilities, small businesses could be economically impacted. (§571.069)

### FISCAL DESCRIPTION

This act modifies provisions relating to public safety.

#### POSSESSION OF FIREARM BY AN EMPLOYEE (Section 290.148)

This act provides that no employer shall discharge or otherwise terminate any employee on the basis of such employee having a firearm in the employee's vehicle.

Additionally, an employer shall not be civilly liable for any injuries or damages resulting from the use of firearms that are stored in compliance with this act.

#### PRESUMPTION OF REASONABLENESS (Section 563.031)

Under current law, a person may use deadly force against a person who unlawfully enters or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person. This act adds that a person may also use deadly force against a person who unlawfully enters a place of employment, retail establishment, or other place of business in which the individual using such force has a right to be.

Additionally, under current law, the defendant has the burden to prove he or she reasonably believed physical or deadly force was necessary to protect him or herself or a third person.

This act provides that there shall be a presumption of reasonableness that the defendant believed such force was necessary to defend him or herself or a third person.

#### IMMUNITY FROM LIABILITY (Section 563.085 & 563.016)

This act provides that a person who uses or threatens to use force in self-defense is immune from criminal prosecution and civil action for the use of such force, unless such force was used against a law enforcement officer who was acting in the performance of his or her official duties and the person reasonably knew or should have known that the person was a law enforcement officer.

Additionally, a law enforcement agency may use standard procedures for investigating the use or threatened use of force, but the agency may not arrest the person for using or threatening to use force unless the agency determines that there is probable cause that the force that was used or threatened was unlawful.

This act provides that the defendant can raise a claim of self-defense during a pre-trial hearing in either a criminal or civil case which shall shift the burden on the party seeking to overcome the immunity by proof of clear and convincing evidence.

Finally, this act repeals provisions relating to civil remedies that are unaffected by criminal provisions of self-defense law.

#### FEDERAL AND STATE FIREARM LAWS (Sections 571.010 & 571.020)

This act repeals provisions relating to the definition of "rifle" and repeals provisions relating to references to federal law.

Additionally, this act provides that a person does not commit the offense of knowingly possessing or selling a firearm if he or she was acting lawfully according to any state law.

Finally, this act repeals the prohibition on the possession and selling of brass knuckles.

#### UNLAWFUL USE OF CONCEALED WEAPONS (SECTION 571.030)

Under this act, unless a person is issued a valid concealed carry permit, 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 the governing body of the institution;
- Any public elementary or secondary school facility without the consent of a school officials or the district 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.

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.

#### BUSINESS LIABILITY (Section 571.069)

This act provides that any business whose annual gross volume sales made is more than \$500,000 that elects to prohibit the possession of firearms on its premises shall assume custodial responsibility for the safety of any person authorized to carry firearms while on the premises of the business. This includes the explicit duty to guard such persons against criminal or harmful acts committed by a third party, including trespassers, employees, customers, or other invitees of the business.

If a person authorized to carry a firearm suffers bodily injury, death, or property damage, the person shall have a cause of action against the business. The plaintiff shall be entitled to actual damages, attorney's fees, and other court costs if he or she proves by the preponderance of the evidence that the business's prohibition of firearms was the proximate cause of the damages. The plaintiff has two years from the date of the damage to bring a claim.

Finally, a business shall have immunity from liability if the business elects to allow invitees and employees to lawfully possess firearms on its premises.

#### RESIDENCY REQUIREMENTS FOR CONCEALED CARRY PERMITS (Sections 571.101, 571.104, 571.210, & 571.205)

Under current law, an applicant for a concealed carry permit shall submit his or her application to the sheriff of the county or city in which the applicant resides. Additionally, if the applicant changes residency he or she must notify the sheriff of his or her new residency within 30 days of the change of address.

This act repeals those provisions and provides that an applicant can submit his or her application to any sheriff in this state.

Finally, if a concealed carry permit expires during a declared state of emergency, the permit shall continue to be valid until the state of emergency has been rescinded.

#### CONCEALED CARRY PERMITS (SECTION 571.107 & 571.215)

This act repeals provisions that prohibit someone with a valid concealed carry permit from carrying a concealed weapon in the following locations:

- Any polling place on any election day;
- Any meeting of the governing body of a unit of local government or the General Assembly;
- 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; and
- Any hospital accessible to the public.



**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.

Additionally, no public higher education institution shall impose any contractual requirement upon any employee or student that generally prohibits or has the effect of generally prohibiting the lawful possession of firearms by such persons or impose any tax or fee on the lawful possession of firearms.

**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

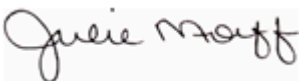
repeals provisions that made it unlawful for someone to possess a deadly or dangerous weapon in a bus terminal.

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**

Attorney General's Office  
Department of Commerce and Insurance  
Department of Corrections  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Higher Education and Workforce Development  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Revenue  
Department of Social Services  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Legislative Research  
Missouri Consolidated Health Care Plan  
Missouri Department of Agriculture  
Missouri Department of Conservation  
Missouri Department of Transportation

Missouri Ethics Commission  
Missouri Higher Education Loan Authority  
Missouri House of Representatives  
Missouri Lottery Commission  
Missouri National Guard  
Missouri Office of Prosecution Services  
Missouri Senate  
Missouri State Employee's Retirement System  
MoDOT & Patrol Employees' Retirement System  
Office of Administration  
Office of the Governor  
Office of the Secretary of State  
Office of the State Auditor  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of the State Treasurer  
Oversight Division  
Petroleum Storage Tank Insurance Fund  
State Tax Commission  
City of Kansas City  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department  
University of Missouri  
Northwest Missouri State University  
University of Central Missouri



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