

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2286-02
Bill No.: HB 1013
Subject: Bail Bonds; Crimes and Punishment; Criminal Procedure; Firearms and
 Fireworks
Type: Original
Date: April 2, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

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	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education** and the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender** assume existing staff could provide representation for cases arising where indigent persons were charged with possession of a firearm, requiring a five year sentence. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of Prosecution Services** assume the proposed legislation would have a minimal fiscal impact on their agency. This minimal impact could be absorbed within existing resources.

Officials from the **Department of Corrections (DOC)** assume this proposal enhances sentencing for the crime of unlawful use of a weapon and unlawful possession of a concealable firearm. New language contained in this proposal covers activities already considered illegal and prosecutable. Prison terms are authorized for these crimes but probation and parole is not precluded. Therefore, offenders are indeed eligible for 120-day sentencing and to be released at 15% time served of their sentence (allowed for class D and class C felonies). The utilization of these proposed laws depends on the actions of prosecutors and the courts. Passage of this proposal could increase the prison population in the future. The potential fiscal effect is unknown, but estimated to be less than \$100,000 per year.

If persons sentenced to DOC have to serve additional time due to the provisions of this legislation, the DOC will incur a corresponding increase in operational costs either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

At this time, the DOC is unable to determine the number of people who would be convicted under the provisions of this proposal to estimate the potential need for capital improvements. Estimated construction cost for one new medium-security inmate bed is \$48,300 (at FY99 cost). Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

ASSUMPTION (continued)

In summary, the fiscal impact on the DOC due to the passage of this proposed legislation is unknown, but expected to be less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections Incarceration/Probation costs</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2002 (10 Mo.)	 FY 2003	 FY 2004
	<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.

DESCRIPTION

The proposed legislation expands the crime of unlawful use of weapons to include exhibiting a firearm in an angry or threatening manner, in the presence of one or more persons, while on any school bus, or on the premises of any school or on the premises of any function or activity sponsored or sanctioned by school officials or the school board; and carrying a firearm, with the intent to use it, into any school, school bus, or premises of any function or activity sponsored or sanctioned by school officials or the school board.

The proposal also requires mandatory five year minimum sentences for certain crimes involving possession of a 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 Elementary and Secondary Education
Office of the State Public Defender
Office of Prosecution Services
Office of State Courts Administrator
Department of Corrections



Jeanne Jarrett, CPA
Director

April 2, 2001