

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3803-01  
Bill No.: HB 1274  
Subject: Domestic Relations; Family Law; Law Enforcement Officers and Agencies  
Type: Original  
Date: March 1, 2004

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**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<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.  
This fiscal note contains 4 pages.

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

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

### FISCAL ANALYSIS

#### ASSUMPTION

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

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

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

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

Current law allows a child who is the victim of abuse or stalking to obtain a child order of protection and an adult who is the victim of abuse or stalking to obtain an adult order of protection. The proposed legislation would require adult orders of protection to apply to any children who are in the custody of the adult seeking the order, as well as the adult victim.

The proposal would also specify 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 would be provided with information about the process for retaking possession of the firearm and the law enforcement officer would safely store the firearm while any court proceeding relating to the alleged act of domestic violence is pending. The owner of the firearm could retake possession of the firearm at the conclusion of the proceeding.

The proposal would require 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 would also prohibit 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 would also be prohibited.

DESCRIPTION (continued)

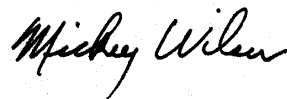
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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  
    – Director's Office  
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**



Mickey Wilson, CPA  
Director  
March 1, 2004