

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2126-01
Bill No.: SB 560
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies.
Type: Original
Date: March 12, 2001

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|-------------------|-------------------|-------------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| General Revenue | (\$27,941) | (\$30,356) | (\$31,117) |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | (\$27,941) | (\$30,356) | (\$31,117) |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|---------------------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Local Government | \$0 to \$6,200,000 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with fraudulently obtaining a permit to carry a concealable firearm. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the increased costs with existing resources.

In response to a similar proposal from this year, officials from the **Department of Public Safety - Divisions of Fire Safety, Missouri Water Patrol, Liquor Control** and the **Capitol Police** each assumed the proposal would not fiscally impact their respective divisions.

Officials from the **Department of Elementary and Secondary Education, State Auditor's Office, Department of Conservation, Department of Natural Resources**, and the **Missouri House of Representatives** each assume this proposal would not fiscally impact their respective agencies.

Officials from the **Department of Mental Health (DMH)** assume all fiscal issues impact the county sheriffs. There is no direct authority to act nor responsibilities given to the DMH under this bill. It is assumed that the DMH would not be involved in the actions of section 571.094.2(6), but that such information would come to the sheriff from the local court.

Officials from the **Office of the State Courts Administrator (CTS)** assume two primary impacts of this legislation would be: a possible small increase in criminal prosecutions for violations of the law, and any increase in small claims cases. CTS does not anticipate the increased volume of cases to significantly increase the workload of the state courts.

In response to similar legislation from this year, officials from the **Department of Corrections (DOC)** stated that currently, they could not predict the number of new cases which may result from the creation of the offenses(s) outlined in this proposal. An increase in cases depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

ASSUMPTION (continued)

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to similar legislation from this year, officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** stated that according to their Criminal Records and Identification Division (CRID), previous research estimated 60,000 applications for the first year, which would average out to 250 background checks per day. There would be an estimated 40% increase in permits requested the following years.

250 background checks per day
26 processed per hour
12.49 minutes per search = 12.5 FTEs required to keep up with the work load.
13 FTE requested

The FTE are as follows:

5 Fingerprint Technicians (each at \$21,192 annually) - to classify fingerprints, mark cores, search print through AFIS, verify prints, assign identification numbers and file prints.

3 AFIS Entry Operators (each at \$18,132 annually) - to sort prints, verify information cards, perform name checks, and request rap sheets.

2 Criminal History Technicians (each at \$21,720 annually) - to review current rap sheets, contact criminal justice agencies for missing data and verification, coordinate Missouri records with FBI records, and verify rap sheet for mailing.

2 Account Clerks (each at \$17,568 annually) - to reconcile fee payments with background search, prepare copies of requests and documentation of payment, complete transmittal and deposit of funds sheet, pay invoice from the FBI, receive, reconcile and deposit fees received from sheriffs.

1 Supervisor (each at \$26,460 annually) - to oversee the operation for CCW permits.

Employees will require the standard office equipment.

According to the Patrol's Information System Division (ISD), the proposed legislation would require the design, building, implementation and maintaining of a currently non-existent application to house concealed firearms permit data. The estimates were based upon the types of information that would have to be entered, edited, stored and retrieved. (For example: last name,

ASSUMPTION (continued)

first name, middle initial, purpose, date of issuance, date of expiration, issuing agency, home address, business address, etc.)

Applications to be designed, developed, modified and supported:

MULES/NCIC

Concealed Firearm Permits

The ISD requests the following FTE for this proposal:

2 Computer Info. Tech. Specialists 1 (each at \$41,136 annually) - one for each of the application areas (MULES and NCIC). The FTEs would be responsible for the application design, development, modification and support of the application.

In addition to FTE, the Patrol's Information System Division stated that there would be annual recurring State Data Center cost for the maintenance of the system. It is assumed that there would be 200 permits per county, times 114 counties plus the City of St. Louis. Virtually every permit would have at least an entry, an inquiry and a modification. The recurring costs at the State Data Center would be for storage, file backups and the processing of entries, inquiries, revocations, and modifications. The cost of the maintenance would be \$12,000.

