

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4786S.01I
Bill No.: SB 868
Subject: Crimes and Punishment; Firearms; Children and Minors; Weapons
Type: Original
Date: January 8, 2026

Bill Summary: This proposal creates the offense of unlawful possession of a firearm by a minor.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Various State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

☐ 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 2027	FY 2028	FY 2029
Local Government*	Less than \$250,000	Less than \$250,000	Less than \$250,000

*Fine revenue and court fees.

FISCAL ANALYSIS

ASSUMPTION

§§571.068 and 571.095 – Unlawful Possession by a Minor

Officials from the **Office of the State Public Defender (SPD)** state per the National Public Defense Workload Study, the new charge contemplated by this change to Section 571.068 would take approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown.

Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Department of Social Services (DSS)** state any creation of a crime or modification of offense provisions in this legislation would potentially increase the number of youth committed to the Division of Youth Services. It is difficult to predict whether that number will be minimal or substantial and what fiscal impact may occur. Juvenile Office and judicial discretion would play into each individual youth's case, making the impact more difficult to calculate. Historically, when a new crime is enacted, DYS sees an increase in commitments, as referrals to Juvenile Offices increase.

Oversight assumes DSS could absorb any increase with current staff and funding levels. However, if additional duties require increased staffing, the DSS may request additional funding through the appropriations process.

In response to similar legislation, SB 790 (2024), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (§571.068) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Labor and Industrial Relations, Department of Public Safety - Missouri Highway Patrol, Missouri Department of Conservation, Missouri National Guard, Office of the State Courts Administrator, City of Kansas City, Kansas City Police Department, and 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 notes a violation of the provisions of this proposal is a class A misdemeanor which carries a fine not to exceed \$2,000 in addition to any individual county/municipal fees and court costs. The fine revenue for the ticket goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed to.

	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$5.00
Prosecuting Attorney Training Fund	\$5.00 (\$2.50 State/\$2.50 County)
Spinal Cord Injury Fund	\$2.00

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities and local law enforcement were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
VARIOUS STATE FUNDS			
<u>Revenue Gain</u> – (§571.068) Court fees p.4	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue Gain</u> – (§571.068) Court fees p.4	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>
<u>Revenue Gain</u> – Schools (§571.068) Fine revenue p.4	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>	Less than <u>\$250,000</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION**UNLAWFUL POSSESSION OF A FIREARM BY A MINOR (Sections 571.068 and 571.095)**

This act creates the offense of unlawful possession of a firearm by a minor. A person under the age of 18 commits such offense if he or she knowingly possesses a handgun or ammunition for a handgun. This offense shall be a class A misdemeanor.

This act shall not apply to any of the following people with the prior written consent of his or her parent or guardian:

- A temporary transfer or possession of a handgun or ammunition by a person under the age of 18 in the course of employment, farming, target practice, hunting, or during a firearms safety course;

- A person under the age of 18 who is a member of the U.S. Armed Forces or National Guard;
- A transfer by inheritance of title of a handgun or ammunition to a person under the age of 18; and
- A person under the age of 18 who is using a handgun or ammunition in self-defense.

Additionally, this act provides that any firearm confiscated for the purposes of prosecution or investigation shall be returned to the owner if the firearm was used by a minor to commit an unlawful act and such minor was not the lawful owner of the 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 Labor and Industrial Relations
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Department of Conservation
Missouri National Guard
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services
City of Kansas City
Kansas City Police Department
St. Louis County Police Department



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January 8, 2026



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