**151st GENERAL ASSEMBLY**
**FISCAL NOTE**

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| **BILL:** | **SENATE SUBSTITUTE NO. 1 FOR SENATE BILL NO. 3** |
| **SPONSOR:** | **Senator Lockman** |
| **DESCRIPTION:** | **AN ACT TO AMEND TITLE 11 AND TITLE 24 OF THE DELAWARE CODE RELATING TO DEADLY WEAPONS.** |

1. This Act becomes effective upon signature by the Governor.
2. This Act creates an application process to obtain a handgun qualified purchaser card (the "card") to be issued by the Secretary of the Department of Safety and Homeland Security (DSHS) to authorize the purchase of a handgun. Additionally, licensed importers, manufacturers, dealers, or unlicensed persons must require an individual to present the individual's card before selling or transferring a firearm to an individual.
3. According to the Delaware State Police (DSP), the State Bureau of Identification (SBI) has an average workload of 55,000 applicants annually. In 2020, there were 42,941 handgun purchases. Upon enactment, the SBI projects that the average workload will increase to 113,000 applications (including fingerprinting and criminal histories) annually. There is also the potential that since the card is valid for 180 days, some individuals may want to purchase handguns throughout the year, which would require two criminal histories to be conducted annually.
4. This Act expands upon the duties and responsibilities of the SBI. It estimates that it would require an expansion of 29.0 FTE civilian and 10.0 FTE sworn personnel positions to implement and enforce this Act. Recurring annual costs are estimated at $2,571,898, and one-time costs are estimated at $970,755 and are as follows:
    a. Addition of 29.0 FTE civilian and 10.0 FTE sworn personnel positions to the SBI for regulation and enforcement.
        i. Recurring Costs - $2,571,898
            1. $2,383,138 in Personnel Costs, including Other Employment Costs (OECs), for 10.0 FTE, Delaware State Troopers; 14.0 FTE, Criminal History Technician I; 8.0 FTE Criminal History Technician II; 1.0 FTE, Application Programmer; 1.0 FTE, SBI Criminal Records Manager; 1.0 FTE, Senior Forensic Print Examiner; 1.0 FTE, Telecom/Network Technician III; 1.0 FTE, Equipment Mechanic III; 1.0 FTE, Administrative Specialist II, and 1.0 FTE, Supervisor.
            2. $188,760 for the estimated rent and utilities for an additional facility to house the new positions.
        ii. One-Time Costs - $970,755
            1. $195,025 in supplies for equipment, computers, office furniture, and other supply startup costs for new 29.0 FTE civilian positions.
            2. $767,730 for vehicles, vehicle-related equipment, radios, mobile data computer, outfitting, and startup costs for new 10.0 FTE sworn positions.
            3. $8,000 projected for other miscellaneous startup costs associated with the need for an additional facility.

5. The Act will result in additional revenue. The present fee for a state and federal criminal background check is $65. Approximately $13 of that fee is paid as a processing fee to the Federal Bureau of Investigation (FBI). The remaining $52 is held in an Appropriated Special Fund (ASF) account applied towards some existing ASF positions, Automated Fingerprint Identification System (AFIS) equipment, training, and other internal business needs of SBI. Using the number of handgun purchases in 2020, if 75% of those individuals were to pay the $65 fee for a State and Federal criminal background check, there is potential to generate an additional $1.6 million annually. Additional revenue collected would not occur until after implementing this Act and the hiring of the FTE positions.
6. This Act would require the Delaware Criminal Justice Information System (DELJIS) to make significant programming and system modifications to the Criminal Justice Information System (CJIS) to ensure compliance. Recurring annual costs are estimated at $123,039, and one-time costs are estimated at $206,000 and are as follows:
    a. Addition of 2.0 FTE positions to address ongoing maintenance, programming, fixing, testing, auditing, and other post-implementation issues surrounding data integrity and continued coordination with the SBI upon implementing this Act.
        i. Recurring Costs - $123,039
            1. $123,039 in Personnel Costs, including OECS, for 1.0 FTE, Information Systems Auditor, and 1.0 FTE, Senior Application Support Specialist.
        ii. One-Time Costs - $206,000
            1. $200,000 for specialized contractual staff to make coding changes to complete necessary system updates.
            2. $6,000 for projected startup costs for technology, software, and furniture.
7. A person aggrieved by the denial or revocation of a card may request a hearing in the Justice of the Peace Court (the "Court") for the county in which the person resides within 30 days. The Court will be required to hold a hearing within 15 days of the receipt of an application. Recurring annual costs are estimated at $281,810, and one-time costs are estimated at $109,000 and are as follows:
    a. Addition of 3.0 FTE positions to handle the creation, docketing, and review of a filing, in addition to the research, scheduling, and issuance of proper notices as required.
        i. Recurring Costs - $281,810
            1. $281,810 in Personnel Costs, including OECS, for 1.0 FTE, Justice of the Peace – 1st Term; 1.0 FTE, Judicial Case Processor III, and 1.0 FTE, Attorney.
        ii. One-Time Costs - $109,000
            1. $9,000 for projected startup costs for technology, software, and furniture.
            2. $100,000 estimated for specialized contractual programming changes for JP Court to initiate an automated docketing process for these types of filings.
8. All Fiscal Year 2022 personnel costs have been estimated for 10-months of funding with the annualization of the remaining 2-months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases to salary, health insurance, and OECs.

**Cost:**

| | **One-Time** | **Operating/Recurring** |
|---|---|---|
| **Fiscal Year 2022:** | $1,285,755 | $2,976,747 |
| **Fiscal Year 2023:** | | $3,601,256 |
| **Fiscal Year 2024:** | | $3,669,506 |

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