

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2196-01  
Bill No.: SB 629  
Subject: Firearms; Crimes and Punishment; Public Safety.  
Type: Original  
Date: March 13, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue*	\$0	(\$1,159,871)	(\$725,230)
Criminal Record System*	\$0	(\$1,912,510)	(\$914,790)
Highway Parol Revolving*	\$0	\$4,960,000	\$1,600,000
<b>Total Estimated Net Effect on <u>All State Funds</u>*</b>	<b>\$0</b>	<b>\$1,887,619</b>	<b>(\$40,020)</b>

\*Subject to voter approval

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
<b>Total Estimated Net Effect on <u>All Federal Funds</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 10 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those cases arising where indigent persons were charged with obtaining a license to carry a concealed weapon via fraud - a class A misdemeanor. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the increased costs with existing resources.

Officials from the **Office of the State Courts Administrator (CTS)** assume two primary impacts would be: a possible small increase in criminal prosecutions for violations of the law, and any increase in small claims cases. CTS does not anticipate the increased volume of cases to significantly increase the workload of the state courts.

Officials from the **Office of the Secretary of State (SOS)** assume a statewide newspaper publication of constitutional amendments cost approximately \$1,460 per column inch based on estimates provided by the Missouri Press Service x 3 for multiple printings as required by the Constitution and state statute = \$4,380 per column inch. The estimated total number of inches for this amendment is 116 inches, which includes title header and certification paragraph. Therefore, the SOS estimates  $\$4,380 \times 116 \text{ inches} = \$508,080$  in publication costs in FY 2003 for the November, 2002 election.

Officials from the **Department of Corrections (DOC)** state that currently, they cannot predict the number of new cases which may result from the creation of the offenses(s) outlined in this proposal. An increase in cases depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state

ASSUMPTION (continued)

according to their Criminal Record and Identification Division, the proposed legislation would require a new program to be developed within the Highway Patrol. This new program would require office space to accommodate fee processing, permit/picture processing, public entry and a record section. The MHP assumes the need for the following public areas to process concealed weapon licenses:

Fee Processing Section - Footage to accommodate an account clerk and necessary equipment to process 250 applications per day.

Permit picture/processing - This area would be the waiting area and would require necessary space for equipment that will provide picture/permit cards. No cost was obtained for the camera equipment necessary. It would be expected that CRID would require 2 cameras. (250 per day divided by 8 hours = 31 persons per hour needing standing room)

Public Entry Section - This area would be used for application submission. There would need to be ample room to assist the public with the filing of requests and to obtain necessary information for carrying a concealable weapon. (Based on 6 x 8 area per person. Applications are to be filled out in person. Individuals would need required space to complete application, have picture taken, and have a general waiting area while process is completed. Estimate 31 persons per hour)

Record Section - Footage to accommodate 60,000 plus records initially and additional room for 40,000 each year thereafter. (40,000 x 5 years = 200,000 + 60,000 = 260,000 possible for the next six years.)

The Criminal Records and Identification Division of the MHP assumes they would require additional FTE as a result of the proposed legislation. The number of FTE that would be needed is based on the assumption that the concealed weapons program will be located in the Criminal Records and Identification Division.

5 Fingerprint Technicians (each at \$20,472 annually) - to classify fingerprints, mark cores, search prints through AFIS, verify prints, assign identification numbers and file prints.

4 AFIS Entry Operators (each at \$17,568 annually) - to sort prints, verify information on fingerprint cards, perform name checks, request rap sheets, enter permit information into MULES and AFIS, update permit information in MULES and file documents in archive system.

ASSUMPTION (continued)

2 Criminal History Technicians (each at \$20,976 annually) - to review current rap sheets, contact criminal justice agencies for missing information and update date and verification, coordinate Missouri records with FBI records, verify rap sheet for mailing or make determination on qualifications for permit and forward results.

2 Account Clerks (each at \$16,452 annually) - to reconcile fee payments with background searches, prepare copies of requests, make documentation of payment, complete transmittal and deposit of fund transaction, pay invoices for FBI and from other accounts, create and mail invoices to the appropriate entities and receive, reconcile and deposit fees received from sheriffs.