The MHP's Research and Development Division stated that even if the Patrol was required to design and print the permits, there is no way at this time to estimate the fiscal impact without knowing the design elements that will be required (such as security features). Since the sheriff's offices will receive all funds generated by the permits, they should also bear the costs of printing the permits. The actual permit requirements would be determined in the future with input from sheriffs since theirs would be the departments involved. The Patrol can provide limited design assistance at little additional cost as long as the design of the permit remains simple.

In total, the MHP estimated costs of implementing this proposal would be \$799,219 in FY 2002, \$505,392 in FY 2003 and \$518,120 in FY 2004. These costs are to be incurred in two funds - General Revenue and Criminal Record System.

Oversight assumes that there would be some duplication in doing background checks for permits to purchase handguns and other background checks requested by local law enforcement agencies currently being performed and those that would be required in relation to the concealed firearms permitting process. Oversight therefore assumes that MHP would require one Fingerprint Technician to review the fingerprints of applicants received, obtain any information needed which is not submitted, search the criminal records database for a criminal history, and process the applications. Some overtime could be required to manage the initial flow of applications

ASSUMPTION (continued)

since the majority of the applications would occur in the first year of the effect of this proposal.

Texas passed concealed firearms legislation which went into effect January 1, 1996. Texas has an estimated population of 18,000,000, and received approximately 200,000 applications in the first year, but has received a cumulative total of 260,500 applications for a permit since inception. Which means the large majority of concealed weapons permits were received in the first year, and the number of applications subsequent to that has decreased. Missouri has a population of 5,500,000; therefore, applying the same ratio, **Oversight** assumed in similar proposals that Missouri would have 62,000 applications in the first year. After the initial rush, Oversight assumed the number of new applications would drop substantially. When preparing the fiscal note for a similar proposal in the prior legislative session, Oversight officials spoke with MHP staff to confirm that local law enforcement agencies are not charged a fee for running criminal background checks.

Oversight assumes that there would be long-term impact to the state as well as to local law enforcement agencies as the new concealed firearm permit applications diminished and those permitted individuals renewed their permit every three years. Renewed permit fees would be \$50 and would go to the county treasuries and the City of St. Louis as outlined in this proposal. Ongoing costs to the local law enforcement agencies to process permit applications and renewals could exceed revenue generated from new permit applications.

Oversight officials spoke with a Public Information Officer (PIO) from the Texas Department of Public Safety regarding their concealed firearms legislation. The PIO stated that initially there was a glut of applications which resulted in some backlogs. Officials from the Texas DPS expect that their concealed firearm program will fund itself. Currently, the Texas DPS reports there are 215,694 active licenses as of February 1, 2001.

Oversight assumes that local law enforcement agencies could streamline the concealed firearms permitting process by following those procedures used to issue a permit to own a handgun in Missouri. Because the anticipated 62,000 applications in Missouri would be distributed over the entire state, Oversight assumes that most third and fourth class county law enforcement agencies would be able to handle additional duties resulting from this proposal with existing staff.

Officials from the **Boone County Sheriff's Department** estimated revenue of \$7,000 from the permits authorized in this proposal and a cost to their department of \$25,421 (which includes an FTE), resulting in a net loss to their department of \$18,421 in the first year.

Oversight assumes the county sheriffs could receive \$6,200,000 in permit fee revenue (62,000 permits x \$100 fee) in the first year and would have unknown costs of implementation, but less

ASSUMPTION (continued)

than the fee revenue, resulting in a positive fiscal impact for the first year. Permit applications for subsequent years would not be large and therefore, Oversight estimated the fiscal impact to the county sheriffs for the issuance of the permits will be offset by the fee charged for the application and renewal. Therefore, for fiscal years 2003 and 2004, Oversight assumes the costs and revenue to the county and City of St. Louis sheriffs would be unknown amounts, but that they would net to roughly zero. Oversight assumes the provisions for citations and fines for not leaving a no-gun place after being asked to and for not carrying a permit on your person would not generate large amounts of revenue for the counties.

