

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4577-01
Bill No.: Perfected HB 1468
Subject: Firearms; Crimes and Punishment
Type: Original
Date: April 22, 2016

Bill Summary: This proposal allows any person to carry a concealed firearm anywhere that isn't expressly prohibited by law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
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 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state the original bill removed subsection 1 of 571.030, RSMo, which could have resulted in fewer convictions for unlawful use of a weapon, a class D felony. The DOC estimated there will be 53 fewer probation offenders per year, who would have served 2.5 years on supervision, including earned compliance credits.

DOC states that House Substitute Amendment 1 to House Amendment 3 (4577H01.30H) restores subsection 1, which removes the cost avoidance and results in a net impact of \$0 for all fiscal years.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

In response to a previous version of the proposal officials from the **Office of the State Public Defender** assumed the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<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, an individual with a permit to carry a concealed weapon is exempt from the general statute banning the carrying of concealed weapons in public areas. This bill repeals this general prohibition on carrying concealed weapons such as firearms and knives, except in the those places listed under Section 571.107, RSMo.

The bill does not grant the same rights to carry firearms concealed, except for carrying concealed firearms onto private property whose owner has posted the premises as being off-limits to concealed firearms, as the permit system which imposes only minimal penalties for mistakes.

Currently the law states that an individual who has pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for more than a year cannot be issued a concealed carry permit. This bill removes the pled guilty and plea of nolo contendere language.

This bill specifies that an individual who is occupying private property under the authority of the property owner is permitted to use deadly force in specified situations.

The bill also extends the exception to unlawful use of a weapon from a paid fire department or fire protection district chief to a member who otherwise meets the stated requirements.

This bill establishes the Business Premises Safety Act that prohibits a business owner or operator from restricting any person from lawfully possessing a firearm in a motor vehicle except in a vehicle owned or leased by the business. Business owners, operators, merchants, and shopkeepers do not have a duty to guard against the criminal act of a third party unless they know or have reason to know that the acts are occurring or are about to occur on the premises that pose imminent probability of injury to a person or that the same or similar criminal acts have occurred on the premises within the prior 24 months and there is reasonable foreseeability that they will occur again. In either case, it will be their duty to use reasonable care to protect against the acts. An owner or operator of a business will not be liable for any injury or damage resulting from compliance with these provisions. The term “business” does not include commercial residential operations including, but not limited to, hotels, motels, and apartment complexes.

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 Public Safety
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 22, 2016

Ross Strobe
Assistant Director
April 22, 2016