

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3083S.01I
Bill No.: SB 790
Subject: Crimes and Punishment; Firearms; Children and Minors; Weapons
Type: Original
Date: January 15, 2024

Bill Summary: This proposal creates the offense of unlawful possession of a firearm by a minor.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Various State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$250,000	Less than \$250,000	Less than \$250,000

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
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 2025	FY 2026	FY 2027
Local Government	Less than \$250,000	Less than \$250,000	Less than \$250,000

FISCAL ANALYSIS

ASSUMPTION

§§571.068 and 571.095– Unlawful possession by a minor

Officials from the **Office of the State Public Defender (SPD)** state per the recently released National Public Defense Workload Study, the new charge contemplated by this change to Section 571.068 would take approximately twenty-two hours of SPD work for reasonably effective representation. If one hundred cases were filed under this section in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under this statute is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel and litigation expenses. However, if the charge was classified as a class D misdemeanor no jail time would be authorized and the cases would not qualify for SPD representation.

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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The enactment of a new crime creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Missouri Department of Conservation**, the **Missouri National Guard**, the **City of Kansas City**, the **Phelps County Sheriff's Department**, the **Kansas City Police Department**, the **St. Louis County Police Department** and the **Office of the State Courts Administrator** 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.

Oversight notes a violation of the provisions of this proposal is a class A misdemeanor which carries a fine not to exceed \$2,000 in addition to any individual county/municipal fees and court costs. The fine revenue for the ticket goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, sheriffs and police departments 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 2025 (10 Mo.)	FY 2026	FY 2027
VARIOUS STATE FUNDS			
<u>Revenue – (\$571.068) Court costs</u> p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
ESTIMATED NET EFFECT ON VARIOUS STATE FUNDS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Revenue</u> – (§571.068) Court costs p. 3-4	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (§571.068) Fine revenue p. 3-4	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</u>	<u>Less than</u> <u>\$250,000</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 creates the offense of unlawful possession of a firearm by a minor. A person under the age of 18 commits such offense if he or she knowingly possesses a handgun or ammunition for a handgun. This offense shall be a class A misdemeanor.

This act shall not apply to any of the following people with the prior written consent of his or her parent or guardian:

- A temporary transfer or possession of a handgun or ammunition by a person under the age of 18 in the course of employment, farming, target practice, hunting, or during a firearms safety course;

A person under the age of 18 who is a member of the U.S. Armed Forces or National Guard;

- A transfer by inheritance of title of a handgun or ammunition to a person under the age of 18; and

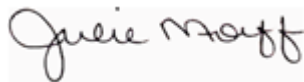
- A person under the age of 18 who is using a handgun or ammunition in self-defense.

Additionally, this act provides that any firearm confiscated for the purposes of prosecution or investigation shall be returned to the owner if the firearm was used by a minor to commit an unlawful act and such minor was not the lawful owner of the firearm.

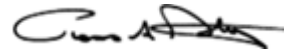
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Missouri Department of Conservation
Missouri National Guard
Office of the State Public Defender
City of Kansas City
Phelps County Sheriff's Department
Kansas City Police Department
St. Louis County Police Department
Missouri Office of Prosecution Services
Office of the State Courts Administrator



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January 15, 2024



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