| <u>FISCAL IMPACT - State Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
|---|---|-------------------|-------------------|
| GENERAL REVENUE FUND | | | |
| <u>Costs</u> - Missouri Highway Patrol | | | |
| Personal Service (1 FTE) | (\$18,102) | (\$22,265) | (\$22,821) |
| Fringe Benefits | (\$6,033) | (\$7,421) | (\$7,606) |
| Expense and Equipment | <u>(\$3,806)</u> | <u>(\$670)</u> | <u>(\$690)</u> |
| Total Costs - MHP | (\$27,941) | (\$30,356) | (\$31,117) |
| ESTIMATED NET EFFECT TO GENERAL REVENUE FUND | (\$27,941) | (\$30,356) | (\$31,117) |
| <u>FISCAL IMPACT - Local Government</u> | FY 2002 (10 Mo.) | FY 2003 | FY 2004 |
| COUNTY SHERIFF'S REVOLVING | | | |
| <u>Income</u> - Counties and City of St. Louis Permit Fees | \$6,200,000 | Unknown | Unknown |
| <u>Income</u> - Counties and City of St. Louis Fine and Citation revenue | Unknown | Unknown | Unknown |
| <u>Costs</u> - Counties and City of St. Louis Costs of issuance of permits | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
| ESTIMATED NET EFFECT ON COUNTY SHERIFF'S REVOLVING | <u>\$0 to</u> <u>\$6,200,000</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.

DESCRIPTION

This proposal authorizes a permit for carrying a concealed weapon. The act exempts any person transporting a concealable firearm in the passenger compartment of a motor vehicle from the crime of unlawful use of a weapon, if the person is at least twenty-one years of age and otherwise lawfully possesses the firearm and it is not carried on the person. The act exempts peace officers whether within or outside their jurisdiction, or on or off duty.

The sheriff of each county is authorized to issue permits to carry concealed firearms to qualified persons. Permits shall be valid for three years. A permit shall be issued if the applicant is at twenty-one years of age, a U.S. citizen and has resided in this state for at least six months, and meets certain other conditions including that the person has not pled guilty to or been convicted of a crime punishable by a term exceeding one year other than certain misdemeanors, is not a fugitive from justice, is not publicly known to be habitually drunk and is not adjudged mentally incompetent.

An applicant must demonstrate a need for a permit to carry concealed weapons, such as submitting an affidavit attesting that the applicant is a retired certified peace officer, a business owner who routinely makes bank deposits, is employed as a bail bondsman, currently resides in a high crime area, or is responsible for the care and safety of others. The proposal establishes requirements for the application and applicable fees. Before approving any application, the sheriff shall make only such inquiries as he or she deems necessary as to the accuracy of the statements. The sheriff shall approve or disapprove the application within 30 business days.

If the applicant is found to be ineligible or to have provided false information, the sheriff shall deny the application in writing, stating the grounds for the denial and informing the applicant of the right to submit additional information within 30 days. If the application is approved, the sheriff shall issue a permit within 7 business days. The act provides for an appeal process from the denial of or refusal to act on an application.

A permit shall be suspended or revoked if the permit holder becomes ineligible. The permit holder shall surrender the permit if an order of protection is issued against the holder, and the permit shall be suspended until the order is terminated. The proposal provides a procedure for renewing a license.

No permit shall authorize any person to carry concealed weapons into certain places, including any law enforcement office without the consent of the chief officer in charge, any polling place

DESCRIPTION (continued)

on an election day, an adult or juvenile detention facility or correctional center, any courthouse, any governmental meeting, any portion of a drinking establishment that is used for that purpose, any school, church or riverboat gambling operation, and any private property whose owner has posted a notice. A violation of these provisions is not a criminal act, but may subject the permit holder to removal from the premises. Repeated violations are punishable by fines.

An applicant shall demonstrate knowledge of firearm safety training. The act outlines basic requirements of the 12-hour firearm safety course, including a written test and a live fire test. Failure to carry a permit at all times while carrying a concealed firearm is punishable by a citation, not to exceed thirty-five dollars.

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

Office of the State Courts Administrator
Department of Corrections
Department of Mental Health
Office of the State Public Defender
Office of Prosecution Services
Department of Public Safety
Missouri Highway Patrol
Missouri Water Patrol
Liquor Control
Fire Safety
State of Texas
Boone County Sheriff's Department

NOT RESPONDING: Office of the Attorney General, Missouri Gaming Commission, Greene County Sheriff, Cole County Sheriff, St. Louis County Sheriff, Jackson County Sheriff



Jeanne Jarrett, CPA
Director
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