

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4266-03  
Bill No.: HB 2169  
Subject: Firearms; Crimes and Punishment; Weapons  
Type: Original  
Date: March 3, 2020

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Bill Summary: This proposal establishes Blair's Law, which creates the offense of unlawful discharge of a firearm for discharging a firearm within or into the limits of a municipality with criminal negligence.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>          |                              |                              |                              |
|--|------------------------------|------------------------------|------------------------------|
| <b>FUND AFFECTED</b>   | <b>FY 2021</b>               | <b>FY 2022</b>               | <b>FY 2023</b>               |
| General Revenue  | (Less than \$100,000)        | (Less than \$100,000)        | (Less than \$100,000)        |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> | <b>(Less than \$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2021</b> | <b>FY 2022</b> | <b>FY 2023</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                          |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2021    | FY 2022    | FY 2023    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |          |          |          |
|---|----------|----------|----------|
| FUND AFFECTED   | FY 2021  | FY 2022  | FY 2023  |
|   |          |          |          |
|   |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>          | <b>0</b> | <b>0</b> | <b>0</b> |

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

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED                              | FY 2021    | FY 2022    | FY 2023    |
| <b>Local Government</b>                    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§571.031 - Unlawful discharge of a firearm**

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the newly defined crime of Unlawful Use of a Weapon which carries differing levels of penalties. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2019, SPD's Trial Division opened 609 cases under charge code 571.030 of the 62,002 total cases opened. It is unknown how many of these cases were within a municipality. The penalties are similar.

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** notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** state the areas already covered in statute for unlawfully discharging a firearm include dwelling house, railroad train, boat, aircraft, motor

ASSUMPTION (continued)

vehicle, schoolhouses, courthouses or church buildings. These locations cover many areas within a municipality. For that reason, the additional instances which would fall within Blair's Law is believed to have no fiscal impact to the department.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. 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.

**Oversight** notes the **Attorney General's Office**, the **Department of Public Safety - (Missouri State Highway Patrol Department and Missouri National Guard)**, the **Department of Conservation**, the **Office of State Courts Administrator**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield**, the **St. Louis County Police Department**, and the **St. Louis Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments and cities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

| <u>FISCAL IMPACT - State Government</u>  | FY 2021<br>(10 Mo.)                 | FY 2022                             | FY 2023                             |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>GENERAL REVENUE FUND</b>  |                                     |                                     |                                     |
| <u>Cost - SPD (\$571.031) Salaries, fringe benefits, and equipment and expense</u> | <u>(Less than \$100,000)</u>        | <u>(Less than \$100,000)</u>        | <u>(Less than \$100,000)</u>        |
| <b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>                            | <b><u>(Less than \$100,000)</u></b> | <b><u>(Less than \$100,000)</u></b> | <b><u>(Less than \$100,000)</u></b> |

FISCAL IMPACT - Local Government

FY 2021  
(10 Mo.)

FY 2022

FY 2023

\$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 establishes "Blair's Law" which specifies that a person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of any municipality. Any such person shall be guilty of a class A misdemeanor. These provisions will not apply if the firearm is discharged under the circumstances listed in the bill.

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

Attorney General's Office  
Department of Corrections  
Department of Public Safety  
Department of Conservation  
Missouri Office of Prosecution Services  
Office of State Courts Administrator  
State Public Defender's Office  
City of Kansas City  
City of O'Fallon  
City of Springfield  
St. Louis County Police Department  
St. Louis County Department of Justice Services



Julie Morff  
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March 3, 2020



Ross Strope  
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March 3, 2020