

**MISSOURI STATE AUDITOR'S OFFICE  
FISCAL NOTE (24-114)**

**Subject**

Initiative petition from Jimmie Edwards regarding a proposed constitutional amendment to Article I. (Received June 28, 2023)

**Date**

July 18, 2023

**Description**

This proposal would amend Article I of the Missouri Constitution.

The amendment is to be voted on in November 2024.

**Public comments and other input**

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Agriculture**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Commerce and Insurance**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Missouri Department of the National Guard**, the **Department of Social Services**, the **Governor's office**, the **Missouri House of Representatives**, the **Department of Conservation**, the **Department of Transportation**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Missouri Senate**, the **Secretary of State's office**, the **Office of the State Public Defender**, the **State Treasurer's office**, **Adair County**, **Boone County**, **Callaway County**, **Cass County**, **Clay County**, **Cole County**, **Greene County**, **Jackson County**, **Jasper County**, **St. Charles County**, **St. Louis County**, **Taney County**, the **City of Cape Girardeau**, the **City of Columbia**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of Kirksville**, the **City of Mexico**, the **City of Raymore**, the **City of St. Joseph**, the **City of St. Louis**, the **City of Springfield**, the **City of Union**, the **City of Wentzville**, the **City of West Plains**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **Malta Bend R-V School District**, **Mehlville School District**, **Wellsville-Middletown R-1 School District**, **State Technical College of Missouri**, **Metropolitan Community College**, **University of Missouri**, and **St. Louis Community College**.

## **Assumptions**

Officials from the **Attorney General's office** indicated:



ATTORNEY GENERAL OF MISSOURI  
ANDREW BAILEY

**TO: Sheri Hoffman**

**DATE: July 7, 2023**

**FROM: Diana Haines**

**Fiscal Note: Initiative petition – Proposed constitutional amendment to Article I (2024-114)**

All three of the proposed amendments to Article I would allow certain political subdivisions within Missouri, such as Jackson County, St. Louis County, Kansas City, and St. Louis, to set their own gun control laws. These subdivisions would undoubtedly adopt more restrictive gun control laws than the rest of the State. The Attorney General's Office expects that the enactment of any of these proposals would result in increased crime and litigation. The total cost to Missouri could exceed \$704.14 million. This includes \$696.64 million in increased crime costs and \$7.5 million in increased legal costs for the Attorney General's Office.

### **Analysis**

There are two main areas where these initiative petitions would substantially increase costs to Missouri. Stricter gun control laws in certain subdivisions of the State would meaningfully increase the economic losses from increased crime and the amount that must be spent protecting citizens from crime. The petitions would also trigger significant legal costs because they will certainly give rise to legal challenges in which the Attorney General's Office would be involved.

#### **I. The petitions will increase costs associated with crime.**

There are two aspects of crime costs that will increase if the initiative petitions go into effect. First, the total economic losses suffered by Missourians

from crime will increase. Second, Missouri will have to spend more on criminal justice efforts to combat increased crime.

To begin, research demonstrates that Missouri's current constitutional carry regime reduces violent crime. John R. Lott, Jr., *Does Allowing Law-Abiding Citizens to Carry Concealed Handguns Save Lives?*, 31 Val. U. L. Rev. 355, 359 (1997). Permissive carry laws that remove barriers to law abiding citizens owning and carrying firearms reduce overall crime rates. Empirical research has demonstrated that when citizens are free to arm themselves, murder rates decrease by 8%, rape by 5%, aggravated assault by 7%, and robbery by 3%. *Id.* For example, violent crimes, such as homicide, substantially declined in Washington, D.C., after the Supreme Court's decision in *Heller*. Matt Connolly, *D.C. murders fall below triple digits, first time since 1963*, WASHINGTON EXAMINER (Dec. 10, 2012)<sup>1</sup>. If the initiative petitions go into effect, the gun control laws adopted by Kansas City and St. Louis will nullify these benefits and create a more crime-friendly environment for criminals.