1 Clerk Typist/Secretary (at \$16,452 annually) - to handle incoming and outgoing correspondence from record appeals, information requests, delinquent notification for permits and payments and for general information requests.

1 CCW Manager/Supervisor (at \$28,488 annually) - to oversee the entire section for CCW permits. (Salary for this position was based on the salary range for the current UCR manager since job responsibilities would be similar)

All positions would require the standard office equipment. An additional 3 AFIS Workstations are also requested at \$120,000 each.

The MHP also assumes their Information System Division (ISD) would be required to design, build, implement and maintain an application to house concealed firearms permit data. The estimates were based upon the types of information that would have to be entered, edited, stored and retrieved. For example: last name, first name, middle initial, purpose, date of issuance, date of expiration, issuing agency, home address, business address, etc.

Applications to be Designed, Developed, Modified and Supported:

MULES/NCIC

Concealed Firearms Permits

The ISD requests the following FTE for this proposal:

Two Computer Info. Tech. Specialists (each at \$41,136 annually). One would be responsible for developing the MULES/NCIC application, and one would be responsible for developing the Concealed Firearms Permit application.

These two FTEs would require the standard office equipment.

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ASSUMPTION (continued)

The MHP states that virtually every permit would have at least an entry, an inquiry and a modification. ISD has estimated \$1,500 per month for six months to cover the development and testing of the application at the State Data Center and a one time cost of \$9,000

All of this was used to estimate the increased costs at the State Data Center for storage, file backups, and the processing of the entries, inquiries, revocations, and modifications. ISD has estimated the annual recurring State Data Center costs for the maintenance of the system to be \$12,000 plus an annual inquiry/entry amount of \$12,000 for the issuance process. Recurring cost are estimated to be \$24,000.

**Oversight** assumes there would be additional costs incurred by the Information System Division for testing and recurring expenses, but that the design, implement, and maintain the systems could be done with existing resources and that additional FTE will not be required.

EQUIPMENT AND BUILDING:

The Criminal Records and Identification Division estimate a minimum of 6,000 square feet to accommodate personnel, equipment and the public.

Leasing 6,000 square feet at \$13.50 per foot	\$81,000
Utilities for 6,000 square feet at \$1.50 per foot	\$ 9,000
Janitorial Services for 6,000 square feet at \$1.50 per foot	\$ 9,000
Systems furniture for 15 FTES @ \$4,000 each (modular furniture)	<u>\$60,000</u>
Total for Building(furniture/leasing/utilities/janitorial)	\$159,000
Plus	
One time cost for building	\$60,000
Recurring cost for the building accommodations	\$99,000

According to CRID, (Criminal Records and Identification Division) a study done in 1999 indicated the approximate number of individuals requesting permits to carry a concealed weapon was estimated at 72,540 (of which 10,540 would be in the first two months) for the first full year, 20,000 new applicants for the second year and 40,000 (of which 20,000 would be new applicants and 20,000 would be renewals) for every year thereafter. The FTE requested for CRID is based on the average of 40,000 applicants ongoing per year. Based on statistics from Texas, we expect only 20,000 of the initial 72,540 to want to renew their permit after 2 years.

ASSUMPTION (continued)

The MHP assumes 72,540 (applicant processing) x \$80 app. fee will result in revenues of \$5,803,200 in the first full year. The MHP states that of the \$80 processing fee, \$58 is profit that the Patrol is able to keep above its expenses. The other \$22 is the cost of doing a FBI fingerprint check. The Patrol assumes that the "Highway Patrol's Revolving Fund" is a fund that it can control in a similar manner as it does the CRIMINAL RECORD SYSTEMS FUND. Otherwise, the profit will be reduced by \$14.

The MHP assumes that in the second year 20,000 new applicants x \$80 will generate \$1,600,000 in revenue. In the third year, the MHP assumes 20,000 new applicants x \$80 will generate \$1,600,000 in new applicant revenue, plus 20,000 renewals x \$35 for \$700,000 in renewals, with a total estimated revenue of \$2,300,000 in the third year.

