

HF9 - 1UE - Extreme Risk Protection Orders

Chief Author: **Ruth Richardson**
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**
 Date Completed: **2/18/2020 3:55:54 PM**
 Lead Agency: **Supreme Court**
 Other Agencies:
 Peace Officers Board Public Safety Dept
 (POST)

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | X | |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | X | |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|---------------------------|----------------------|--------|------------|------------|------------|------------|
| | Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| Public Safety Dept | | | | | | |
| General Fund | - | - | 188 | 38 | 38 | |
| Supreme Court | | | | | | |
| General Fund | - | - | 43 | 86 | 86 | |
| State Total | | | | | | |
| General Fund | - | - | 231 | 124 | 124 | |
| Total | - | - | 231 | 124 | 124 | |
| Biennial Total | | | 231 | | | 248 |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| Public Safety Dept | | | | | |
| General Fund | - | - | - | - | - |
| Supreme Court | | | | | |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 2/18/2020 3:55:54 PM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--|-----------------|---------------|---------------|-----------------|---------------|
| Dollars in Thousands | | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| Public Safety Dept | | | | | | |
| General Fund | | - | - | 188 | 38 | 38 |
| Supreme Court | | | | | | |
| General Fund | | - | - | 43 | 86 | 86 |
| Total | | - | - | 231 | 124 | 124 |
| Biennial Total | | | | 231 | | 248 |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Public Safety Dept | | | | | | |
| General Fund | | - | - | 188 | 38 | 38 |
| Supreme Court | | | | | | |
| General Fund | | - | - | 43 | 86 | 86 |
| Total | | - | - | 231 | 124 | 124 |
| Biennial Total | | | | 231 | | 248 |
| 2 - Revenues, Transfers In* | | | | | | |
| Public Safety Dept | | | | | | |
| General Fund | | - | - | - | - | - |
| Supreme Court | | | | | | |
| General Fund | | - | - | - | - | - |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | - |

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Chief Author: **Ruth Richardson**
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**
 Date Completed: **2/18/2020 3:55:54 PM**
 Agency: **Supreme Court**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | X | |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | X | |
| Local Fiscal Impact | | X |

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|-----------|-----------|------------|--------|
| | Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | 43 | 86 | 86 | |
| Total | - | - | 43 | 86 | 86 | |
| Biennial Total | | | 43 | | 172 | |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 2/17/2020 2:44:24 PM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 Dollars in Thousands | Biennium | | | Biennium | |
|--|----------|--------|-----------|-----------|------------|
| | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | 43 | 86 | 86 |
| Total | - | - | 43 | 86 | 86 |
| Biennial Total | | | 43 | | 172 |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | |
| General Fund | - | - | 43 | 86 | 86 |
| Total | - | - | 43 | 86 | 86 |
| Biennial Total | | | 43 | | 172 |
| 2 - Revenues, Transfers In* | | | | | |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |
| Biennial Total | | | - | | - |

Bill Description

HF9-1UE adds new Minn. Stat. §§ 624.7161-.7168 authorizing the chief law enforcement officer or a designee, or a city or county attorney, to file a petition in district court in the county of respondent’s residence for an extreme risk protection order, which shall enjoin and prohibit the respondent from possessing firearms for a fixed period of time. All filing fees are waived for the petitioner and respondent.

The bill makes it a misdemeanor to petition for an order knowing any information in the petition is materially false or with intent to harass, abuse, or threaten; or to possess a firearm when prohibited from doing so by an extreme risk protection order. The bill also amends Minn. Stat. § 624.713, subd. 1, to add a person subject to an extreme risk protection order to the list of persons not entitled to possess ammunition or a pistol or semiautomatic military-style assault weapon, or any other firearm. The relevant provisions of the bill take effect January 1, 2021.

Assumptions

It is assumed that the provisions requiring the state court administrator to create forms will require work by state court administration and that the work will be absorbed. It is also assumed that all of the required notices will be included on the court forms.

It is assumed that the requirement to provide a copy of any order issued under these provisions to the law enforcement agency having jurisdiction over the residence of the respondent will be satisfied by providing a copy to the petitioning agency or attorney and the county sheriff and by making the orders accessible to law enforcement in the judicial branch’s Minnesota Government Access (MGA) portal, which is currently available to any law enforcement agency in the state that requests such access and signs the required agreement. A copy will also be provided to the county attorney.