For St. Louis and Kansas City alone, enacting restrictive gun control regulations is estimated to lead to an additional 32 murders per year. *See* ST. LOUIS POLICE DEPARTMENT, 2022 UCR HOMICIDE ANALYSIS (2023); Makenzie Koch, *Kansas City ends 2022 with second-worst homicide total*, FOX 4 (Jan. 2, 2023)<sup>2</sup>. Each murder produces an economic cost of over \$17 million. Annie Lowrey, *True Crime Costs*, SLATE (Oct. 21, 2010)<sup>3</sup>. This would bring the total economic loss from murder alone to over \$544 million per year if the proposed initiatives went into effect. Moreover, this is a conservative estimate that does not include the potential crime cost ripple effects outside of these cities.

Unfortunately, the story is similar for rape. The current gun control regime is estimated to prevent an additional 726 rapes per year in Kansas City and St. Louis, MO. *See* MACROTRENDS, *St. Louis MO Rape Statistics 1999-2018* (last visited July 7, 2023)<sup>4</sup>; MACROTRENDS, *Kansas City MO Rape Statistics 1999-2018* (last visited July 7, 2023).<sup>5</sup> Academics who have studied this issue concluded that victims who engage in some measure of self-protection are, as one group of academics wrote, "much less likely to have the rape completed

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<sup>1</sup> <https://www.washingtonexaminer.com/dc-murders-fall-below-triple-digits-first-time-since-1963#.UMdCHYN6qSq>

<sup>2</sup> <https://fox4kc.com/news/kansas-city-ends-2022-with-second-worst-homicide-total/>

<sup>3</sup> <https://slate.com/culture/2010/10/does-every-murder-in-the-united-states-really-cost-society-17-million.html#:~:text=That%20means%20in%202009%2C%20according,the%20order%20of%20%2417%20million>

<sup>4</sup> <https://www.macrotrends.net/cities/us/mo/st-louis/rape-rate-statistics>

<sup>5</sup> <https://www.macrotrends.net/cities/us/mo/kansas-city/rape-rate-statistics>

against them than nonresisting victims, a pattern generally apparent regardless of the specific form of resistance” and “The form of resistance that appears most effective in preventing rape completion is resistance with a gun, knife, or other weapon.” Gary Kleck and Susan Sayles, *Social Problems* Vol. 37, No. 2 (May, 1990), pp. 149-162 (available at <https://www.jstor.org/stable/800645>) (last visited July 7, 2023). Each additional rape causes an economic loss of \$122,461. Cora Peterson et al., *Lifetime Economic Burden of Rape Among U.S. Adults*, 52 *Am. J. of Preventative Med.* 691 (2017). In sum, the economic burden of additional rapes traceable to an increasingly disarmed public due to the proposed initiative petitions would be approximately \$88.9 million each year.

For aggravated assault, the petitions would cost \$49.6 million. Roughly 646 aggravated assaults are prevented each year by the current constitutional carry regime. See MACROTRENDS, *St. Louis MO Aggravated Assaults 1999-2018* (last visited July 7, 2023);<sup>6</sup> MACROTRENDS, *Kansas City MO Aggravated Assaults 1999-2018* (last visited July 7, 2023)<sup>7</sup>. And each assault costs \$76,829, which means Missourians (under a conservative estimate) would incur nearly \$50 million per year in additional costs. Andrew Rajkumar & Michael French, *Drug abuse, crime costs, and the economic benefits of treatment*, 13 *J. of Quantitative Criminology* 291 (1997).

Finally, for robberies the petitions would lead to additional costs of \$3.04 million annually, resulting from an increase of 3,088 robberies per year. See See MACROTRENDS, *St. Louis MO Robberies 1999-2018* (last visited July 7, 2023);<sup>8</sup> MACROTRENDS, *Kansas City MO Robberies 1999-2018* (last visited July 7, 2023)<sup>9</sup>. Each robbery costs the public \$33,143. Rajkumar & French, *supra*. Thus, even relatively lower cost and less violent crimes would lead to significant economic harms.

