

Fiscal Estimate Narratives

DA 10/11/2017

LRB Number	17-2337/2	Introduction Number	SB-408	Estimate Type	Original
Description furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm, mandatory minimum sentences for individuals who commit certain firearm violations, and providing criminal penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a crime for purchasing a firearm with the intent to transfer it to a person who is prohibited from possessing a firearm, which is also known as "straw purchasing." Under current law, a person who knowingly furnishes with a firearm a person who is prohibited from possessing a firearm may be convicted of illegal possession of a firearm. Current law also provides a penalty if a person provides false information on the form required to be completed so the dealer can conduct a background check. This bill increases the penalty, to a Class H felony, for providing false information on that form if that false information regards whether the person is purchasing the firearm with the purpose or intent of transferring the firearm to a person who is prohibited from possessing a firearm. This bill authorizes the Department of Justice to prosecute the violation. Under this bill, a person is subject to a mandatory minimum period of confinement in prison of four years if the person is convicted of illegally possessing a firearm or convicted of another crime involving a firearm and, within five years prior to that conviction, he or she had been convicted of committing either three misdemeanors or one felony. This mandatory minimum sentence requirement expires on July 1, 2022.

Prosecutors indicated this legislation may lead to more prosecutions and/or litigation due to mandatory minimum sentences. Prosecutors estimated the fiscal impact on their offices may range from no cost if the Department of Justice prosecutes all cases to \$5,000 per year. Therefore, the fiscal effect is indeterminate.

Long-Range Fiscal Implications

The long-range fiscal implications on DAs offices is indeterminate.