

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2225S.04I
Bill No.: SB 528
Subject: Emergencies; Firearms; Military Affairs; Public Safety, Department of
Type: Original
Date: March 26, 2021

Bill Summary: This proposal creates the minutemen of the state.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	(Could exceed \$6,463)	(Could exceed \$15,822)	(Could exceed \$16,139)
Total Estimated Net Effect on General Revenue	(Could exceed \$6,463)	(Could exceed \$15,822)	(Could exceed \$16,139)

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	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

§41.1025 – Minutemen

Officials from the **Department of Corrections (DOC)** state this proposal creates the minutemen of the state. Section 41.025.2 states that any person who is responsible for any unauthorized disclosure of the minutemen list, in part or in whole, shall be guilty of a class E felony.

Since this is a new offense, the DOC will use a standard class E felony response to estimate a fiscal impact to this legislation. For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2024.

	# 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	1	(\$7,756)	(\$6,463)	2	absorbed	\$0	(\$6,463)
Year 2	2	(\$7,756)	(\$15,822)	4	absorbed	\$0	(\$15,822)
Year 3	2	(\$7,756)	(\$16,139)	7	absorbed	\$0	(\$16,139)
Year 4	2	(\$7,756)	(\$16,461)	7	absorbed	\$0	(\$16,461)
Year 5	2	(\$7,756)	(\$16,791)	7	absorbed	\$0	(\$16,791)
Year 6	2	(\$7,756)	(\$17,127)	7	absorbed	\$0	(\$17,127)
Year 7	2	(\$7,756)	(\$17,469)	7	absorbed	\$0	(\$17,469)
Year 8	2	(\$7,756)	(\$17,818)	7	absorbed	\$0	(\$17,818)
Year 9	2	(\$7,756)	(\$18,175)	7	absorbed	\$0	(\$18,175)
Year 10	2	(\$7,756)	(\$18,538)	7	absorbed	\$0	(\$18,538)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections 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 estimated impact for fiscal note purposes.

Officials from the **Department of Public Safety - Office of the Director (DPS)** state in order to provide administrative support for this activity, the DPS would need an additional half-time (0.50) Program Specialist at a salary of \$23,085.50 plus fringe benefits in Personal Services (PS).

Oversight notes the provisions of this bill state that any legal Missouri resident who is eligible to be a lawful firearm owner may voluntarily join the minutemen by enrolling with the Department of Public Safety. DPS will collect only the volunteer's name and address and the volunteer is responsible to keep this information current with the DPS. Oversight assumes the DPS will be able to implement the provisions of this proposal with existing staff and resources and will indicate no fiscal impact to the DPS for fiscal note purposes.

Oversight notes multiple bills may be passed by the General Assembly in a given year and, collectively, those costs maybe in excess of what can be sustained within the core budget. If so, the DPS may request funding for the costs of supporting these bills should the need arise based on a review of the finally approved bills signed by the Governor.

Oversight notes the provisions of this bill state that any person responsible for any unauthorized disclosure of the list could result in fine of \$1,000 for each name that is disclosed. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts.

Officials from the **Missouri House of Representatives (MHR)** state an (unknown) impact if the passage of the concurrent resolution would happen outside of a regular session.

Oversight notes the provisions of this proposal establish the minutemen of the state which shall be called into service by the Governor for use in defense during a state of emergency with consent of two-thirds of the General Assembly. Because this action could take place outside of a regular session, Oversight will range the impact from \$0 (concurrent resolution is passed during regular session) to the (Unknown) impact (a special session is required to pass a concurrent resolution).

Officials from the **Attorney General's Office**, the **Department of Revenue**, the **Department of Public Safety – (Missouri National Guard and Missouri Highway Patrol)**, the **Missouri Senate**, the **Office of the Governor**, the **Office of the State Courts Administrator**, and the **Office of the State Public Defender** 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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime (41.1025.2) creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Costs – DOC</u> (\$41.1025) Increased incarceration costs	(\$6,463)	(\$15,822)	(\$16,139)
<u>Costs – MHR</u> (\$41.1025) Passage of resolution outside of a regular session	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
<u>Costs – SEN</u> (\$41.1025) Passage of resolution outside of a regular session	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Could exceed \$6,463)</u>	<u>(Could exceed \$15,822)</u>	<u>(Could exceed \$16,139)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue – School districts (\$41.1025)</u> Fines from violations	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<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

This act establishes that there shall be the minutemen of the state which shall be called into service by the governor for use in defense during a state of emergency with consent of two-thirds of the General Assembly.

Any legal Missouri resident who is eligible to be a lawful firearm owner may voluntarily join the minutemen by enrolling with the Department of Public Safety. Only the volunteer's name and address shall be collected by the Department. The volunteer shall keep his or her address current with the Department. The list of enrolled minutemen with the Department is not subject to disclosure under law and shall not be shared or disseminated. Any person responsible for any unauthorized disclosure of this list, in part or in whole, shall be subject to a \$1,000 fine per each name that is disclosed and a Class E felony. A volunteer may resign at any time prior to being called into service under this section.

All volunteers shall be required to secure themselves with firearms, firearm accessories, ammunition, uniforms, equipment, and supplies necessary to perform any duties as assigned by the governor. Any such firearms, firearm accessories, ammunition, uniforms, equipment, and supplies shall be property of the state for purposes of sovereignty and jurisdiction in matters of judicial, taxation, and police powers exercised by the state when a member is called into service. All firearms and equipment of the minutemen shall not be subject to any tax or registration requirements.

This act also provides that governor shall make and publish such regulations governing the organization, discipline, and training of the minutemen of the state as may be necessary to its efficiency and such regulations shall have the authority of law. The governor is the commander in chief of the minutemen of the state. The governor shall be charged with the supervision of all matters pertaining to the administration, discipline, mobilization, organization, and training of the minutemen of the state.

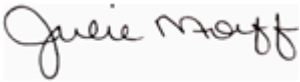
This act does not include members of the organized or unorganized militia pursuant to current law. Additionally, the state shall have immunity from liability for compensatory damages for negligent acts or omissions of any volunteer of the minutemen and from any criminal act committed by any volunteer of the minutemen while enrolled in the minutemen or while acting in the course of his or her duties.

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

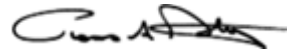
SOURCES OF INFORMATION

L.R. No. 2225S.04I
Bill No. SB 528
Page 8 of 8
March 26, 2021

Attorney General's Office
Department of Corrections
Department of Revenue
Department of Public Safety
Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of the Governor
Office of the State Courts Administrator
Office of the State Public Defender



Julie Morff
Director
March 26, 2021



Ross Strobe
Assistant Director
March 26, 2021