



## Fiscal Estimate Narratives

DHFS 7/9/2007

LRB Number	<b>07-2755/3</b>	Introduction Number	<b>SB-216</b>	Estimate Type	<b>Original</b>
<b>Description</b> Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask the Department of Justice (DOJ) to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but state law does not explicitly require DOJ to determine whether federal law bars the person from possessing a firearm based on criteria not covered by state law.

This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to check whether the person has been the subject of a court order or finding that is based on a determination that the person's mental health would render the person ineligible to possess a firearm under federal law. This bill requires courts to make a determination of whether a person would be ineligible to possess a firearm under federal law during proceedings for involuntary commitment for persons found by the court to be mentally ill, drug dependent, or developmentally disabled and dangerous or evidencing impaired judgment. The bill also requires courts to make the determination during proceedings for appointment of a guardian of the person for an individual found by the court to be incompetent and, if not previously determined, during proceedings under which a court orders protective placement or protective services.

This bill could result in the Department having to search DHFS patient records, on behalf of DOJ, to identify whether a handgun purchaser has been committed to the Department for mental health treatment, has been determined to be incompetent, or has received a protective placement or protective services. The Department could fulfill this requirement within existing resources. There will be no fiscal effect on the Department as a result of this bill. This bill is also not expected to have a fiscal effect on county human services or social services departments.

### Long-Range Fiscal Implications