

Consolidated Fiscal Note

2023-2024 Legislative Session

HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 Lead Agency: **Public Safety Dept**
 Other Agencies:
 Corrections Dept Public Defense Board
 Sentencing Guidelines Supreme Court
 Comm

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	FY2023	FY2024	FY2025	FY2026	FY2027
State Total						
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2023	FY2024	FY2025	FY2026	FY2027
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: Laura Cecko **Date:** 3/26/2024 7:56:08 AM
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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		FY2023	FY2024	FY2025	FY2026	FY2027
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Laura Cecko **Date:** 3/20/2024 8:48:19 PM
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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	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

This bill adds reporting requirements to the BCA and Violent Crime Enforcement Teams; amends the definition of trigger activator; increases penalties for transferring firearms.

Assumptions

Assume this bill adds data elements to the Violent Crime Report that BCA is already required to submit annually and has no fiscal impact.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 Agency: **Corrections Dept**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/26/2024 2:32:20 AM
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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.

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State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

H.F. 2609-UE increases maximum penalties and fines for those who own, possess, or operate a machine gun, or any trigger activator or machine gun conversion kit to a period of not more than 20 years or to payment of a fine of not more than \$35,000, or both. The bill also prescribes penalties to those who own, possess, or operate a short-barreled shotgun to not more than 5 years or to a payment of a fine of not more than \$10,000, or both.

Assumptions

Based on Minnesota Sentencing Guidelines Commission sentencing data, it is expected that the impact of this bill will be negligible.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

MSGC anticipates a negligible impact to local units of government.

References/Sources

Department of Corrections Staff

Minnesota Sentencing Guidelines Commission

Agency Contact:

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HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 Agency: **Public Defense Board**

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	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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.

This fiscal note has been reviewed and meets the LBO requirements for compliance with the fiscal note Uniform Standards and Procedures. This proposed legislation will result in increased case filings; however, an accurate fiscal impact cannot be determined due to a lack of data.

LBO Signature: Karen McKey **Date:** 3/23/2024 10:57:18 AM
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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.

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Dollars in Thousands		FY2023	FY2024	FY2025	FY2026	FY2027
	Total	-	-	-	-	-
	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
	Total	-	-	-	-	-
	Biennial Total			-		-
2 - Revenues, Transfers In*						
	Total	-	-	-	-	-
	Biennial Total			-		-

Bill Description

The bill provides changes the penalty from a gross misdemeanor to a 2 year felony for a person who transfers a firearm (as opposed to a pistol or semi automatic firearm) to a person that they reasonably should have known that the transferee has been denied a permit to carry.

It also provides for a 5 year felony if the firearm that was transferred is used in the commission of a crime.

Assumptions

while there undoubtedly be an increase in cases, there is not enough information available to determine what the impact might be.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

Agency Contact:

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HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 Agency: **Sentencing Guidelines Comm**

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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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/25/2024 2:16:21 PM
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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	
	FY2023	FY2024	FY2025	FY2026	FY2027
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Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*					
Total	-	-	-	-	-
Biennial Total			-		-
2 - Revenues, Transfers In*					
Total	-	-	-	-	-
Biennial Total			-		-

Bill Description

Section 1 expands a report prepared by the Department of Public Safety (under Minn. Stat. § 299A.642, subd. 15) to include additional information about the actions taken by the Bureau of Criminal Apprehension and Violent Crime Enforcement Teams. The report is due every year on February 1.

Section 2 amends the definition of a trigger activator, possession of which is banned by Minn. Stat. § 609.67, to include a device that allows a semiautomatic firearm to shoot more than one shot with a single pull and release of the trigger (“binary trigger”). This section is effective January 1, 2025.

Section 3 amends Minn. Stat. section 624.7141 (Transfer to Ineligible Person), by increasing penalties for transferring certain firearms to persons who are ineligible to possess firearms.

