

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1227H.02C  
Bill No.: HCS for HB Nos. 795, 99, & 722  
Subject: Firearms; Crimes and Punishment; Weapons  
Type: Original  
Date: March 16, 2021

---

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue*	(\$25,853)	(\$63,289)	(\$88,763)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$25,853)</b>	<b>(\$63,289)</b>	<b>(\$88,763)</b>

\***Oversight** notes these costs were updated to reflect understated costs in the previous version.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on <u>All</u> 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 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §571.031 – Blair’s Law

Officials from the **Department of Corrections (DOC)** state this proposal makes it an unlawful to discharge a weapon in the limits of any municipality. This newly added subsection is known as Blair’s Law. The penalty of unlawful use of weapons is a class E felony, for a first offense and a class D felony, for a second or subsequent offense.

For each new nonviolent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be two additional offenders in prison and seven on field supervision by FY 2024.

**Change in prison admissions and probation openings with legislation-Class E Felony (nonviolent)**

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	1	1	1	1	1	1	1	1	1	1
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	2	2	2	2	2	2	2	2	2	2
<b>Change (After Legislation - Current Law)</b>										
Admissions	1	1	1	1	1	1	1	1	1	1
Probations	2	2	2	2	2	2	2	2	2	2
<b>Cumulative Populations</b>										
Prison	1	2	2	2	2	2	2	2	2	2
Parole			1	1	1	1	1	1	1	1
Probation	2	4	6	6	6	6	6	6	6	6
<b>Impact</b>										
Prison Population	1	2	2	2	2	2	2	2	2	2
Field Population	2	4	7	7	7	7	7	7	7	7
<b>Population Change</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>

For each new nonviolent class D felony, the Department estimates three people will be sentenced to prison and five to probation. The average sentence for a nonviolent class D felony offense is 5 years of which, 2.8 years will be served in prison with 1.7 years to first release. The remaining 2.2 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the Department is estimated to be 8 additional offenders in prison and 22 additional offenders on field supervision by FY 2026.

**Change in prison admissions and probation openings with legislation-Class D Felony (nonviolent)**

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	3	3	3	3	3	3	3	3	3	3
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	5	5	5	5	5	5	5	5	5	5
<b>Change (After Legislation - Current Law)</b>										
Admissions	3	3	3	3	3	3	3	3	3	3
Probations	5	5	5	5	5	5	5	5	5	5
<b>Cumulative Populations</b>										
Prison	3	6	8	8	8	8	8	8	8	8
Parole			1	4	7	7	7	7	7	7
Probation	5	10	15	15	15	15	15	15	15	15
<b>Impact</b>										
Prison Population	3	6	8	8	8	8	8	8	8	8
Field Population	5	10	16	19	22	22	22	22	22	22
<b>Population Change</b>	<b>8</b>	<b>16</b>	<b>24</b>	<b>27</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>30</b>

The combined cumulative impact of a new class D felony and a new class E felony on the Department is estimated to be 11 additional offenders in prison and 23 additional offenders on field supervision by FY 2024.

**Change in prison admissions and probation openings with legislation**

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
<b>New Admissions</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	4	4	4	4	4	4	4	4	4	4
<b>Probation</b>										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	7	7	7	7	7	7	7	7	7	7
<b>Change (After Legislation - Current Law)</b>										
Admissions	4	4	4	4	4	4	4	4	4	4
Probations	7	7	7	7	7	7	7	7	7	7
<b>Cumulative Populations</b>										
Prison	4	8	11	11	11	11	11	11	11	11
Parole	0	0	2	5	8	8	8	8	8	8
Probation	7	14	21	21	21	21	21	21	21	21
<b>Impact</b>										
Prison Population	4	8	11	11	11	11	11	11	11	11
Field Population	7	14	23	26	29	29	29	29	29	29
<b>Population Change</b>	<b>11</b>	<b>22</b>	<b>33</b>	<b>37</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	4	(\$7,756)	(\$25,853)	7	absorbed	\$0	(\$25,853)
Year 2	8	(\$7,756)	(\$63,289)	14	absorbed	\$0	(\$63,289)
Year 3	11	(\$7,756)	(\$88,763)	23	absorbed	\$0	(\$88,763)
Year 4	11	(\$7,756)	(\$90,538)	26	absorbed	\$0	(\$90,538)
Year 5	11	(\$7,756)	(\$92,349)	29	absorbed	\$0	(\$92,349)
Year 6	11	(\$7,756)	(\$94,196)	29	absorbed	\$0	(\$94,196)
Year 7	11	(\$7,756)	(\$96,080)	29	absorbed	\$0	(\$96,080)
Year 8	11	(\$7,756)	(\$98,001)	29	absorbed	\$0	(\$98,001)
Year 9	11	(\$7,756)	(\$99,961)	29	absorbed	\$0	(\$99,961)
Year 10	11	(\$7,756)	(\$101,961)	29	absorbed	\$0	(\$101,961)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections 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 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be the DOC average district caseload across the state which is 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases would result in a change in costs/cost avoidance equal to the cost of one FTE staff person. 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. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 48 probation and parole districts.

The DOC cost of incarceration is \$21.251 per day or an annual cost of \$7,756 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.

**Oversight** notes DOC's costs were updated to reflect incorrect costs in the previous version. Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Missouri State Public Defender (SPD)** cannot assume existing staff will be able to provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime(s) of unlawful use of a weapon under Section 571.031 RSMo. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Missouri State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

**Oversight** assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD 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 enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Attorney General's Office**, the **Department of Public Safety – (Missouri National Guard and Missouri Highway Patrol)**, the **Missouri Department of Conservation**, the **Office of the State Courts Administrator**, the **Kansas City Police Department**, the **St. Louis County Police Department**, the **City of Claycomo**, the **City of Kansas City**, the **City of Springfield**, and the **City of St. Louis** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Crestwood Police Department**, the **Ellisville Police Department**, the **Tipton Police Department**, the **City of O'Fallon**, the **City of Southwest City**, and the **City of Tipton** each assumed the proposal will have no 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 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 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DOC</u> (\$571.031) Increased incarceration costs	(\$25,853)	(\$63,289)	(\$88,763)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>(\$25,853)</b>	<b>(\$63,289)</b>	<b>(\$88,763)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

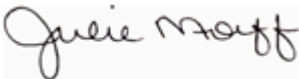
#### FISCAL DESCRIPTION

This bill establishes "Blair's Law" which specifies that a person commits the crime of unlawful use of a weapon 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 E felony for the first offense and a class D felony for the second offense. These provisions will not apply if the firearm is discharged under the circumstances listed in the bill.

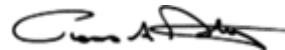
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

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



Julie Morff  
Director  
March 16, 2021



Ross Strobe  
Assistant Director  
March 16, 2021