In addition to the costs outlines above, there are substantial costs to combatting this crime from a law enforcement perspective. These petitions will require additional expenditures in policing and prisons because of the increased crime. Dr. John Lott, the nation’s foremost researcher in this field, has estimated that the total policing and prison cost increases for Missouri would be between \$11.1 and \$38.3 million per year. That does not include the loss of productivity from incarcerated individuals as more people spend time

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<sup>6</sup> <https://www.macrotrends.net/cities/us/mo/st-louis/assault-rate-statistics>

<sup>7</sup> <https://www.macrotrends.net/cities/us/mo/kansas-city/assault-rate-statistics>

<sup>8</sup> <https://www.macrotrends.net/cities/us/mo/st-louis/robbery-rate-statistics>

<sup>9</sup> <https://www.macrotrends.net/cities/us/mo/kansas-city/robbery-rate-statistics>

in prison rather than in the workforce. Nor does this estimate include lost revenue as businesses leave Missouri for areas with lower crime rates. See Felipe Marques, *Citadel billionaire founder Ken Griffin says it wasn't low taxes that led him to move his company from Chicago to Miami*, FORTUNE (Nov. 8 2022).<sup>10</sup> Each of these costs is fairly traceable to the proposed initiative petitions, the sole purpose of which are to undermine and dilute the legal protections currently in place for the safety of Missouri residents.

Thus, even using conservative estimates, these petitions would cost Missouri \$696.64 million alone *per year* in crime-related economic losses.

## **II. The petitions will increase legal costs for the Attorney General's Office.**

The Attorney General's Office (AGO) would also incur substantial legal costs relating to the proposed petitions. First, the petitions involve a controversial topic that is sure to motivate multiple lawsuits by well-funded individuals and organizations dedicated to protecting Second Amendment rights. General litigation costs alone could run into the millions of dollars. Additionally, the AGO will likely have to hire conflict counsel to participate in these suits because the Attorney General has staked out a position strongly in favor of Second Amendment protections, creating a positional conflict that is untenable for the Attorney General and would necessarily generate greater legal costs.

Even a cursory analysis of the proposed initiative petitions raise significant constitutional concerns. As such, the State of Missouri may be required to pay the attorneys' fees of parties that challenge the petitions and any resulting regulations approved by local governments.

All told, each lawsuit could cost approximately \$1.5 million based on the AGO's estimates of the additional personnel and resources needed. Even if the petitions' validity was challenged in only the five jurisdictions specifically named in the petitions (and there is reason to believe it would be more), that would still amount to \$7.5 million in additional legal costs.

## **Conclusion**

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<sup>10</sup> <https://fortune.com/2022/11/08/citadel-billionaire-founder-ken-griffin-not-low-taxes-led-move-company-from-chicago-to-miami/>

These proposed initiative petitions would subvert current state law and give political subdivisions unconstitutional control over local resident's gun rights. Not only is that wrong-headed, it is expensive. If enacted, these proposed provisions would have a severe, negative economic impact on the State of Missouri. Crime-related costs would increase drastically. Furthermore, resulting litigation would force the AGO to expend significant funds on anticipated litigation, likely including the hiring of outside counsel.

The AGO currently estimates the fiscal impact will be at least \$704.14 million, but it could be more. As the AGO continues its legal and fiscal analysis of these misguided proposals, it will update the Auditor's Office if new data becomes available.

In response to questions, the Attorney General's office provided the following information:

The challenges to the petitions could be brought before or after election. Depending on the number, nature, and timing of the challenges the Attorney General's office would likely need to seek additional appropriations. The office's current appropriation would not be sufficient to litigate the multiple challenges contemplated in the fiscal note response.

Officials from the **Department of Agriculture** indicated no impact.

Officials from the **Department of Economic Development** indicated no impact to their department.

Officials from the **Department of Elementary and Secondary Education** indicated they have reviewed initiative petition 24-114 and determined there is no fiscal impact to their agency.

Officials from the **Department of Higher Education and Workforce Development** indicated no impact to their department.

Officials from the **Department of Health and Senior Services** indicated they have reviewed the fiscal note and found no fiscal impact.

Officials from the **Department of Commerce and Insurance** indicated this petition, if passed, will have no anticipated cost or savings to their department.

Officials from the **Department of Mental Health** indicated this proposal creates no direct obligations or requirements to their department that would result in a fiscal impact.

