

GENERAL ASSEMBLY OF NORTH CAROLINA



Legislative Fiscal Note

BILL NUMBER: House Bill 1415 (Third Edition)

SHORT TITLE: Report Denial of Some Pistol Permits.

SPONSOR(S): Representatives Sutton and Jeffus

	FISCAL IMPACT				
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
EXPENDITURES:					
Dept. of Justice (R)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
(NR)	\$72,500				
Counties	Cannot be determined				
POSITIONS (cumulative):	* See Assumptions & Methodology – p.2 *				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Justice; County Sheriffs' Departments.				
EFFECTIVE DATE:	Section 1 is effective September 1, 2005. The remainder is effective when it becomes law.				

BILL SUMMARY: The second edition of this bill would require sheriffs to report the denial of a license or permit to purchase a pistol to the State Bureau of Investigation (SBI) in the Department of Justice, which would be required to maintain that information in a database accessible to sheriffs statewide. The report and database would contain a statement that a license or permit was denied, the date of denial, the county in which the permit was denied, and information sufficient to identify the applicant. The bill also requires that sheriffs report to the SBI any successful appeal of the denial, and that the SBI subsequently remove the associated record from the database.

The third edition of this bill adds a new requirement for sheriffs to inform the SBI of firearms, machine guns, ammunition, permits to purchase firearms, or permits to carry concealed firearms surrendered pursuant to G.S. 50B-3.1, and for the SBI to enter the information in a State computerized database. It also requires that records of permit denials be automatically deleted after eight years and changes the timeframe for data entry by the SBI from 24 hours to 72 hours. The third edition also requires the SBI to begin entering the data in September 2005 but allows the SBI until September 2006 to select and fully implement the database (see Technical Considerations). The SBI shall use funds appropriated in FY 2005-06 to begin implementation.

Source: Adapted from Bill Digest H.B. 1415 (04/21/2005)

ASSUMPTIONS AND METHODOLOGY:

The number of pistol permit applications that are denied each year is unknown. However, the SBI does keep data on the number of applications for permits to carry concealed handguns, and none of these applications have been denied in the last two years. This is some indication that the number of pistol permit applications denied by sheriffs may be relatively low. The number of individuals ordered to surrender firearms under 50B-3.1 domestic violence orders is also unknown at this time.

SBI: One-time costs. The SBI plans to modify its Division of Criminal Information (DCI) system. Sheriffs will be able to enter information on pistol permit denials directly into the DCI database. The Department of Justice anticipates that the SBI will require \$50,000 for an information technology convenience contract, \$10,300 for computer equipment to enhance the DCI database, and \$12,200 in travel expenditures to train sheriffs' personnel.

SBI: Ongoing costs. The Department has stated that the SBI would need an additional Grade 70 fingerprint technician to implement this bill on an ongoing basis. Minimum salary for the position would be \$32,940. Total position costs requested by the Department would be \$57,407 in the first year and \$53,007 thereafter. However, since the data entry will be done by sheriffs' offices, and the number of denials is unknown, it is not clear that there would be a significant increase in the SBI's ongoing workload. Therefore, these costs have not been included in the front page box. There may be some small ongoing workload associated with removing records from the database after eight years, but this work would be outside the five-year fiscal note horizon. Finally, the Department estimates ongoing telecommunications costs of \$10,000 associated with additional system usage due to new entries from sheriffs' offices; this expense is included on page one.

County Sheriffs. The sheriffs do not have aggregate data on the number of pistol permit applications that are denied, and therefore cannot project the impact of this bill. The NC Sheriffs' Association has noted that the planned implementation by the SBI – allowing the sheriffs to enter this information directly into DCI – would be the easiest for them. DCI is the database the sheriffs access to check for a criminal history on a pistol permit applicant.

SOURCES OF DATA: Department of Justice; NC Sheriffs' Association.

TECHNICAL CONSIDERATIONS: The third edition requires that, effective September 1, 2005 the SBI must enter any information provided in compliance with subsection (a) in the appropriate State computer database within 72 hours. However, Section 2 allows the SBI until September 1, 2006 to identify the database and make sure it is fully operational.

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Signed Copy Located in the NCGA Principal Clerk's Offices