

Multiple Agency Fiscal Note Summary

Bill Number: 5078 SB	Title: Firearm safety
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Estimated Cash Receipts

NONE

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Preliminary 1/27/2021
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Individual State Agency Fiscal Note

Bill Number: 5078 SB	Title: Firearm safety	Agency: 101-Caseload Forecast Council
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Samantha Sullivan	Phone: 3607867462	Date: 01/22/2021
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/23/2021
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/23/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/24/2021

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

See attached.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

See attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

SB 5078

ADDRESSING FIREARM SAFETY MEASURES TO INCREASE PUBLIC SAFETY

**101 – Caseload Forecast Council
January 23, 2021**

SUMMARY

A brief description of what the measure does that has fiscal impact.

Section 1 Amends RCW 9.41.010 by adding a definition for “Large Capacity Magazine.”

Section 2 Adds a new section in chapter 9.41 RCW that establishes a new gross misdemeanor offense concerning large capacity magazines.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impacts on beds and supervision.

This bill:

- Establishes a new gross misdemeanor offense.

The Caseload Forecast Council has no information concerning how many incidents of the newly established gross misdemeanor may occur, nor any information concerning how such offenses would be sentenced. As such, the Caseload Forecast Council cannot reliably estimate bed impacts resulting from these provisions of the bill.

However, as a gross misdemeanor offense, the newly established offense would be punishable by a term of confinement of 0-364 days in jail. Therefore, any impact would be on jail beds only.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5078 SB	Title: Firearm safety
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

☒ Cities: Indeterminate cost increases to law enforcement for response, investigation, evidence management, and hearing participation due to increased instances of unlawful possession of a large capacity magazine

☒ Counties: Indeterminate cost increases to law enforcement for response, investigation, evidence management, and hearing participation due to increased instances of unlawful possession of a large capacity magazine; indeterminate prosecution and defense cost increases due to violations; indeterminate county jail cost increases due to new sentences

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

Part II: Estimates

☐ No fiscal impacts.

☐ Expenditures represent one-time costs:

☐ Legislation provides local option:

☒ Key variables cannot be estimated with certainty at this time: Number of instances of unlawful possession of large capacity magazines; increased demand for jail beds

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: David Rosen	Phone: 360-790-3274	Date: 01/25/2021
Leg. Committee Contact: Samantha Sullivan	Phone: 3607867462	Date: 01/22/2021
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/25/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/26/2021

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 2 amends RCW 9.41.010 (Terms Defined) to add the following definition:

- “Large capacity magazine” means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:
 - o An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;
 - o A 22 caliber tube ammunition feeding device; or
 - o A tubular magazine that is contained in a lever-action firearm.

Section 3 (1) prohibits any person in this state from manufacturing, possessing, distributing, importing, transferring, selling, offering for sale, purchasing, or otherwise transferring any large capacity magazine except as authorized by Section 3 (2).

Section 3 (2) dictates multiple exceptions to the provision of Section 3 (1). Most notably Section 3 (2) (a) allows a private individual to possess a large capacity magazine if

- They legally possessed the large capacity magazine before the effective date of Section 3 (2) or if
- They on or after the effective date of Section 3 (2), acquire possession of the large capacity magazine by operation of law upon the death of a former owner who was in legal possession of the large capacity magazine, provided the person in possession of the large capacity magazine can establish such provenance.

A person who legally possesses a large capacity magazine under Section 3 (2) (a) is subject to the provisions of Section 3 (3).

Section 3 (3) (a) states that those in lawful possession of a large capacity magazine under Section 3 (2) (a) may not sell or transfer said magazine to any other person in this state other than a licensed dealer, federally licensed gunsmith for purpose of repair, or to a law enforcement agency for the purpose of permanently relinquishing said magazine.

Section 3 (3) (b) states that the person who under Section 3 (2) (a) possesses a large capacity magazine shall only do so on the property they own or immediately control, while engaged in legal use of said magazine in a lawful outdoor activity, or while travelling to and from these locations for the purpose of engaging in legal use of said magazine, provided that it is stored unloaded and in a separate locked container during transport.

Section 3 (4) dictates that a person who violates the provisions of this section is guilty of a gross misdemeanor.

Per RCW 9A.20.021, being convicted of a gross misdemeanor is punishable by imprisonment in a county jail for a period of confinement of up to 364 days or by a maximum fine of \$5,000, or by both such imprisonment and fine.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

This legislation would have indeterminate impacts on local government expenditures in two ways.

First, this bill establishes a new gross misdemeanor offense. Local law enforcement, county prosecutors, and public defenders would experience increased costs due to incidents of unlawful possession of a large capacity magazine. However, it is unknown how many such incidents may occur. For context, the Local Government Fiscal Note Program's 2021 Criminal Justice Cost Matrix estimates that the law enforcement, prosecution, and defense costs of a weapons law violation are \$7,698 per incident.

Second, as a gross misdemeanor, courts would be required to impose determinate sentences which may include 0 to 364 days of confinement in a county jail due to unlawful possession of a large capacity magazine. Therefore, any incidences of the offense would increase the need for jail beds, unless an aggravated exceptional sentence is imposed. The Local Government Fiscal Note Program's 2021 Criminal Justice Cost Matrix estimates that the average daily jail bed cost is \$114 per day.

The Washington Caseload Forecast Council (CFC) has no information concerning how many incidents of the newly established gross misdemeanor may occur, nor any information concerning how such offenses would be sentenced. Therefore, exact estimates on the bed impacts resulting from this bill cannot be reliably made.

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

This legislation would have no revenue impacts on local governments.

SOURCES:

Washington Caseload Forecast Council