

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5052-01
Bill No.: HB 1733
Subject: Firearms
Type: Original
Date: February 22, 2018

Bill Summary: This proposal repeals certain provisions relating to the stand your ground law and the constitutional carry law.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$0	\$0	(\$516,538)
Total Estimated Net Effect on General Revenue	\$0	\$0	(\$516,538)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol** and the **Office of Prosecution Services** 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 expanded definition of unlawful use of a weapon.

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 **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Corrections (DOC)** state this bill removes many stipulations pertaining to conceal carry. The provision allowing property owners to convey specific authority to an individual occupying their property for use of deadly force is omitted. The primary issue pertains to increasing the current class E felony for unlawful use of a weapon to a class D felony.

In FY17, there were 100 term sentence admissions for unlawful use of a weapon. An additional 60 were admitted to 120 Day supervision and there were 372 new probation cases. The average sentence for a class E felony is 3.4 years and an offender can expect to spend 1.4 years in prison. Increasing the sentence will add 1.6 years to each term sentence and there will be a .3 of a year increase until their first release, including time incarcerated, as parole returns will add 0.8 years to the total time served. Probation lengths will remain the same. The following table illustrates the increase.

ASSUMPTION (continued)

	Sentences			Average Sentence (years)	Time Served (years)			Supervision	
	Prison	Probation	Total		First Release	Parole Returns	Total Time	Parole	Probation
Felony D	-	-	-	5.0	1.7	1.3	3.0	2.0	3.0
Felony E	-	-	-	3.4	1.4	0.8	2.2	1.2	3.0
Increase from E to D	160	372	532	1.6	0.3	0.5	0.8	0.8	0.0

Those serving a term sentence will incur the main impact of the felony increase. The distribution among the 120 Day and probation cases should remain nearly the same. The following table illustrates the additional impact expected by increasing this offense to a class D felony. Adding 0.8 years for 100 admissions will add 80 offenders to the prison population and add the same to the field population by the fifth year after implementation.

Change in prison admissions and probation openings with legislation

	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
New Admissions										
Current Law	100	100	100	100	100	100	100	100	100	100
After Legislation	100	100	100	100	100	100	100	100	100	100
Probation										
Current Law	372	372	372	372	372	372	372	372	372	372
After Legislation	372	372	372	372	372	372	372	372	372	372
Change (After Legislation - Current Law)										
Admissions	0	0	0	0	0	0	0	0	0	0
Probations	0	0	0	0	0	0	0	0	0	0
Cumulative Populations										
Prison			80	80	80	80	80	80	80	80
Parole			-80	-20	80	80	80	80	80	80
Probation										
Impact										
Prison Population			80	80	80	80	80	80	80	80
Field Population			-80	-20	80	80	80	80	80	80
Population Change				60	160	160	160	160	160	160
P&P Officers + or -		0	0	0	0	0	0	0	0	0

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 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one

ASSUMPTION (continued)

FTE staff person in the district. 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.

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 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.

The DOC would assume this legislation will result in long term cost as indicated in the chart below.

	# 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 and 2% inflation)
Year 1	0	(\$6,206)	\$0		0	absorbed	\$0	\$0
Year 2	0	(\$6,206)	\$0		0	absorbed	\$0	\$0
Year 3	80	(\$6,206)	(\$516,538)		(80)	absorbed	\$0	(\$516,538)
Year 4	80	(\$6,206)	(\$526,869)		(20)	absorbed	\$0	(\$526,869)
Year 5	80	(\$6,206)	(\$537,406)		80	absorbed	\$0	(\$537,406)
Year 6	80	(\$6,206)	(\$548,154)		80	absorbed	\$0	(\$548,154)
Year 7	80	(\$6,206)	(\$559,117)		80	absorbed	\$0	(\$559,117)
Year 8	80	(\$6,206)	(\$570,299)		80	absorbed	\$0	(\$570,299)
Year 9	80	(\$6,206)	(\$581,705)		80	absorbed	\$0	(\$581,705)
Year 10	80	(\$6,206)	(\$593,340)		80	absorbed	\$0	(\$593,340)

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE			
<u>Costs - DOC - increase in the prison population</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$516,538)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0</u>	<u>(\$516,538)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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 repeals and modifies provisions passed in SB 656 (2016) relating to the duty to retreat, the concealed carry of firearms, and concealed carry permit training requirements.


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

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SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections
Office of the State Courts Administrator

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe".

Acting Director
February 22, 2018