

Fiscal Estimate Narratives

DA 12/4/2017

LRB Number	17-4772/1	Introduction Number	SB-563	Estimate Type	Original
Description the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony. Federal law prohibits a person who is convicted of a misdemeanor crime of domestic violence from possessing a firearm. Under this bill, following a conviction, or a finding of not guilty by reason of mental disease or defect, for a misdemeanor crime of domestic violence, state law also prohibits the person from possessing a firearm. A person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to ten years, or both.

District Attorneys indicate this legislation would increase litigation in cases where the defendant challenges, rather than pleads to, a misdemeanor charge to preserve their ownership of firearms. Prosecutors indicate this circumstance may be particularly prevalent in rural areas where defendants may seek to possess firearms for hunting. Prosecutors also speculated the bill could lead to additional felony prosecutions of persons convicted of domestic violence misdemeanors who refuse to give up or are found to be in possession of firearms. District Attorneys indicated they would need more prosecutors to enforce this legislation, although the number of additional prosecutors is indeterminate.

Long-Range Fiscal Implications

The long-range fiscal implications of this legislation on district attorney offices are indeterminate.