

LEGISLATIVE FISCAL OFFICE Fiscal Note

Fiscal Note On: **HB** 17 HLS 14RS 190

Bill Text Version: ENROLLED

Opp. Chamb. Action:

Proposed Amd.: Sub. Bill For.:

Date: May 14, 2014 3:24 PM **Author:** LOPINTO

Dept./Agy.: Corrections

Subject: Illegal possession of stolen firearms

Analyst: Stephanie C. Blanchard

WEAPONS/FIREARMS EN INCREASE GF EX See Note Provides relative to the illegal possession of stolen firearms

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<u>Present law</u> provides for the crime of illegal possession of stolen firearms. Illegal possession of stolen firearms is the intentional possessing, procuring, receiving, or concealing of a firearm which has been the subject of any robbery or theft under circumstances which indicate that the offender knew or should have known that the firearm was the subject of a robbery or theft.

<u>Proposed law</u> changes the elements of the crime to any form of misappropriation. Further provides that it shall be an affirmative defense to a prosecution for illegal possession of stolen firearms that the offender had no knowledge of any form of misappropriation. Added affirmative defense for firearms dealers or repairmen when enforcing a repairman's lien.

EXPENDITURES	2014-15	<u>2015-16</u>	2016-17	2017-18	2018-19	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2014-15	2015-16	2016-17	2017-18	2018-19	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
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0
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EXPENDITURE EXPLANATION

The proposed legislation may result in an indeterminable increase in state general fund expenditures as it amends the elements of this crime which could slightly increase the number of offenders. Present law provides for the crime of illegal possession of stolen firearms. Additionally, present law provides that illegal possession of stolen firearms is the intentional possessing, procuring, receiving, or concealing of a firearm which has been the subject of any robbery or theft under circumstances which indicate that the offender knew or should have known that the firearm was the subject of a robbery or theft. Proposed law changes the elements of the crime to any form of misappropriation. Additionally, proposed law provides that it shall be an affirmative defense to a prosecution of illegal possession of stolen firearms that the offender had no knowledge that the firearm was the subject of any form of misappropriation. Added affirmative defense for firearms dealers or repairmen when enforcing a repairman's lien.

The exact fiscal impact of the passage of this legislation is indeterminable, since it is not known how many individuals will be convicted of this crime. However, any offender sentenced to the custody of the Department of Public Safety and Corrections increases expenditures by \$24.39 per day per offender in local facilities. Therefore, the cost to the state would be \$8,902 annually (\$24.39 per day, per offender x 365 days) for any offender convicted as a result of the proposed legislation.

To the extent that offenders are housed in state facilities, the cost per day, per offender is \$52.51.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate <u>Dual Referral Rules</u> <u>House</u>			2
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}	\Box 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}	Evan k	Brasseaux
13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}	Evan Brasseaux Staff Director	