

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2032-01
Bill No.: HB 960
Subject: Firearms; Domestic Relations; Crimes and Punishment
Type: Original
Date: April 16, 2019

Bill Summary: This proposal prohibits certain individuals from possessing a firearm due to domestic violence and requires police officers to remove firearms at the scene of a domestic violence call.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$18,861)	(\$38,476)	(\$58,869)
Total Estimated Net Effect on General Revenue	(\$18,861)	(\$38,476)	(\$58,869)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	Could exceed \$43,450	Could exceed \$43,450	Could exceed \$43,450

FISCAL ANALYSIS

ASSUMPTION

§§455.050, 455.523, 565.076, 565.227, and 571.070 - Removal of firearms at the scene of a domestic violence call

Officials from the **Department of Corrections (DOC)** state the proposed legislation expands the elements of the class D felony offense of unlawful possession of a firearm under section 571.070, RSMo, to include prohibition of weapons by persons convicted of misdemeanor domestic violence offenses or subject to an order of protection.

The DOC will use the standard response for a new class D nonviolent felony. The department can expect to see 3 persons sent to prison and 5 to probation. The full impact occurs in FY24 with 9 persons sent to prison and 21 to probation.

	# 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 2% inflation)
Year 1	3	(\$6,287)	(\$18,861)	5	absorbed	\$0	(\$18,861)
Year 2	6	(\$6,287)	(\$38,476)	10	absorbed	\$0	(\$38,476)
Year 3	9	(\$6,287)	(\$58,869)	15	absorbed	\$0	(\$58,869)
Year 4	9	(\$6,287)	(\$60,046)	18	absorbed	\$0	(\$60,046)
Year 5	9	(\$6,287)	(\$61,247)	21	absorbed	\$0	(\$61,247)
Year 6	9	(\$6,287)	(\$62,472)	21	absorbed	\$0	(\$62,472)
Year 7	9	(\$6,287)	(\$63,722)	21	absorbed	\$0	(\$63,722)
Year 8	9	(\$6,287)	(\$64,996)	21	absorbed	\$0	(\$64,996)
Year 9	9	(\$6,287)	(\$66,296)	21	absorbed	\$0	(\$66,296)
Year 10	9	(\$6,287)	(\$67,622)	21	absorbed	\$0	(\$67,622)

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Office of State Courts Administrator (OSCA)** 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.

ASSUMPTION (continued)

Oversight notes that the **Department of Public Safety - Missouri State Highway Patrol, Missouri Office of Prosecution Services, State Public Defender's Office, Joplin Police Department, Springfield Police Department** and **St. Louis County Department of Justice Services** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **St. Louis County Police Department** state this bill would require the St. Louis County Police Department to provide one hour of training for 930 commissioned officers at an average cost of \$46.72 per hour per officer or approximately \$43,450 ($\$46.72 * 1 \text{ hr} * 930$). In addition, there would be an unknown cost for the storage of firearms.

Oversight notes the cost for the St. Louis County Police Department. Oversight is unable to project a statewide cost; therefore, the impact to local governments will be presented as could exceed \$43,450.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriffs' departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

This proposal contains an emergency clause.

<u>FISCAL IMPACT - State Government</u>	FY 2020	FY 2021	FY 2022
GENERAL REVENUE FUND			
Costs - DOC (\$\$455.050, 455.523, 565.076, 565.227, 571.070)			
Increased incarceration costs	<u>(\$18,861)</u>	<u>(\$38,476)</u>	<u>(\$58,869)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$18,861)</u>	<u>(\$38,476)</u>	<u>(\$58,869)</u>

FISCAL IMPACT - Local Government

FY 2020

FY 2021

FY 2022

**LOCAL GOVERNMENT - POLICE
DEPARTMENTS**

Costs - Police Departments (\$455.050,
455.523, 565.076, 565.227, 571.070)

Increased training costs and storage of
firearms

(Could exceed
\$43,450)

(Could exceed
\$43,450)

(Could exceed
\$43,450)

**ESTIMATED NET EFFECT ON
LOCAL GOVERNMENT - POLICE
DEPARTMENTS**

(Could exceed
\$43,450)

(Could exceed
\$43,450)

(Could exceed
\$43,450)

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill requires courts that issue a full order of protection after a hearing to prohibit any respondent from possessing or purchasing firearms while the order is in effect, inform the respondent of the order either orally or in writing, and forward the order to the State Highway Patrol for enforcement as specified in the bill.

The bill also requires notification of the State Highway Patrol so that the National Instant Criminal Background Check system can be updated and the FBI notified when there is a conviction of stalking in the second degree. Unlawful possession of a firearm will include misdemeanor offenses of domestic violence under the law of any state or the United States and violations of the court order specified in the bill.

The bill has 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 Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
Joplin Police Department
Springfield Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department

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