

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1256S.02I  
Bill No.: SB 74  
Subject: Cities, Towns, and Villages; Counties; Firearms; Political Subdivisions  
Type: Original  
Date: February 9, 2025

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Bill Summary: This proposal modifies provisions relating to firearms.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
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 total state fiscal impact could exceed \$250,000 due to the potential for civil action and the addition of a civil penalty of \$50,000 per occurrence for any violations of §21.750.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
State Legal Expense Fund (0692)*	\$0	\$0	\$0
Other State Funds**	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Colleges and Universities**	\$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>

\*Transfers and distributions net to zero.

\*\*The potential fiscal impact to various state funds (and local political subdivisions) stems from a new cause of action that can be brought against the state and other entities in §21.750.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Federal Funds*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

\*Oversight assumes the loss of federal funds could reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<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>

\*Fine revenue from violations and potential litigation costs.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§21.750 – Civil Suits involving Firearms and Amendment II of the Constitution**

Officials from the **Office of Administration-General Services (OA/GS)** assume this legislation creates provisions and damages relating to firearm deprival and includes a waiver of sovereign immunity for actions brought under this section. This has the potential to increase costs to the Legal Expense Fund (LEF) but would be subject to judicial construction. Therefore, the cost is unknown.

**Oversight** does not have any information contrary to that provided by OA/GS. Therefore, Oversight will reflect OA/GS's potential unknown impact for fiscal note purposes to the State Legal Expense Fund. Oversight notes the Legal Expense Fund is funded by the General Revenue Fund as well as other state funds and federal funds. Oversight notes this possible litigation exposure as described by OA could also apply to colleges and universities and local political subdivisions.

Officials from **Kansas City** state the proposed legislation has a negative fiscal impact of an indeterminate amount.

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 the State Courts Administrator**, the **Department of Revenue**, the **Department of Public Safety (Office of the Director & Missouri Highway Patrol)**, the **City of O'Fallon**, the **Phelps County Sheriff's Office**, the **Branson Police Department**, the **Kansas City Police Department**, the **St. Louis County Police Department** each assume the proposal will 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.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, counties and local law enforcement agencies 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>Transfer Out</u> – to the State Legal Expense Fund – OA/GS (§21.750) – Potential increase in litigation	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>
<b>STATE LEGAL EXPENSE FUND (0692)</b>			
<u>Transfer In</u> – from General Revenue and other State and Federal funds	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Cost</u> – OA/GS – Potential increase in litigation (§21.750)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<b>ESTIMATED NET EFFECT ON THE STATE LEGAL EXPENSE FUND</b>	<u><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></u>
<b>OTHER STATE FUNDS</b>			
<u>Transfer Out</u> – to the State Legal Expense Fund – OA-GS (§21.750) Potential increase in litigation	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)
<b>ESTIMATED NET EFFECT OTHER STATE FUNDS</b>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>
<b>COLLEGES AND UNIVERSITIES</b>			
<u>Cost</u> – (§21.750) Potential increase in litigation	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)	<u>\$0 to</u> (Unknown)

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>ESTIMATED NET EFFECT ON COLLEGES AND UNIVERSITIES</b>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 to</b></u> <u><b>(Unknown)</b></u>
<b>FEDERAL FUNDS</b>			
Transfer Out – to the State Legal Expense Fund – OA-GS (§21.750) Potential increase in litigation	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<u><b>\$0 or</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 or</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 or</b></u> <u><b>(Unknown)</b></u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
Revenue – School districts (§21.750) Fines from violations	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
Cost - (§21.750) Potential increase in litigation and/or civil penalty costs	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<u><b>\$0 or</b></u> <u><b>Unknown to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 or</b></u> <u><b>Unknown to</b></u> <u><b>(Unknown)</b></u>	<u><b>\$0 or</b></u> <u><b>Unknown to</b></u> <u><b>(Unknown)</b></u>

### FISCAL IMPACT – Small Business

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

### FISCAL DESCRIPTION

Under current law, no political subdivision can regulate the possession of firearms, except to prohibit the use of the open carrying of firearms. This act repeals such exception.

Additionally, this act provides that any political subdivision that violates the provisions of this act shall be subject to a penalty of \$50,000 per occurrence. Any person injured by a violation of this act shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County. The court

L.R. No. 1256S.02I

Bill No. SB 74

**Page 6 of 6**

February 9, 2025

shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within 30 days of service of the petition.

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**

City of Kansas City

Office of Administration

    General Services

Attorney General's Office

Office of the State Courts Administrator

Department of Revenue

Department of Public Safety

    Office of the Director

    Missouri Highway Patrol

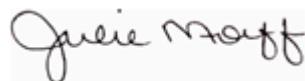
City of O'Fallon

Phelps County Sheriff's Office

Branson Police Department

Kansas City Police Department

St. Louis County Police Department



Julie Morff

Director

February 9, 2025



Jessica Harris

Assistant Director

February 9, 2025