

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2407H.01I
Bill No.: HB 1135
Subject: Firearms; Victims of Crime; Weapons; Domestic Relations
Type: Original
Date: April 26, 2023

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 2024	FY 2025	FY 2026
General Revenue	(\$56,994)	(\$116,268)	(\$158,124)
Total Estimated Net Effect on General Revenue	(\$56,994)	(\$116,268)	(\$158,124)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
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 2024	FY 2025	FY 2026
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§455.050, 455.523, 565.076, 565.227, and 571.070 – Firearms possession

Officials from the **Department of Corrections (DOC)** this proposal prohibits certain individuals from possessing a firearm due to domestic violence.

Sections 455.050, 455.523, 565.076, and 565.227, RSMo, are amended to advise the court that issues an order of protection against a person to inform the Missouri Highway Patrol and, in turn, the FBI that such person is *“prohibited from knowingly possessing or purchasing any firearm while the order is in effect.”*

Two subsections are added to §571.070 to make possessing a firearm while being subject to an order of protection and to make possessing a firearm with a conviction for misdemeanor domestic violence a class D felony offense.

For each new nonviolent class D felony, the department estimates three people could 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 could be served in prison with 1.7 years to first release. The remaining 2.2 years could be on parole. Probation sentences could be 3 years.

The cumulative impact of two class D felonies on the department is estimated to be 16 additional offenders in prison and 32 additional offenders on field supervision by FY 2026.

Change in prison admissions and probation openings with legislation-2 Class D Felonies (nonviolent)

	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	FY2032	FY2033
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	16	16	16	16	16	16	16	16
Parole	0	0	2	8	14	14	14	14	14	14
Probation	10	20	30	30	30	30	30	30	30	30
Impact										
Prison Population	6	12	16	16	16	16	16	16	16	16
Field Population	10	20	32	38	44	44	44	44	44	44
Population Change	16	32	48	54	60	60	60	60	60	60

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	6	(\$9,499)	(\$56,994)	0	\$0	10	(\$56,994)
Year 2	12	(\$9,499)	(\$116,268)	0	\$0	20	(\$116,268)
Year 3	16	(\$9,499)	(\$158,124)	0	\$0	32	(\$158,124)
Year 4	16	(\$9,499)	(\$161,287)	0	\$0	38	(\$161,287)
Year 5	16	(\$9,499)	(\$164,512)	0	\$0	44	(\$164,512)
Year 6	16	(\$9,499)	(\$167,803)	0	\$0	44	(\$167,803)
Year 7	16	(\$9,499)	(\$171,159)	0	\$0	44	(\$171,159)
Year 8	16	(\$9,499)	(\$174,582)	0	\$0	44	(\$174,582)
Year 9	16	(\$9,499)	(\$178,073)	0	\$0	44	(\$178,073)
Year 10	16	(\$9,499)	(\$181,635)	0	\$0	44	(\$181,635)

If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II.

Increases/decreases smaller than 51 offender cases 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.

Oversight does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's estimated impact for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state the proposed legislation creates a new offense under section 571.070 which could result in additional cases eligible for SPD representation. The number of additional cases is unknown and as a result the fiscal impact is unknown.

Oversight notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from the **St. Louis County Police Department** estimate the proposed legislation will require an hour of training for all commissioned officers and an unknown increased cost in the storage of firearms. The average pay for Police Officers including fringe benefits is \$46.72 an hour. The Department currently has approximately 864 officers. The total cost for one hour of training is \$40,366.08.

Oversight notes the cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost. Oversight assumes some annual training of officers is conducted regardless of this bill, and this change could be incorporated into that training. Therefore, the impact to police departments will be presented as \$0 to (Unknown) for the storage of guns.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Office of Prosecution Services**, the **Branson Police Department**, the **Kansas City Police Department**, and the **Phelps County Sheriff's Department** 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 **Office of the State Courts Administrator** did not respond to **Oversight's** request for fiscal impact for this proposal.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other local law enforcement were requested to respond to this proposed legislation but

did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024	FY 2025	FY 2026
GENERAL REVENUE			
<u>Costs – DOC (§571.070) Increased incarceration costs</u>	<u>(\$56,994)</u>	<u>(\$116,268)</u>	<u>(\$158,124)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$56,994)</u>	<u>(\$116,268)</u>	<u>(\$158,124)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024	FY 2025	FY 2026
POLICE DEPARTMENTS			
<u>Costs – Police Departments (§§455.050 and 455.523) Storage of firearms</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON POLICE DEPARTMENTS	<u>\$0 to (Unknown)</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

FIREARMS POSSESSION (Sections 455.050, 455.523, 565.076, 565.227, and 571.070)

This bill empowers a court after issuing an order of protection to also prohibit the respondent from knowingly possessing or purchasing a firearm while the order is in effect, informing the respondent in writing, and forwarding the order to the State Highway Patrol so they may update the respondent's record in the National Instant Criminal Background Check System (NICS). The State Highway Patrol must also notify the FBI within 24 hours.

This bill also provides that upon a person's conviction of domestic assault in the fourth degree or stalking in the second degree, the court shall forward the record of conviction to the State Highway Patrol and they shall update the respondent's record in NICS within 24 hours.

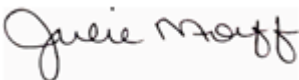
This bill also provides that a person commits the offense of unlawful possession of a firearm if such person knowingly has a firearm in their possession and has been convicted of domestic violence or is subject to an order of protection.

This bill has an emergency clause.

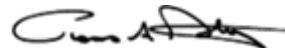
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Corrections
Department of Public Safety
Department of Social Services
Missouri Office of Prosecution Services
Office of the State Public Defender
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Phelps County Sheriff's Department



Julie Morff
Director
April 26, 2023



Ross Strobe
Assistant Director
April 26, 2023