

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3524-01
Bill No.: HB 1395
Subject: Firearms and Fireworks; Probation and Parole
Type: Original
Date: May 4, 2010

Bill Summary: The proposal revises the law on unlawful possession of a firearm by a felon by making it only concealable firearms and repeals the crime of unlawful possession of an explosive weapon by a dangerous felon.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|-----------------------------------------------------------|----------------------------|----------------------------|----------------------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| General Revenue | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | Less than \$100,000 | Less than \$100,000 | Less than \$100,000 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---------------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| 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 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|-----------------------------------------------------------|----------|----------|----------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--------------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office, – Missouri State Highway Patrol, Boone County Sheriff’s Department, and the Jefferson City Police Department** assume the proposal 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 **Department of Corrections (DOC)** assume this statute was revised and broadened during the 2008 session to remove “concealable” firearms and have only “unlawful possession of a firearm.” This bill proposes to narrow it to only “concealable” firearms once again. Unlawful possession of an explosive weapon is completely removed from the statute. There were 7 admissions to DOC in FY09 for unlawful possession of a firearm and there was no activity on the charge code relating to explosive weapons. DOC data does not include the type of weapon for charges of unlawful possession so impact due to changes in the statute cannot be accurately determined.

When persons are sentenced to the custody of the DOC, the DOC incurs a corresponding increase in direct offender cost either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender). Eighteen (18) persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually.

In summary, passage of this bill may result in fewer persons being charged under this narrowing of the statute and the potential positive impact is assumed to be less than \$100,000 for DOC per each year.

Officials from the **Office of Prosecution Services (OPS)** assume the potential fiscal impact on county prosecuting attorneys will depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed. OPS assumes this legislation would not have any significant fiscal impact on the OPS.

ASSUMPTION (continued)

Oversight assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume the number of cases that may not be filed due to this change in language may be too few or uncertain to determine if a reduction in funding could occur. In Fiscal Year 2009, the SPD provided representation in 136 possession of a concealable weapon cases. SPD assumes a minimal unknown impact.

Oversight assumes the savings to the Office of the State Public Defender (SPD) to be a minimal amount. Therefore, Oversight has reflected no fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2011 (10 Mo.) | FY 2012 | FY 2013 |
|---------------------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------------------|
| GENERAL REVENUE FUND | | | |
| <u>Savings</u> – Department of Corrections | | | |
| Reduced incarcerations/probations | <u>Less than</u> <u>\$100,000</u> | <u>Less than</u> <u>\$100,000</u> | <u>Less than</u> <u>\$100,000</u> |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>Less than</u> <u>\$100,000</u> | <u>Less than</u> <u>\$100,000</u> | <u>Less than</u> <u>\$100,000</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2011 (10 Mo.) | FY 2012 | FY 2013 |
| | <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.

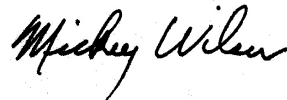
FISCAL DESCRIPTION

Currently, federal law allows convicted felons to possess and use certain types of antique rifles and shotguns but prohibits them from possessing concealable firearms and modern rifles and shotguns. The proposed legislation makes Missouri firearms law consistent with federal law by specifying that a convicted felon will be guilty of unlawful possession of a firearm only if the firearm is concealable.

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 Corrections
Department of Public Safety
 – Director's Office
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Boone County Sheriff's Department
Jefferson City Police Department



Mickey Wilson, CPA
Director
May 4, 2010