It is assumed that a new case type will likely need to be created in the judicial branch’s case management system, MNCIS, in order to ensure the case type and any orders issued are available to law enforcement statewide. Configuration work will be required to make the case type available to law enforcement in MGA and to trigger electronic data notifications via integrations. It is assumed the integrations data would be a minimum notification of the existence of an order and not the type of specific data pass that exists for the passing of order for protection data statewide. Creation of the case type and the work related to MGA and integrations will be absorbed by State Court Administration.

It is assumed the court will seal the affidavits or proofs of transfer as required by section 624.7165(c)(2) that may be filed with the court, but that the court will not receive any proofs of transfer as referenced in section 624.7165(c)(1) as none of

the provisions in the bill specifically require any of the affidavits or proofs of transfer to be filed with the court.

It is assumed that the provisions of this bill will result in new case filings as the bill creates a new civil cause of action and new criminal offenses. It is also assumed that the judicial resources required to process the civil cases filed under the provisions of this bill would be comparable to the judicial resources required to process domestic abuse cases under section 518B.01, although the case filing rate is assumed to be no more than 5% the annual case filing rate for domestic abuse cases.

It is unclear whether the criminal cases for unlawful possession filed under the provisions of this bill would be filed as gross misdemeanor cases under section 624.713, subd. 2, or misdemeanor cases under section 624.7167, subd. 2. The provisions of this bill are not anticipated to result in a significant increase in criminal case filings.

Expenditure and/or Revenue Formula

Based on three years of judicial branch case filing data, an average of 10,784 domestic abuse cases are filed annually statewide. Assuming a case filing rate of 5% of the domestic abuse case filing rate, it is anticipated that approximately 539 cases will be filed annually statewide under the provisions of the bill. According to judicial branch weighted caseload data, the average domestic abuse petition requires 53 minutes of judge time. Based on the average judge year in minutes, which is 78,000, 1,472 cases would need to be filed annually statewide for the bill to require one judge FTE so the provisions of the bill are not anticipated to require an additional judge FTE statewide.

According to judicial branch weighted caseload data, the average domestic abuse petition requires 163 minutes of court staff time. Based on the average court staff year in minutes, which is 74,830, 459 cases would need to be filed annually statewide for the bill to require one court staff FTE so the provisions of the bill are anticipated to require 1 additional court staff FTE per year statewide. The cost of an FTE senior court clerk is anticipated to be \$43,000 for FY21 (half the FTE cost due to the January 1 effective date), and \$86,000 for FY22, and FY23.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

References/Sources

Agency Contact: Janet Marshall

Agency Fiscal Note Coordinator Signature: Janet Marshall

Phone: 651-297-7579

Date: 2/14/2020 2:37:31 PM

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HF9 - 1UE - Extreme Risk Protection Orders

Chief Author: **Ruth Richardson**
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**
 Date Completed: **2/18/2020 3:55:54 PM**
 Agency: **Peace Officers Board (POST)**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | | X |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | | X |
| Local Fiscal Impact | | X |

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| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | | |
|--------------------------------------|----------------------|--------|--------|----------|--------|--------|
| | Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| Total | - | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 2/18/2020 3:55:34 PM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|--------|-----------------|--------|--------|-----------------|---|
| Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |
| 2 - Revenues, Transfers In* | | | | | | |
| Total | - | - | - | - | - | - |
| Biennial Total | | | - | | | - |

Bill Description

Section 10 of the bill requires that By December 1, 2020, the Peace Officer Standards and Training Board, after consulting with the Minnesota County Attorneys Association, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall develop model procedures and standards for the storage of firearms transferred to law enforcement under section 624.7165.

Assumptions

Assumes that POST Board staff (primarily the Standard's Coordinator) require approximately 16 hours of staff time to review best practices and recommendations and make them available on the POST website. It is assumed that this is not a new mandated policy but a resource for agencies complying with this bill.

Expenditure and/or Revenue Formula

16 hours of Standard's Coordinator time, hourly rate with fringe is \$37.00 per hour. 16 hours multiplied by \$37.00 = approximately \$592. This cost will be absorbed.

Long-Term Fiscal Considerations

Upon completion of project, there should be no long-term fiscal impact to the POST Board.

Local Fiscal Impact

Local agencies will potentially need to allocate capital resources (if not already in place) to store and account for seized firearms.

