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Office of Research
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Office

S.B. 182
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 182's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. Thomas and Lehner

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Rehabilitation and Correction may experience a likely no more than minimal annual increase in GRF-funded incarceration costs, because of an increase in the number of offenders being sentenced to prison or sentenced for longer terms for the offense of improperly furnishing firearms to a minor.
- There may be a negligible annual increase in locally collected state court costs credited to the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).
- The number of additional violations for county and municipal criminal justice systems to adjudicate is likely to be relatively small with any additional costs minimal at most annually and potentially absorbed by utilizing existing staff and resources. Revenue in the form of court costs, fees, and fines may offset those costs to some degree.

Detailed Analysis

Minimum age to purchase a firearm

The bill raises the minimum age to purchase any firearm to 21, which under current law is the minimum age to purchase handguns. The minimum age for purchasing long guns is currently 18. The penalties for underage purchase of a firearm are unchanged by the bill, however, for those between the ages 18 and 21, the prohibition, and thus the second degree misdemeanor penalty punishable by up to 90 days in jail, a \$750 fine, or both, is expanded to include all firearms. The number of additional violations generated by the bill's enactment is expected to be relatively small. Any additional costs for county or municipal criminal justice systems to prosecute, adjudicate, and sanction offenders is likely to be minimal at most annually, and potentially absorbed by utilizing existing staff and resources. Money collected from violators (fines, court costs, and fees) may offset those costs to some degree. The state

may also gain a negligible amount of court cost revenue annually forwarded for deposit in the state treasury to the credit of the Indigent Defense Support Fund (Fund 5DY0) and the Victims of Crime/Reparations Fund (Fund 4020).¹

Improperly furnishing firearms to a minor

The bill increases the penalties for improperly furnishing firearms to a minor. Under current law, a violation of this prohibition is a fifth degree felony punishable by a definite prison term of six to 12 months, a fine of up to \$2,500, or both. Under the bill, a violation of this prohibition is a third degree felony punishable by a definite prison term of one to five years, a fine of up to \$10,000, or both.

Annual commitment reports published by the Department of Rehabilitation and Correction (DRC) suggest that, from FY 2015 through FY 2019, no one was committed to DRC for the offense of improperly furnishing firearms to a minor. The number of offenders who may be committed to DRC under the bill is not known, but not likely to be significant. A fifth degree felony violation under current law may not result in incarceration, while third degree felony violations are more likely to result in the imposition of a prison term. The annual marginal cost for adding an additional offender to the prison system is \$3,000 to \$4,000.

The state and counties may gain annual revenue from violators pursuant to the order of the sentencing court, the latter of which would receive fines and court costs and fees. Of note is that the court rarely imposes the maximum permissible fine, and in the particular case of felonies, collecting the fine can be problematic. This is because offenders can be financially unable or unwilling to pay. The state's potential gain will be in the form of court costs that, if collected, are then forwarded for deposit in the state treasury to the credit of Fund 5DY0 and Fund 4020.²

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¹ The court is generally required to impose state court costs totaling \$29 for a misdemeanor divided as follows: \$20 to Fund 5DY0 and \$9 to Fund 4020.

² The court is generally required to impose state court costs totaling \$60 for a felony divided as follows: \$30 to Fund 5DY0 and \$30 to Fund 4020.