Section 3 amends subdivision 1 (Transfer prohibited), by converting the existing gross misdemeanor offense into a felony, with a statutory maximum of two years imprisonment and a \$10,000 fine. Section 3 also expands the offense in two ways. First, while the current offense is limited to the transfer of a pistol or semiautomatic military-style assault weapon (“SAMSAW”), section 3 expands the offense to encompass the transfer of any firearm. Second, while the current offense requires that the defendant know that the transferee was ineligible to possess the firearm, section 3 relaxes the knowledge requirement to include defendants who did not know, but should have known, of such ineligibility. Section 3 excepts from the offense the transfer of a firearm, other than a pistol or SAMSAW, to a person under the age of 18 who is not disqualified from possessing any other firearm.

Section 3 also amends subdivision 2, which now provides an enhanced, felony penalty if the transferee possessed the improperly transferred firearm within one year after the transfer in furtherance of a felony crime of violence. Section 3 specifies that the now-unspecified statutory maximum penalty is five years imprisonment and a \$20,000 fine, and changes the title from “felony offense” to “aggravated offense.”

Section 3 is effective August 1, 2024, and applies to crimes committed on or after that date.

Assumptions

It is assumed that due to the COVID-19 health pandemic, the cases sentenced in 2020 and 2021 are not necessarily fair approximations of cases sentenced in the future.

Section 2 (banning binary triggers). According to MSGC Monitoring data, from 2019 to 2021, there were 24 cases sentenced under Minn. Stat. § 609.67. MSGC staff reviewed the criminal complaints of these 24 cases to determine how many were short-barreled shotguns, machine guns, trigger activators, or machine gun conversion kits. Of the 24 cases, 23 involved possessions of short-barreled shotguns and one involved possession of “two Glock handgun conversion devices.” None of the cases involved binary triggers, which may be because the current definition may not apply to binary triggers.

It is assumed that people possess binary triggers to increase the rate of a semiautomatic firearm’s fire above the rate at

which a trigger can be repeatedly pulled by hand. After the bill's enactment, binary triggers will be an illegal method to do this. It is assumed the people who wish to illegally increase the rate of a firearm's fire above the rate at which a trigger can be repeatedly pulled by hand are represented in number by the defendant who possessed the Glock handgun conversion devices, discussed above, and that this number will not increase as a result of the bill.

Section 3 (expanding punishment of firearm transfers to ineligible people). One of the responsibilities of the Commission is to assign severity-level (SL) rankings to new felony offenses passed by the Legislature. The Commission bases its decisions, in part, on level of harm and culpability. The statutory maximum is also considered.

The current felony offense is ranked at SL 2. Because the bill neither changes the elements in a way that increases the perpetrator's culpability, nor increases the statutory maximum penalty, it is assumed that the Commission will continue to rank the aggravated offense at SL 2.

With respect to the new felony offense (with a statutory maximum penalty of two years' imprisonment), it is assumed that the Commission will rank the offense at SL 1, where the Sentencing Guidelines recommend prison commitment at a criminal history score of 6 or more.

It is assumed that changing the defendant's knowledge requirement from "knows" to "knows or reasonably should know" will substantially lessen the difficulty in prosecuting such cases, and therefore increase the number of convictions and sentences. The magnitude of this increase is not known; it is assumed that the change will double the number of cases now sentenced as gross misdemeanor and felony violations of Minn. Stat. § 624.7141.

Likewise, it is also assumed that expanding the scope of the statute from pistols and SAMSAWs only to all firearms will also substantially increase the number of convictions and sentences. The magnitude of this increase is not known; it is also assumed that this change will have a doubling affect. Combined, a fourfold increase in the number of cases annually sentenced as gross misdemeanor and felony violations of Minn. Stat. § 624.7141 is assumed.

According to MSGC Monitoring Data from 2017 to 2021, there were no felony convictions under Minn. Stat. section 624.7141, subd. 2. According to the Minn. Judicial Branch, from 2018 to 2022, there was one conviction for the gross misdemeanor offense under Minn. Stat. section 624.7141, subd. 1.

In the future, it is assumed that there will be four felony cases sentenced at SL 1 every five years, approximately 1 case annually. Due to the historical lack of convictions, convictions for the SL 2 offense are assumed.

