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## FISCAL IMPACT REPORT

SPONSOR: Martinez DATE TYPED: 2/14/01 HB 396  
 SHORT TITLE: Gun Violence Prevention Act SB \_\_\_\_\_  
 ANALYST: Rael

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative		Recurring	GF/OSF

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 Administrative Office of the District Attorneys (AODA)  
 Attorney General's Office (AG)  
 Corrections Department (CD)  
 Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

The Gun Violence Prevention Act requires that before a gun show vendor sells, transfers, or attempts to sell or transfer a firearm at a gun show, he must require a criminal background check on the prospective purchaser. The bill requires a gun show promoter to arrange for the services of a licensed firearms dealer on the premises of a gun show to perform the criminal background check. A gun show vendor or gun show promoter who violates the above provision is guilty of a petty misdemeanor; except upon a third or subsequent conviction, the person is guilty of a fourth degree felony.

Next, the bill requires that a gun show promoter must post in a prominent location a notice that sets forth the requirements for criminal background checks as provided in the Act. A gun show promoter who fails to comply with this posting requirement is guilty of a petty misdemeanor.

The bill also requires that a licensed firearm dealer who conducts a criminal background check on a prospective purchaser shall record the transfer of a firearm and retain the records in the same manner as when he conducts a sale, rental or exchange of firearm at retail. A firearms dealer who fails to maintain the records as required above is guilty of a petty misdemeanor.

Finally, the bill provides that a licensed firearm dealer may charge a fee not to exceed fifteen dollars (\$15.00) to conduct a background check. The bill contains exceptions for the transfer of an antique firearm, a curio or a relic.

### **FISCAL IMPLICATIONS**

Since these are entirely new offenses, it is difficult for the Corrections Department to estimate the number of persons who will be convicted of these new offenses. Nonetheless, the Department roughly estimates that from three (3) to ten (10) persons will be sentenced to probationary supervision by the Department each year as a result of the new offenses and perhaps one (1) person will be sentenced to prison each year based upon these new crimes.

The private prison annual cost of incarcerating an inmate based upon Fiscal Year 00 actual expenditures is \$21,670 per year for males. The cost per client to house a female inmate at the privately operated facility in Grants is \$24,348 per year. Any net increase in inmate population will be housed at a private facility.

The cost per client in Probation and Parole for a standard supervision program is \$1,536 per year. The cost per client in Intensive Supervision programs is \$3,922 per year. The cost per client in Department-Operated Community Corrections programs is \$5,519 per year. The cost per client in Privately-Operated Community Corrections programs is \$10,724 per year. The bill could result in a minimal increase in revenue due to the additional Probation and Parole supervision costs collected from those persons convicted of these new offenses.

### **ADMINISTRATIVE IMPLICATIONS**

The AOC reports that it will cost \$400 for statewide update, distribution and documentation of any statutory changes. The AODA reports that it may require additional staff to effectively prosecute the new crimes.

In both the short term and the long-term, the bill will result in an increase in the administrative burden upon Corrections Department Probation and Parole personnel who will be required to supervise a larger caseload. In the long-term, the Department will be unable to absorb the additional burden and one (1) or two (2) additional F.T.E. could be required.

FAR/njw