

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1253H.01I
Bill No.: HB 473
Subject: Firearms; Victims Of Crime; Weapons; Domestic Relations
Type: Original
Date: February 26, 2021

Bill Summary: This proposal prohibits certain individuals from possessing a firearm due to domestic violence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(\$46,536)	(\$94,933)	(\$137,179)
Total Estimated Net Effect on General Revenue	(\$46,536)	(\$94,933)	(\$137,179)

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

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	(Could exceed \$44,851)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§455.050, 455.523, 565.076, 565.227, and 571.070 – Domestic violence

Officials from the **Department of Corrections (DOC)** state this legislation creates two new felony offenses. Therefore, the department will use a standard D felony response to estimate a fiscal impact.

For each new class D felony, the department estimates three people will be sentenced to prison and 5 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 17 additional offenders in prison and 31 additional offenders on field supervision by FY 2024.

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

	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
New Admissions										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	6	6	6	6	6	6	6	6	6	6
Probation										
Current Law	0	0	0	0	0	0	0	0	0	0
After Legislation	10	10	10	10	10	10	10	10	10	10
Change (After Legislation - Current Law)										
Admissions	6	6	6	6	6	6	6	6	6	6
Probations	10	10	10	10	10	10	10	10	10	10
Cumulative Populations										
Prison	6	12	17	17	17	17	17	17	17	17
Parole			1	7	13	13	13	13	13	13
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	6	12	17	17	17	17	17	17	17	17
Field Population	10	20	31	37	43	43	43	43	43	43
Population Change	16	32	48	54	60	60	60	60	60	60

	# 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	6	(\$7,756)	(\$46,536)	10	absorbed	\$0	(\$46,536)
Year 2	12	(\$7,756)	(\$94,933)	20	absorbed	\$0	(\$94,933)
Year 3	17	(\$7,756)	(\$137,179)	31	absorbed	\$0	(\$137,179)
Year 4	17	(\$7,756)	(\$139,922)	37	absorbed	\$0	(\$139,922)
Year 5	17	(\$7,756)	(\$142,721)	43	absorbed	\$0	(\$142,721)
Year 6	17	(\$7,756)	(\$145,575)	43	absorbed	\$0	(\$145,575)
Year 7	17	(\$7,756)	(\$148,487)	43	absorbed	\$0	(\$148,487)
Year 8	17	(\$7,756)	(\$151,457)	43	absorbed	\$0	(\$151,457)
Year 9	17	(\$7,756)	(\$154,486)	43	absorbed	\$0	(\$154,486)
Year 10	17	(\$7,756)	(\$157,575)	43	absorbed	\$0	(\$157,575)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) 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 does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's 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) concerning possession of firearms, a class E felony under Section 571.070 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 **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **Columbia Police Department**, the **Crestwood Police Department**, the **Ellisville Police Department**, and the **Kansas City Police Department** each assume 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.

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 960 commissioned officers at an average cost of \$46.72 per hour per officer or approximately \$44,851 ($\$46.72 * 1 \text{ hr.} * 960$). 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 assumes training will occur in the first year and any training required in subsequent years would be incorporated into a department's annual training. Oversight notes provisions of this proposal require organizations to store guns and assumes a \$0 to (Unknown) cost for storage. Oversight is unable to project a statewide cost; therefore, the impact to local governments will be presented as (Could exceed \$44,851) for FY 2022; and \$0 to (Unknown) for subsequent years.

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	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DOC</u> (§§455.050, 455.523, 565.076, 565.227, 571.070) Increased incarceration costs	<u>(\$46,536)</u>	<u>(\$94,933)</u>	<u>(\$137,179)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$46,536)</u>	<u>(\$94,933)</u>	<u>(\$137,179)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
LOCAL GOVERNMENT - POLICE DEPARTMENTS			
<u>Costs - Police Departments</u> (§§455.050, 455.523, 565.076, 565.227, 571.070) Increased training costs and storage of firearms	<u>(Could exceed \$44,851)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT - POLICE DEPARTMENTS	<u>(Could exceed \$44,851)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</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 requires any court that issue a full order of protection after a hearing, to also prohibit the 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 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 domestic assault in the fourth degree or stalking in the second degree.

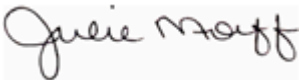
The bill also makes it a class D felony for a person convicted of misdemeanor offenses of domestic violence or subject to an order of protection to possess a firearm.

The bill has an emergency clause.

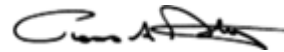
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Public Safety
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Courts Administrator
Office of the State Public Defender
Columbia Police Department
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
St. Louis County Police Department



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