

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0839-01
Bill No.: HB 258
Subject: Firearms; Crimes and Punishment
Type: Original
Date: March 5, 2019

Bill Summary: This proposal modifies provisions relating to concealed carry of firearms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
College & University Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
Total Estimated Net Effect on Other State Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 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	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)	\$0 or Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712 - Concealed carry of firearms

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 proposed new crimes regarding the unlawful use of a weapon. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

In Fiscal Year 2018, SPD's Trial Division opened 632 cases under charge code 571.030 of the 63,395 total cases opened. If due to this proposed change in legislation, the cases increased 15 percent, the SPD could see an additional 95 class E felonies.

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 \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016; \$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed within 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.

According to "The Missouri Project" (RubinBrown, June 2014), the number of hours that should be spent on a C/D/E felony case is 28.5. This number takes into account time for travel and in-court appearances. For purposes of this fiscal note, if the number of cases opened in 2019 is 95, the SPD could spend an additional 2,707.50 (95 cases x 28.5 hours) hours on these cases annually. With 2,080 work hours each year, the SPD would need 1.3 APD (2,707.50 / 2,080).

ASSUMPTION (continued)

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources. However, since this bill only changes the locations where concealed weapons are allowed, Oversight assumes the number of individuals charged will be less than those stated by the SPD. Therefore, Oversight will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

In response to similar legislation, SB 121, officials from the **City of Columbia** assumed the proposal will not have a direct fiscal impact unless having more guns circulating in public places leads to more gun owners using them during disagreements which could result in more police calls and associated expenses of response.

In response to similar legislation, SB 121, officials from the **City of Springfield** stated the fiscal impact is unquantifiable without knowing how the proposed legislation and impedance on the city's sovereignty will affect the city's general fund.

Oversight notes the unknown impact for the cities of Columbia and Springfield and is unable to project a statewide cost; therefore, the impact to local governments-political subdivisions will be presented as \$0 to (Unknown).

Oversight notes that violations resulting in fines per §571.030.8(2) could vary widely from year to year. Civil penalties collected are distributed to the school district where the violation occurred; therefore, Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts on the fiscal note.

Officials from **Missouri State University (MSU)** assume there is a negative fiscal impact of an undetermined amount to implement multiple policy changes, retraining of existing security and transportation staff, and appropriate firearm storage to be installed throughout campus.

In response to similar legislation, SB 121, officials from the **Northwest Missouri State University** assumed a one-time training cost of approximately \$1,000 for employees and students. Dense population areas present a concern as it slows the response for emergency first responders.

Oversight notes that many of the assumptions noted by MSU officials would apply to community college districts and to other political subdivisions. Oversight cannot estimate a statewide cost; therefore, the impact to colleges and universities will be presented as \$0 to (Unknown).

ASSUMPTION (continued)

Oversight notes that the **Department of Corrections (DOC)** has stated the proposal would not have a direct fiscal impact on their organization. The DOC notes this bill pertains to those individuals with a CCW permit as opposed to individuals with no permit for an open conceal carry. Therefore, the DOC assumes there will be a minimal number of individuals charged with the provisions of this proposed legislation.

Oversight notes that the **Department of Elementary and Secondary Education, Department of Higher Education, Department of Public Safety - Missouri State Highway Patrol, Missouri House of Representatives, Missouri Office of Prosecution Services, Office of State Courts Administrator, Missouri Senate, City of Kansas City, State Technical College of Missouri, University of Central Missouri, Joplin Police Department, Springfield Police Department, St. Louis County Police Department, St. Louis County Department of Justice Services, Lee’s Summit R-VII Public Schools and Boone County Sheriff’s Department** 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, hospitals, schools, colleges and universities, and 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.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Costs - SPD</u> (§§571.030, 571.107, 571.108, 571.109, 571.215, 577.703, and 577.712)			
Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>

FISCAL IMPACT - State Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

COLLEGE & UNIVERSITY FUNDS

Costs - College & University
 (§§571.030, 571.107, 571.108, 571.109,
 571.215, 577.703, and 577.712)

Increase in operational costs

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

**ESTIMATED NET EFFECT ON
 COLLEGE & UNIVERSITY FUNDS**

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

FISCAL IMPACT - Local Government

FY 2020
(10 Mo.)

FY 2021

FY 2022

POLITICAL SUBDIVISIONS

Costs - (§§571.030, 571.107, 571.108,
 571.109, 571.215, 577.703, and 577.712)

Increase in operational costs

\$0 or
(Unknown)

\$0 or
(Unknown)

\$0 or
(Unknown)

**ESTIMATED NET EFFECT ON
 POLITICAL SUBDIVISIONS**

\$0 or
(Unknown)

\$0 or
(Unknown)

\$0 or
(Unknown)

LOCAL SCHOOL DISTRICTS

Revenue - (§571.030)

Fine revenue from citations

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

**ESTIMATED NET EFFECT ON
 LOCAL SCHOOL DISTRICTS**

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill makes changes to the list of locations an individual can carry a concealed firearm within this state and the list of locations an individual with a concealed carry permit can carry a concealed firearm within the state. This bill also prohibits the state, political subdivisions, and public institutions of higher learning from imposing any policies or contractual requirements that would have the effect of prohibiting employees or students from the carrying of concealed firearms into locations where concealed carry is not otherwise prohibited by law.

No changes have been made to the penalties for carrying a concealed firearm in locations prohibited under these sections.

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

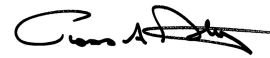
SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Department of Higher Education
Department of Corrections
Department of Public Safety -
 Missouri State Highway Patrol
Missouri House of Representatives
Missouri Office of Prosecution Services
Office of State Courts Administrator
Missouri Senate
State Public Defender's Office
City of Columbia
City of Kansas City
City of Springfield
Missouri State University
Northwest Missouri State University
State Technical College of Missouri
University of Central Missouri

SOURCES OF INFORMATION (continued)

Joplin Police Department
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services
Lee's Summit R-VII Public Schools
Boone County Sheriff's Department

Kyle Rieman
Director
March 5, 2019



Ross Strope
Assistant Director
March 5, 2019