Officials from the **Department of Natural Resources** indicated they would not anticipate a direct fiscal impact from this proposal.

Officials from the **Department of Corrections** indicated no fiscal impact.

Officials from the **Department of Labor and Industrial Relations** indicated they anticipated no fiscal impact for initiative petition 24-114 proposing to amend Article I - Regulation of Firearms.

Officials from the **Department of Revenue** indicated after a thorough review of IP 24-114, they assume this will not have a fiscal or administrative impact on their department or their operations. Their department also notes no impact is expected to state tax revenue from this IP.

Officials from the **Department of Public Safety** indicated no impact for their department, Director's office.

Officials from the **Missouri Department of the National Guard** indicated no fiscal impact to their department.

Officials from the **Department of Social Services** indicated they assume no impact regarding this petition.

Officials from the **Governor's office** indicated this proposal relating to firearm regulation by Jackson and St. Louis counties and the cities of Kansas City and St. Louis does not financially impact their office.

Officials from the **Missouri House of Representatives** indicated no fiscal impact.

Officials from the **Department of Conservation** indicated this initiative petition will have no fiscal impact on their department.

Officials from the **Department of Transportation** indicated no fiscal impact expected for their department or the Missouri Highways and Transportation Commission for this initiative petition.

Officials from the **Office of Administration** indicated this proposal relating to firearm regulation by Jackson and St. Louis counties and Kansas City and the City of St. Louis does not financially impact their office.

Officials from the **Office of State Courts Administrator** indicated in reference to Initiative Petition 24-114 a proposed constitutional amendment to Article I, there is no fiscal impact on the courts.

Officials from the **Missouri Senate** indicated they anticipate no fiscal impact.

Officials from the **Secretary of State's office** indicated each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Referendums are submitted to the people at the next general election. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people. If a special election is called to submit a Referendum to a vote of the people, Section 115.063.2 RSMo. requires the state to pay the costs. The cost of the special election has been estimated to be \$10 million based on the cost of the 2022 primary and general election reimbursements.

Their office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered

fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In fiscal year (FY) 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY22 petitions cycle, their office estimates publication costs at \$70,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

Their office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, they reserve the right to request funding to meet the cost of their publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Officials from the **Office of the State Public Defender (SPD)** indicated initiative petition 24-114 will have no fiscal impact on SPD in that it only authorizes creation of a municipal ordinance and Chapter 600 does not authorize SPD representation in municipal ordinance cases.

Officials from the **Office of the State Treasurer** indicated no fiscal impact to their office.

Officials from **Clay County** indicated they estimate no impact from this petition.

Officials from **Greene County** indicated there are no estimated costs or savings to report from the County of Greene for initiative petition, 24-114 proposing to amend Article I - Regulation of Firearms.

Officials from **St. Louis County** indicated the cost of this proposed initiative to St. Louis County is unknown without knowing the details of a subsequent proposed ordinance change.

Officials from the **City of Kansas City** indicated this will have no fiscal impact on their city.

Officials from **Metropolitan Community College** indicated no fiscal impact to their college.

Officials from the **St. Louis Community College** indicated they have reviewed the initiative petition and do not believe it will directly financially affect their college. However, their college does not allow weapons on its premises and therefore any change that affects that position could force the college to incur costs.

The State Auditor's office did not receive a response from **Adair County, Boone County, Callaway County, Cass County, Cole County, Jackson County, Jasper County, St. Charles County, Taney County, the City of Cape Girardeau, the City of Columbia,**

**the City of Jefferson, the City of Joplin, the City of Kirksville, the City of Mexico, the City of Raymore, the City of St. Joseph, the City of St. Louis, the City of Springfield, the City of Union, the City of Wentzville, the City of West Plains, Cape Girardeau 63 School District, Hannibal 60 School District, Malta Bend R-V School District, Mehlville School District, Wellsville-Middletown R-1 School District, State Technical College of Missouri, and the University of Missouri.**

### **Fiscal Note Summary**

The Attorney General estimates increased litigation costs of up to \$7.5 million. Other state and local governmental entities estimate no costs or savings.