The MHP assumes there would also be additional costs to their Division of Drug and Crime Control:

Each of MHP's troop criminal investigation units would need one additional investigator to handle the background investigations, which means MHP would transfer 10 existing officers to this task (1 each at our 9 troops, and 1 at GHQ) and replace them with 10 new recruits. MHP states they will include more specific detail when they send a revised fiscal impact estimate, but some of the major costs associated with these 10 new FTE would include approximately \$305,760 for salary (\$30,576 x 10), \$160,279 for fringe benefits (\$305,760 x 52.42%), \$81,540 for training (\$8154 x 10), and \$269,600 for vehicles (\$26,960 x 10).

In addition, the division would need 1 Clerk Typist III (\$19,344 salary per year) and 2 Clerk Typist I's (\$32,064 total salary per year) at GHQ to prepare and maintain the investigation and background reports.

This would cause an impact of at least \$868,587 to the General Revenue fund. Again, more specific information as to the exact costs will follow as soon as possible

Texas passed concealed firearms legislation which went into effect January 1, 1996. Texas has an estimated population of 18,000,000, and received approximately 200,000 applications in the first year, but has received a cumulative total of 260,500 applications for a permit since inception. Which means the large majority of concealed weapons permits were received in the first year, and the number of applications subsequent to that has decreased. Missouri has a population of 5,500,000; therefore, applying the same ratio, **Oversight** assumed in similar proposals that Missouri would have 62,000 applications in the first year. After the initial rush, Oversight assumed the number of new applications would drop substantially.

ASSUMPTION (continued)

Texas' Department of Public Safety also issues the permits (as opposed to county sheriffs) for carrying concealed weapons in their state and currently has a staff of 38 FTE working in their Concealed Handgun Unit in Austin, plus other personnel in the field for investigations, fingerprinting, etc that are dedicated to the program. Applying the same ratio of population, Oversight estimates the Missouri Highway Patrol could implement this proposal with a staff of 12 FTE in the Headquarters plus the additional investigative staff and support.

**Oversight** assumes that there would be long-term impact to the state as the new concealed firearm permit applications diminished and those permitted individuals renewed their permit every three year. Renewed permit fees would be \$35. Ongoing costs to the MHP to process permit applications and renewals could exceed revenue generated from new permit applications.

**Oversight** assumes the processing fees of \$80 for an original permit application and \$35 for a permit renewal application would be credited to the highway patrol's revolving fund. Oversight assumes that since the general election for this proposal is in November, 2002, there would be no fiscal impact in FY 2002, and only six months of possible fiscal impact to the MHP in FY 2003, based upon voter approval. In FY 2003, with voter approval, Oversight estimated revenue of \$4,960,000 (\$80 fee x 62,000 applicants) and in FY 2004, Oversight defers to MHP's estimate of an additional 20,000 applicants for a revenue total of \$1,600,000 (20,000 x \$80).

**Oversight** officials spoke with a Public Information Officer (PIO) from the Texas Department of Public Safety regarding their concealed firearms legislation. The PIO stated that initially there was a glut of applications which resulted in some backlogs. Officials from the Texas DPS expect that their concealed firearm program will fund itself. Currently, the Texas DPS reports there are 215,694 active licenses as of February 1, 2001.

In response to similar legislation from a previous session, officials from the **Office of the Attorney General** assumed they would need one Assistant Attorney General I to provide legal interpretation to the Missouri State Highway Patrol. The AGO anticipated in excess of 100 cases based on historical data.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003 (6 months)	FY 2004
<b>GENERAL REVENUE</b>			
<u>Costs - Secretary of State</u>			
Publication Costs	\$0	(\$508,080)	\$0

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003 (6 months)	FY 2004
<u>Costs - Missouri Highway Patrol</u>			
Personal Service (13 FTE)	\$0	(\$178,584)	(\$366,097)
Fringe Benefits	\$0	(\$90,619)	(\$185,768)
Expense and Equipment	<u>\$0</u>	<u>(\$339,370)</u>	<u>(\$111,000)</u>
<u>Total Costs - MHP</u>	\$0	(\$608,573)	(\$662,865)

