

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: HB 75
Fiscal Note Number:
() Publish Date:

Identifier: HB075-DPS-DET-02-26-18
Title: GUN VIOLENCE PROTECTIVE ORDERS
Sponsor: TARR
Requester: (H) JUD

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates				
			FY 2019	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services	***			***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By:
Division:
Approved By:
Agency:

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Phone: (907)465-4336
Date: 02/26/2018
Date: 02/26/18

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. HB 75

Analysis

This bill amends statutes relating to protective orders by creating a new "gun violence protective order" which, when issued, would prohibit the respondent from possessing, owning, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition; require the respondent to surrender to the appropriate law enforcement agency or sell to a firearms dealer all firearms and ammunition within 24 hours of receipt of the order; and make it a crime for the respondent to violate the conditions a gun violence protective order.

Further, this bill would require peace officers to enter gun violence protective orders into the central registry of protective orders within 24 hours of being received from the court; expeditiously serve the respondent with a copy of the order; take possession of and retain for the duration of the order all firearms and ammunition surrendered by the respondent of the order; arrest the respondent, with or without a warrant, if the officer has probable cause to believe the respondent has violated the order; and return all firearms and ammunition to the respondent upon expiration of the order.

If this bill were to pass, the Division of Alaska State Troopers (AST) cannot estimate the number of gun violence protective orders that might be issued or the quantity of firearms and ammunition AST would be required to receive and retain for the duration of the order. Considering that many Alaskans own more than one firearm, these numbers could be significant.

Because the bill requires peace officers to use every reasonable means to enforce a gun violence protective order, it is presumed that if a respondent fails to surrender all firearms and ammunition within 24 hours of receipt of the order, troopers would be required to make contact with the respondent to seize them. Depending on the quantity, AST may need additional conveyance to transport the firearms and ammunition for storage.

Given the bill's requirement that firearms and ammunition be surrendered within 24 hours, the extent of the manpower, time (including overtime), and resources needed to receive, catalog or inventory for purposes of issuing the respondent a receipt, securely store, and return firearms and ammunition cannot be estimated. Depending on when the order is issued, staff may be required to work overtime to receive and inventory the firearms and ammunition. Depending on the quantities of firearms and ammunition received by AST, additional secure storage space may be required.

Additionally, before AST could release any firearms or ammunition to a respondent upon expiration of the gun violence protective order, a check through the FBI's National Instant Criminal Background Check System (NICS) would be required to verify the respondent is not otherwise federally prohibited from possessing firearms or ammunition. NICS checks for these purposes are currently backlogged at the FBI and it is taking several weeks to receive results. This could not only result in a delay in returning firearms and ammunition (assuming the respondent is not otherwise prohibited from possessing firearms), but longer storage time and potentially increased storage costs.

Based on the factors described above AST cannot reasonably estimate the costs associated with passage of this bill. Therefore, an indeterminate fiscal note is being submitted.