References/Sources

Agency Contact: Erik Misselt (651-201-7789)

Agency Fiscal Note Coordinator Signature: Dan Boytim

Phone: 651-201-7040

Date: 2/18/2020 3:50:21 PM

Email: Dan.Boytim@state.mn.us

HF9 - 1UE - Extreme Risk Protection Orders

Chief Author: **Ruth Richardson**
 Committee: **Public Safety and Criminal Justice Reform Finance & Policy Division**
 Date Completed: **2/18/2020 3:55:54 PM**
 Agency: **Public Safety Dept**

| State Fiscal Impact | Yes | No |
|---------------------------|-----|----|
| Expenditures | X | |
| Fee/Departmental Earnings | | X |
| Tax Revenue | | X |
| Information Technology | X | |
| Local Fiscal Impact | | |
| | | X |

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| State Cost (Savings) | Biennium | | | Biennium | | |
|-----------------------|----------------------|--------|------------|-----------|-----------|--------|
| | Dollars in Thousands | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | 188 | 38 | 38 | |
| Total | - | - | 188 | 38 | 38 | |
| Biennial Total | | | 188 | | 76 | |

| Full Time Equivalent Positions (FTE) | Biennium | | | Biennium | |
|--------------------------------------|----------|--------|--------|----------|--------|
| | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | - | - | - |
| Total | - | - | - | - | - |

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Adam Blom **Date:** 2/17/2020 12:15:58 PM
Phone: 651-284-6542 **Email:** adam.blom@lbo.leg.mn

State Cost (Savings) Calculation Details

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*Transfers In/Out and Absorbed Costs are only displayed when reported.

| State Cost (Savings) = 1-2 | | Biennium | | | Biennium | |
|--|---|----------|--------|------------|-----------|-----------|
| Dollars in Thousands | | FY2019 | FY2020 | FY2021 | FY2022 | FY2023 |
| General Fund | - | - | - | 188 | 38 | 38 |
| Total | | - | - | 188 | 38 | 38 |
| Biennial Total | | | | 188 | | |
| 1 - Expenditures, Absorbed Costs*, Transfers Out* | | | | | | |
| General Fund | - | - | - | 188 | 38 | 38 |
| Total | | - | - | 188 | 38 | 38 |
| Biennial Total | | | | 188 | | |
| 2 - Revenues, Transfers In* | | | | | | |
| General Fund | - | - | - | - | - | - |
| Total | | - | - | - | - | - |
| Biennial Total | | | | - | | |

Bill Description

The bill creates a process where a law enforcement agency or city or county attorney can petition the court to have an individual’s right to possess firearms withheld for a fixed period of time. The basis for the order is that the individual poses a significant danger of bodily harm to self or others persons. There is language governing the return of firearms subject to a gun violence protective order (section 7; lines 12.11-12.20) but there is no process provided for how the various parties will determine if the individual is not prohibited from having the firearm arm returned. Section 1 (lines 4.8-4.9) make an individual subject to a gun violence protective order disqualified from having ammunition, a pistol or semiautomatic military-style assault weapon. The bill also adds two new misdemeanor offenses (lines 12.21-12.32).

Assumptions

The language in lines 6.13-6.16 does not direct the Bureau of Criminal Apprehension (BCA) to create a system to make information on gun violence protective orders available to law enforcement.

The language in lines 12.11-12.14 does not authorize a background check conducted over systems operated by the BCA.

The addition of the gun violence protective order as a disqualifier will require work to modify the Gun Permit Background Check system developed by the BCA and voluntarily used by law enforcement agencies around the state to determine if an individual is disqualified from having a firearm.

The addition of the gun violence protective order as a disqualifier will also require modification of the other method law enforcement agencies use to determine whether an individual is disqualified from having a firearm. This method is known as “Query Person Gun Check” or “QPGC.”

The Minnesota Judicial Branch will make gun violence protective orders available via the existing “Case Get” system in use today for other types of cases.

The two new criminal offenses will need to be added to the Statute Service.

Expenditure and/or Revenue Formula

It will take 1,500 hours to modify the two methods law enforcement uses to query records to determine if an individual is disqualified from having a firearm.

1,500 hours times \$125 per hour equals \$ 187,500.

The work to add the two criminal offenses to the Statute Service will be absorbed.

There will be on-going annual costs to maintain the functionality of \$37,500.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact: Katie Engler (651-793-2721)

Agency Fiscal Note Coordinator Signature: Larry Freund

Phone: 651-201-7050

Date: 2/17/2020 11:18:41 AM

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