

Fiscal Estimate Narratives

DA 8/7/2019

LRB Number	19-0084/1	Introduction Number	AB-0334	Estimate Type	Original
Description the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a 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.

Several responsive District Attorneys anticipated this bill would increase the likelihood of contested litigation and associated workload, in particular more matters being set for jury trial that would resolve with a plea under current law.

DA offices statewide remain short of ideal staffing levels according to the August 2018 Workload Analysis. To the extent that any proposed legislation places additional burdens on the DA offices, this Agency requests that it be offset with additional FTE.

Long-Range Fiscal Implications

This change in law will require additional prosecutor time to resolve domestic violence misdemeanors. The scope of any workload increase is indeterminate.