It is assumed that the new SL 1 felony will receive prison sentences at the same rate as carrying a pistol without a permit (subsequent violations) under Minn. Stat. § 624.714 subd. 1a, which is a SL 1, and carries a statutory maximum of imprisonment of not more than five years.

According to MSGC Monitoring Data from 2018 through 2022, 3.9 percent (2 of the 51 felony sentences for carrying a pistol without a permit) received prison for an average 12 months and 1 day (serve 2/3 term of imprisonment = 8 mos.). The remaining 49 cases received probation; of which, 83.7 percent (41 of 49) received confinement as a condition of probation for an average of 39 days pronounced (serve 2/3 term = 26 days). It is assumed that these rates and durations will apply to the new sentences for transferring a firearm to an ineligible person.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

Based on the assumptions above, it is estimated that the long-term fiscal impact will be negligible. With an estimated prison rate of 3.9% there will be an additional 0.039 prison sentences per year with an expected average duration of 12 months assuming service of 2/3 of the pronounced sentence (8 mos.); $0.039 \text{ prison sentences} \times 8 \text{ mos. to serve} = 0.312 + 12 \text{ mos.} = 0.026 \text{ prison beds.}$

Local Fiscal Impact

Based on the assumptions above, it is estimated that the local government impact will be negligible. There will be 0.961 felony probation cases sentenced annually; and an estimated conditional-confinement rate of 83.7% for an average 39 days assuming service of 2/3 of the pronounced conditional confinement sentence (an average 26 days); $0.961 \text{ people} \times$

26 days to serve = $25 \div 365$ days = 0.068 local beds.

References/Sources

MSGC Monitoring Data, 2017-2022.

Minn. Judicial Branch, 2018-2022.

Agency Contact:

Agency Fiscal Note Coordinator Signature: Jill Payne

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HF2609 - 1UE - Firearm Transfer Provisions Modified

Chief Author: **Kaela Berg**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **3/26/2024 7:56:08 AM**
 Agency: **Supreme Court**

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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Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
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: Karen McKey **Date:** 3/23/2024 10:57:38 AM
Phone: 651-284-6429 **Email:** karen.mckey@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

The bill modifies Minn. Stat. § 299A.642 (Violent Crime Coordinating Council) by adding additional requirements to reports required under subd. 15.

The bill modifies Minn. Stat. § 609.67 (machine guns and short-barreled shotguns) by expanding the definition of “trigger activator” under subd. 1 (d). That portion of the bill is effective Jan. 1, 2025.

The bill modifies Minn. Stat. § 624.7141 (transfer of firearm to ineligible person). The primary changes to Minn. Stat. § 609.7141 include changing the offense level for a general prohibited firearm transfer from gross misdemeanor to a felony and making the current felony offense provision, which applies when the transferee uses the weapon in furtherance of a felony crime of violence within a year of the transfer, to an “aggravated offense” with enhanced penalties.

Assumptions

Because the underlying behavior is already prohibited under the current provisions of Minn. Stat. § 624.7141, it is assumed that the bill will not result in increased criminal case filings. Based on judicial branch data, it is assumed that the judge and staff time needed to process felony cases charged under the provisions of this bill would increase compared to the judge and staff time needed to process gross misdemeanor violations of Minn. Stat. § 624.7141, subd. 1.

Expenditure and/or Revenue Formula

Based on five years of judicial branch data (2019-2023), there was a total of 5 charges filed statewide alleging violations of Minn. Stat. § 624.7141. If each of those charges constituted a separate criminal case filing, that would amount to an annual statewide average of one case per year. If one case statewide per year requires additional judge and staff time for processing it is not anticipated to have a significant impact on the judicial branch. Although it is assumed that there will not be an increase in criminal case filings as a result of this bill, the average filings could triple and it would not have a significant impact on judge and staff resources needed to process the additional filings.

Therefore, it is anticipated that this bill will not have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

Local Fiscal Impact

References/Sources

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