

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 101** HLS 19RS 269
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|--|-------------------------------|
| Date: April 10, 2019 7:31 AM | Author: HARRIS, J. |
| Dept./Agy.: Public Safety/State Police | |
| Subject: Creation of the "Louisiana Voluntary Do Not Sell List" | Analyst: Willis Brewer |

WEAPONS/FIREARMS OR INCREASE GF EX See Note Page 1 of 2
 Provides for the creation of the "Louisiana Voluntary Do Not Sell List"

Proposed law requires the Dept. of Public Safety and Corrections, Office of State Police (OSP), by Jan. 1, 2020, to create the "La. Voluntary Do Not Sell List," which shall include a list of persons who have voluntarily registered to be added to this list prohibiting them from purchasing or receiving a firearm. **Proposed law** requires OSP to develop and implement a process by which any person may voluntarily and confidentially register to have his name added to or removed from the list and provides certain requirements for the process. It will allow the registrant to submit email addresses of personal contacts who shall be notified that the person has registered/requested to be removed from the list. **Proposed law** prohibits any person who registers and whose name appears on the Louisiana Voluntary Do Not Sell List from purchasing or receiving a firearm, and prohibits any person from knowingly selling or transferring a firearm to any individual on the list. It provides that any person who violates this provision of proposed law may be fined up to \$2,500, imprisoned for up to one year, or both. **Proposed law** provides for confidentiality and procedure to have name removed by filing with 19th JDC.

| EXPENDITURES | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

| REVENUES | 2019-20 | 2020-21 | 2021-22 | 2022-23 | 2023-24 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Annual Total | | | | | | |

EXPENDITURE EXPLANATION

Proposed law will result in a significant increase in one-time expenditures (\$357,770) and a significant increase of recurring expenditures (up to \$199,871) in the Department of Public Safety (DPS), Office of State Police (OSP) in order to develop and maintain a secure registration system that includes real-time status updates, changes, notifications, and integration with the National Instant Criminal Background Check System (NICBC). DPS states it will require additional SGF resources in order to purchase the necessary software and equipment and to hire additional staff. To the extent additional SGF is not appropriated, DPS may reduce other services to offset these increased expenditures.

One-time Expenditures - Based on information from the Office of Technology Services (OTS), DPS estimates the Do Not Sell List (DNSL) registration system will cost approximately \$200,000 and the real-time interface with NICBC will cost approximately \$125,000 for a total of \$325,000 in one-time programming and acquisitions costs. The system will require an OTS programmer/analyst to develop a secure registration system to include real-time status changes, notifications, and integration with the NICBC. OTS estimates it will require 300 work hours at a total cost of \$25,870 (300 work hours x \$85 per hour x 1.45% Medicare). DPS reports that other one-time costs include supplies for two additional OSP staff (see below) including desks, chairs, computers, and printers (\$6,900).

Recurring Expenditures - DPS estimates it will require two (2) full-time Criminal Records Analyst 3 positions that will be responsible for the administration of the Do Not Sell List registry at an annual cost of \$118,621, including \$117,071 for personal services (\$76,836 salaries and \$40,235 related benefits) and \$1,550 for operating services (maintenance \$400, office \$550, and telephone \$600). Duties will include answering queries from the public related to the List and its processes, managing e-mail notifications and related questions, registering and verifying identity of the individuals, serving as the point of contact for NICBC, serving as subject-matter experts for appeals, and ensuring removal from the List upon request. The Legislative Fiscal Office is unable to determine or validate the staff level necessary to provide for the administration of the DNSL registry. To the extent the additional workload is less than what OSP anticipates, the additional workload may be absorbable, either wholly or partially, using existing staff and resources.

SEE EXPENDITURE EXPLANATION CONTINUED ON PAGE 2

REVENUE EXPLANATION

Proposed law may result in an indeterminable increase in local funds revenue as a result of potential fines for the crime of a person on the Do Not Sell List (DNSL) purchasing or receiving a firearm, or for an individual selling to a person on the list. **Proposed law** provides for a fine up to \$2,500, imprisonment up to a year, or both, for any person knowingly selling or transferring a firearm to an individual on the DNSL or for any person on the DNSL that purchases or receives a firearm. The potential revenue will accrue to the local governing authority.

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| Senate <u>Dual Referral Rules</u> <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H} <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} | House <input checked="" type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | <i>Evan Brasseaux</i> <hr/> Evan Brasseaux Staff Director |
|--|---|---|

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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED FROM PAGE 1

Based on historical costs provided by the Office of Technology Services (OTS), DPS reports that the estimated annual maintenance cost for the Do Not Sell List (DNSL) registry is approximately \$81,250, which is 25% of the total initial cost.

Proposed law may result in an indeterminable increase in local funds expenditures for local governing authorities as a result of criminal penalties including imprisonment up to one year for an individual convicted of violating the provisions of **proposed law**.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
Evan Brasseaux
Staff Director