

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2085-02  
Bill No.: HB 1068  
Subject: Firearms; Domestic Relations  
Type: Original  
Date: April 3, 2017

Bill Summary: This proposal modifies the offense of unlawful possession of a firearm.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2022)
General Revenue Fund	(\$49,042)	(\$120,054)	(\$181,279)	(\$214,718)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$49,042)</b>	<b>(\$120,054)</b>	<b>(\$181,279)</b>	<b>(\$214,718)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2022)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</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>				
<b>FUND AFFECTED</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Fully Implemented (FY 2022)</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, and the **Office of the State Courts Administrator** 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 faced with the enhanced penalties for unlawful possession of a firearm. The expanded definition of unlawful possession of a firearm will increase the number of people charged.

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 **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.

The Office of State Courts Administrators does not track the number of restraining orders issued statewide. The number of court cases disposed statewide for a violation of the orders is tracked. The number of protection orders disposed statewide in FY16 was 846. The number of new DAI/probation cases opened in FY16 for the misdemeanor crime of domestic assault (RSMo 565.074) was 484. 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 to base an estimate.

For the 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 4.8 years of which, 2.9 years will be served in prison while the remaining 1.9 years will be on parole and probation sentences will be 3 years. The cumulative impact on DOC is 17.4 additional offenders in prison

ASSUMPTION (continued)

and 41.4 on field supervision by FY 2022.

If this impact statement has changed from statements submitted in previous years, it is because the department's Budget and Research Section reviewed the way responses had been submitted and has developed a more precise way to calculate the impact. In previous year's responses, the full impact of recidivism for parole releases was not adequately calculated. Now we have been able to quantify the fact that some parolees are returned to prison after release and that has been added into the calculation of the impact. The total number of offenders has not changed but there is an assumption that they will spend more time back in prison rather than being on community supervision, which will increase the amount of the impacts.

The FY16 average cost of supervision is \$6.12 per offender per day or an annual cost of \$2,234 per offender. The DOC cost of incarceration is \$16.67 per day or an annual cost of \$6,085 per offender.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes and 2% inflation)
Year 1	6	(\$6,085)	(\$36,510)	10	(\$2,234)	(\$22,340)	(\$49,042)
Year 2	12	(\$6,085)	(\$73,020)	20	(\$2,234)	(\$44,680)	(\$120,054)
Year 3	17	(\$6,085)	(\$105,879)	31	(\$2,234)	(\$68,360)	(\$181,279)
Year 4	17	(\$6,085)	(\$105,879)	37	(\$2,234)	(\$81,764)	(\$199,129)
Year 5	17	(\$6,085)	(\$105,879)	41	(\$2,234)	(\$92,488)	(\$214,718)

<u>FISCAL IMPACT - State</u>				Fully
<u>Government</u>	FY 2018	FY 2019	FY 2020	Implemented
	(10 Mo.)			(FY 2022)
 <b>GENERAL REVENUE FUND</b>				
<u>Costs - DOC - increase in</u>				
incarceration and supervision	<u>(\$49,042)</u>	<u>(\$120,054)</u>	<u>(\$181,279)</u>	<u>(\$214,718)</u>
 <b>ESTIMATED NET EFFECT</b>				
<b>TO THE GENERAL</b>				
<b>REVENUE FUND</b>				
	<b><u>(\$49,042)</u></b>	<b><u>(\$120,054)</u></b>	<b><u>(\$181,279)</u></b>	<b><u>(\$214,718)</u></b>

<u>FISCAL IMPACT -</u>				Fully
<u>Local Government</u>	FY 2018	FY 2019	FY 2020	Implemented
	(10 Mo.)			(FY 2022)
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill specifies that a person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and such person has been convicted in any court of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921 (a) (33), such person is illegally or unlawfully in the United States or has renounced United States citizenship, or such person has an order of protection against him or her and such order includes a finding that such person represents a credible threat to the physical safety of the intimate partner or child named in the order of protection or such order, by its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

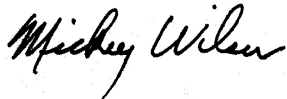
FISCAL DESCRIPTION (continued)

For a period of 24 hours after being served with a court order meeting specified requirements, such person may continue to possess and transport any firearm possessed by such person at the time of service for the purpose of selling or transferring any such firearm to any person who is not otherwise prohibited by law from possessing such firearm.

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  
Department of Corrections  
Office of the State Courts Administrator



Mickey Wilson, CPA  
Director  
April 3, 2017

Ross Strobe  
Assistant Director  
April 3, 2017