

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4939-01
Bill No.: HB 1474
Subject: Education, Elementary and Secondary; Firearms and Fireworks
Type: Original
Date: March 3, 2014

Bill Summary: This proposal authorizes any school district to designate a teacher or administrator as a school protection officer who may carry concealed firearms after he or she has met specified minimum training requirements.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Criminal Records	Less than \$100,000	Less than \$100,000	Less than \$100,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$100,000	Less than \$100,000	Less than \$100,000

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government	\$0 or (Unknown - Minimal cost)	\$0 or (Unknown - Minimal cost)	\$0 or (Unknown - Minimal cost)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume no fiscal impact on the Courts.

According to officials from the **Department of Public Safety - Missouri State Highway Patrol**, this legislation will require an additional background check for the purpose of POST certification for school protection officers. This is in addition to the initial background check required for teachers. Based on the fact that there are 2,456 schools in the state and that the potential exists for at least two school protection officers per school, then approximately 4,912 (2,456 x 2) persons will need to obtain a background check for this purpose in the first year. Due to employee changes and the school's individual need for additional protection officers, it is anticipated that an additional 500 background checks will be conducted for this purpose every year thereafter.

The charge for each background check processed is \$44.80. Twenty dollars for the state fingerprint check, \$16.50 for the federal check, and an \$8.30 charge for the electronic fingerprint option used through a third-party vendor ($\$20 + \$16.50 + \$8.30 = \44.80). Of this amount, the state retains the \$20 fee and \$2 of the federal charge of \$16.50 for a pass-thru fee. The \$8.30 charge is paid directly to the vendor at the time of application.

Estimated Revenue FY15

4,912 x \$36.50 (state/federal background check)	\$179,288
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Estimated Expense FY15

4,912 x \$14.50 (federal background check charge)	\$71,224
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Estimated Revenue FY16 and beyond

500 x \$36.50 (state/federal background check)	\$18,250
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Estimated Expense FY16 and beyond

500 x \$14.50 (federal background check charge)	\$7,250
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Oversight assumes that not every school will elect to designate a teacher or administrator as a school protection officer who may carry concealed firearms. For fiscal note purposes only, Oversight will assume the net effect on the Criminal Records Fund to be Less than \$100,000.

Officials from the **Department of Elementary and Secondary Education** state there is no anticipated state cost to the foundation formula associated with this proposal. To the extent fine

ASSUMPTION (continued)

revenues exceed 2004-2005 collections, any increase in this money distributed to school districts increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money).

Oversight assumes any fines assessed due to this legislation will be minimal, and for fiscal note purposes only, will assign no fiscal impact.

Officials from the **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the proposed legislation to have potential fiscal impact for DOC, is for a class A misdemeanor. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments 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 operational cost through supervision provided by the Board of Probation and Parole (FY13 average of \$5.07 per offender, per day or an annual cost of \$1,851 per offender).

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.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons who are designated as a school protection officer who may be charged with the proposed new crime of failure to carry a weapon at all times while on school property - a new Class A misdemeanor. In addition, a new crime would be created for persons disclosing personal information about school protection officers - a New Class B misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation where the right to counsel attaches.

ASSUMPTION (continued)

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Prosecution Services** state there is no measurable impact to their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

Officials from the **Boone County Sheriff's Department** assume no fiscal impact.

Officials from the **Cole County Sheriff's Department** state that since the proposal is permissive there is no fiscal impact.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff's Department, Jefferson City Police Department, Platte County Sheriff's Department, Springfield Police Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Department of Police, and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

Officials from the **Kansas City Public School District** assume no fiscal impact.

Officials from the **Francis Howell School District** state they have no plans to use teachers or administrators as school protection officers, so there is no fiscal impact for their district.

Officials from the **Special School District of St. Louis County** state this bill has no fiscal impact on their district as their board of education will not permit teachers to be armed.

Officials from the **Fulton School District** estimated costs to implement this proposal at approximately \$75,000 to cover six buildings.

