

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4668-02
Bill No.: HB 1849
Subject: Firearms; Domestic Relations; Crimes and Punishment
Type: Original
Date: February 26, 2018

Bill Summary: This proposal applies the offense of unlawful possession of firearms to certain additional categories of individuals in possession of firearms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(\$31,030)	(\$75,961)	(\$116,221)
Total Estimated Net Effect on General Revenue	(\$31,030)	(\$75,961)	(\$116,221)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of possessing a firearm and having a prior conviction of domestic abuse, or is illegally or unlawfully in the United States, has been discharged from the Armed Forces under dishonorable conditions, or having been a citizen of the United States, has renounced United State citizenship; or has a court order that restrains such person from harassing, stalking, or threatening a petitioner or a child of such petitioner, or engaging in other conduct that would place such petitioner in reasonable fear of bodily injury to the petitioner or child; and includes a finding that such person represents a credible threat to the physical safety of such petitioner or child.

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 in all cases where the right to counsel attaches.

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

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Corrections (DOC)** state this bill proposes to create a new law pertaining to unlawful possession of firearms. It creates two new class D felonies. The first is for possessing a firearm when they have a restraining order issued against them for harassing, stalking, or threatening a family member or child. In addition, possessing a firearm after being convicted of a misdemeanor crime of domestic assault is included. These are new crimes and the impact to DOC is unknown.

ASSUMPTION (continued)

The number of new DAI/probation cases opened in FY17 for the misdemeanor crime of domestic assault was 420. It is reasonable to expect some of these same people to “possess a firearm”, which could lead to class D felony charges. These are new crimes and the standard response applies for these new offenses because there is little direct data upon which to base an estimate.

For the two class D felonies, the department estimates six people will be sentenced to prison and 10 to probation. The average sentence for a nonviolent Class D offense is 5 years, of which 3.0 years will be served in prison while the remaining 2 years will be on parole. Probation sentences will be 3 years. The cumulative impact on DOC is 18 additional offenders in prison and 42 on field supervision by FY 2023.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

ASSUMPTION (continued)

The DOC would assume this legislation will result in long term cost as indicated in the chart below.

	# to prison	Cost per year	Total Costs for prison		# to probation & parole	Cost per year	Total cost for probation and parole	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	6	(\$6,206)	(\$31,030)		10	absorbed	\$0	(\$31,030)
Year 2	12	(\$6,206)	(\$75,961)		20	absorbed	\$0	(\$75,961)
Year 3	18	(\$6,206)	(\$116,221)		30	absorbed	\$0	(\$116,221)
Year 4	18	(\$6,206)	(\$118,545)		36	absorbed	\$0	(\$118,545)
Year 5	18	(\$6,206)	(\$120,916)		42	absorbed	\$0	(\$120,916)
Year 6	18	(\$6,206)	(\$123,335)		42	absorbed	\$0	(\$123,335)
Year 7	18	(\$6,206)	(\$125,801)		42	absorbed	\$0	(\$125,801)
Year 8	18	(\$6,206)	(\$128,317)		42	absorbed	\$0	(\$128,317)
Year 9	18	(\$6,206)	(\$130,884)		42	absorbed	\$0	(\$130,884)
Year 10	18	(\$6,206)	(\$133,501)		42	absorbed	\$0	(\$133,501)

FISCAL IMPACT - State Government

FY 2019

FY 2020

FY 2021

GENERAL REVENUE

Costs - DOC - Increased prisoner cost
 from changes to unlawful possession of a
 firearm

(\$31,030)

(\$75,961)

(\$116,221)

**ESTIMATED NET EFFECT TO THE
 GENERAL REVENUE FUND**

(\$31,030)

(\$75,961)

(\$116,221)

FISCAL IMPACT - Local Government

FY 2019

FY 2020

FY 2021

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill modifies the categories of persons who cannot possess firearms so that Missouri law conforms with federal law. The bill specifies that any person who has been convicted in any court of a misdemeanor crime of domestic violence, any person who is illegally or unlawfully in the United States, any person who was once a United States citizen but has renounced that citizenship, or any person subject to certain court orders relating to domestic violence cannot possess a firearm.

This bill contains an emergency clause.

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 - Missouri Highway Patrol
Department of Corrections
Office of Prosecution Services
Office of the State Public Defender
Office of the State Courts Administrator

Ross Strobe



Acting Director
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