<u>Costs - Attorney General's Office (AGO)</u>			
Personal Service (10 FTE)	\$0	(\$16,971)	(\$35,660)
Fringe Benefits	\$0	(\$5,656)	(\$11,885)
Expense and Equipment	<u>\$0</u>	<u>(\$20,591)</u>	<u>(\$14,820)</u>
<u>Total Costs - AGO</u>	\$0	(\$43,218)	(\$62,365)

<b>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND</b>	<b>\$0</b>	<b>(\$1,159,871)</b>	<b>(\$725,230)</b>
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**CRIMINAL RECORD SYSTEM**

<u>Costs - Missouri Highway Patrol (MHP)</u>			
Personal Service (12 FTE)	\$0	(\$40,632)	(\$249,911)
Fringe Benefits	\$0	(\$16,565)	(\$101,889)
Expense and Equipment	<u>\$0</u>	<u>(\$1,855,313)</u>	<u>(\$562,990)</u>
<u>Total Costs - MHP</u>	\$0	(\$1,912,510)	(\$914,790)

**HIGHWAY PATROL REVOLVING  
FUND**

<u>Income - Concealed weapon permit application fees</u>	\$0	\$4,960,000	\$1,600,000
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	\$0	\$0	\$0



### FISCAL IMPACT - Small Business

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

### DESCRIPTION

This proposal revises various laws regarding concealable firearms. A person commits the crime of unlawful use of a weapon by carrying a concealed firearm without a permit. The permit may be issued by another state or a subdivision of another state, if the Department of Public Safety determines that the requirements are equivalent to those of Missouri. Peace officers are exempted from certain criminal provisions, whether they are within or outside of their jurisdiction or on or off duty. The prohibitions against discharging a firearm into a dwelling or within 100 yards of a school, courthouse or church, or exhibiting a weapon in an angry manner, do not apply to persons acting in self-defense.

A person commits the crime of unlawful possession of a concealable firearm if he has been formally adjudicated in the juvenile division of the circuit court of any offense which, if committed by an adult, would have been a dangerous felony, as defined in section 556.061, RSMo, or murder in the first degree, if a concealable firearm was used in the commission of such offense.

A permit to carry a concealed firearm will be issued by the Highway Patrol if the applicant: (1) is at least 21 years of age, a U.S. citizen, and a resident of this state for at least 6 months; (2) has not pled guilty to or been convicted of a crime; (3) is not a fugitive from justice for felony charges anywhere in the United States; (4) has not been dishonorably discharged from the armed services; (5) is not frequently intoxicated by alcohol or a known controlled substance abuser; (6) has not been deemed mentally incompetent or mentally ill; (7) has not exhibited violent behavior towards others, except in self-defense; and (8) has shown a knowledge of handgun safety by completion of a minimum of 12 hours of handgun safety training approved by the Department of Public Safety.

The Highway Patrol shall conduct a criminal background check. A permit shall be valid for three years. A permit fee shall be \$80, and a renewal fee shall be \$35, each to be paid to the county treasurer for the credit of the highway patrol's revolving fund to be expended at the direction of the highway patrol. The Highway Patrol shall keep a record of all applicants, and report issuance of permits to MULES. Anyone denied a permit shall receive written reasons for the denial, and may appeal the denial within 30 days.

Anyone may post clearly visible signs prohibiting concealed weapons on private property, and a violation shall be a trespass. The third such violation within a 5-year period shall be a Class C misdemeanor, the violator's permit shall be revoked, and the violator shall not be eligible to reapply for 3 years.

DESCRIPTION (continued)

Any competent person, age 21 or older, may file a sworn affidavit in small claims court alleging that a person who has been issued a permit to carry a concealed firearm is in violation of permit requirements. Such allegations include, but are not limited to, stalking, domestic violence or reckless endangerment with a firearm. The court may suspend or revoke a permit if the permit holder is determined to be in noncompliance. A referendum is set for November, 2002. The proposal specifies the ballot title.

This legislation is not federally mandated and would not duplicate any other program. It may, however, require additional capital improvements or rental space, depending on voter approval.

SOURCES OF INFORMATION

Office of the State Public Defender  
Office of Prosecution Services  
Office of the State Courts Administrator  
Department of Corrections  
Office of the Secretary of State  
Department of Public Safety - Missouri Highway Patrol  
Office of the Attorney General



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March 13, 2001