

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2925-01
Bill No.: HB 1298
Subject: Crimes and Punishment; Domestic Relations; Firearms and Fireworks
Type: Original
Date: March 2, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services, Department of Public Safety** – divisions of the **State Highway Patrol, Capitol Police** and the **Missouri State Water Patrol** each assume the proposed legislation would have no fiscal impact on their respective agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

In response to a similar proposal from this year, officials from the **Office of Prosecution Services** assumed prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of the State Public Defender (SPD)** state this proposed legislation will create more unlawful use of weapon cases. New crimes create new cases for the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

Since the amount of impact is so uncertain, the SPD cannot assume existing staff will be able to

provide representation in these cases. However, once the true impact is determined, the SPD

ASSUMPTION (continued)

will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the SPD.

Officials from the **Greene County Sheriff's Office, Boone County Sheriff's Office, Kansas City Police Department, and St. Louis County Police Department** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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.

DESCRIPTION

This proposal specifies a process by which a law enforcement officer can remove a firearm when responding to the scene of an alleged act of domestic violence. If a firearm is removed from the scene, the owner must be provided with information about the process for retaking possession of the firearm; and the law enforcement officer must safely store the firearm while any court proceeding relating to the alleged act of domestic violence is pending. The owner of the firearm may retake possession of the firearm at the conclusion of a proceeding on the alleged act of domestic violence.

RAS:LR:OD (12/02)

DESCRIPTION (continued)

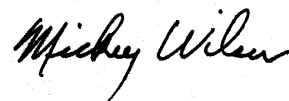
The proposal requires sheriffs to deny applications and to revoke permits or registration for concealed weapons pursuant to Section 571.090, RSMo, if the applicant or permit holder is subject to an existing order of protection, has been convicted of or plead guilty to domestic assault, or has been convicted of or plead guilty to a violation of an order of protection in which a firearm was used or possessed. The proposal also prohibits the shipment of firearms to or from an individual who is subject to a restraining order or an order of protection that includes a finding that the individual represents a credible threat to the physical safety of an intimate partner or child or prohibits the use of physical force against an intimate partner or child. The shipment of firearms to or from an individual who has been convicted by a court of a misdemeanor crime of domestic violence is also prohibited.

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

Office of State Courts Administrator
Department of Social Services
Department of Public Safety
 – Capitol Police
 – Missouri State Water Patrol
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender

**NOT RESPONDING - Greene County Sheriff's Office, Boone County Sheriff's Office
Kansas City Police Department, St. Louis County Police Department**



L.R. No. 2925-01
Bill No. HB 1298
Page 5 of 5
March 2, 2004

Mickey Wilson, CPA
Director
March 2, 2004

RAS:LR:OD (12/02)