Officials from the following school districts: Blue Springs, Branson, Caruthersville, Charleston R-I, Cole R-I, Columbia, Fair Grove, Harrison R-IX, Independence, Jefferson City, Johnson County R-7, Kirksville, Kirbyville R-V, Lee's Summit, Malden R-I, Malta Bend, Mexico, Monroe City R-I, Nixa, Parkway, Pattonville, Raymore-Peculiar R-III, Raytown, Riverview Gardens, Sedalia, Sikeston, Silex, Spickard R-II, Springfield, St Joseph, St Louis, St. Charles, Sullivan, Warren County R-III, and Waynesville did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Oversight notes that the proposal is permissive, and any school districts that elect to designate school protection officers will do so at their own expense. For fiscal note purposes only, Oversight show \$0 or (Unknown - Minimal Impact).

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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CRIMINAL RECORDS

<u>Income</u> - Background checks	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>	Less than <u>\$100,000</u>
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ESTIMATED NET EFFECT ON CRIMINAL RECORDS	<u>Less than</u> <u>\$100,000</u>	<u>Less than</u> <u>\$100,000</u>	<u>Less than</u> <u>\$100,000</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
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LOCAL POLITICAL SUBDIVISIONS

<u>Costs</u> - School Districts - School protection officers	\$0 or (Unknown - <u>Minimal cost</u>)	\$0 or (Unknown - <u>Minimal cost</u>)	\$0 or (Unknown - <u>Minimal cost</u>)
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ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or</u> <u>(Unknown -</u> <u>Minimal cost)</u>	<u>\$0 or</u> <u>(Unknown -</u> <u>Minimal cost)</u>	<u>\$0 or</u> <u>(Unknown -</u> <u>Minimal cost)</u>
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FISCAL IMPACT - Small Business

The proposed legislation appears to have no direct fiscal impact on small business.

FISCAL DESCRIPTION

This bill allows any school district to designate one or more elementary or secondary school teachers or administrators as a school protection officer, whose responsibilities and duties are voluntary and must be in addition to his or her normal responsibilities and duties. Any compensation for serving as a school protection officer must be funded by the local school district without using any state funds.

LMD:LR:OD

FISCAL DESCRIPTION (continued)

A school protection officer must be authorized to carry a concealed firearm in any school in the district, but he or she must keep the firearm on his or her person at all times while on school property. A person violating this provision must be removed immediately from the classroom, is guilty of an A misdemeanor, and is subject to employment termination proceedings within the school district.

The bill specifies the requirements to be designated as a school protection officer, including requesting the designation in writing to the school district superintendent, holding a valid concealed carry endorsement, and completion of a school protection officer training program approved by the Director of the Department of Public Safety. Any school district that designates a teacher or administrator as a school protection officer must notify the department director in writing within 30 days.

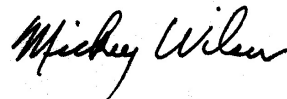
A school district may revoke the designation of a person as a school protection officer for any reason. The district must immediately notify the person in writing and must notify the department director in writing within 30 days of the revocation. The bill requires the department director to maintain a listing of all persons designated as a school protection officer and to make the list available to all law enforcement agencies. However, any identifying information collected is not considered public information and is not subject to an information request under the Open Meetings and Records Law, commonly known as the Sunshine Law. Any school employee who discloses any information to anyone, other than those authorized to receive it, will be guilty of a class B misdemeanor and will be subject to employment termination proceedings within the school district.

The bill requires the Peace Officer Standards and Training Commission to establish minimum standards for the training of school protection officers and specifies the minimum training requirements.

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 Elementary and Secondary Education
Office of State Courts Administrator
Department of Public Safety
 Missouri State Highway Patrol
Department of Corrections
Office of Prosecution Services
Office of State Public Defender
School Districts
 Kansas City
 Francis Howell
 Special School District of St. Louis County
 Fulton
Local Law Enforcement
 Cole County Sheriff's Department
 Boone County Sheriff's Department



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March 3, 2014

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March 3, 2014