

Summary
Board Bill Number 106
Sponsored by President Lewis E. Reed
Date: September 13, 2019

An ordinance establishing reporting requirements for dealers selling firearms to report failures of a background check system when a firearm purchase is denied within the limits of the City of St. Louis. In 2018, there were 1,419 aggravated assaults with a firearm in the City of St. Louis. To date, there have been more than 1,700 aggravated assaults with a firearm in the City. The increased use of guns and the flow of illegal guns into the City has negatively impacted the overall safety of the residents. Additionally, the State of Missouri does not require a background check prior to the transfer of a firearm between unlicensed parties. The State also does not require firearms dealers to obtain a state license. In Missouri, all firearm transfers by licensed dealers are processed directly through the National Instant Criminal Background Check System. If an applicant fails the National Instant Criminal Background Check System, there are no reporting requirements regarding the failed background check. This ordinance creates reporting requirements for those instances.

BOARD BILL NUMBER 106 INTRODUCED BY: PRESIDENT LEWIS E.

REED/ALDERMAN JOE VACCARO/ALDERWOMAN MARLENE

DAVIS/ALDERMAN JACK COATAR/ALDERWOMAN LISA

MIDDLEBROOK/ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERMAN

JOHN COLLINS-MUHAMMAD/ALDERWOMAN BETH MURPHY/ALDERWOMAN

PAM BOYD/ALDERWOMAN ANNIE RICE/ALDERWOMAN CHRISTINE

INGRASSIA/ALDERWOMAN CAROL HOWARD/ALDERMAN JEFFREY BOYD

1 An ordinance establishing reporting requirements for licensees selling firearms to report
2 failures of a background check system when a firearm purchase is denied within the limits of the
3 City of St. Louis and containing a severability and an emergency clause.

4 **WHEREAS**, gun violence in Missouri disproportionately impacts communities in urban
5 areas, particularly in the City of St. Louis; and

6 **WHEREAS**, in the City of St. Louis, violent crimes committed with a firearm have
7 dramatically increased over the past several years; according to a study by the University of
8 Missouri-St. Louis, from 2015 to 2016, 94 percent of homicides in the City of St. Louis involved
9 a gun, as opposed to 78 percent in 2004; guns also were involved in over 60 percent of assaults
10 and robberies from 2015 to 2016, compared with 43 percent in 2004; and

11 **WHEREAS**, in 2018, there were 1,419 aggravated assaults with a firearm in the City of
12 St. Louis according to the St. Louis Metropolitan Police Department crime statistics; to date in
13 2019, there have been more than 1,700 aggravated assaults with a firearm in the City of St.

1 Louis; the increased use of guns and the flow of illegal guns into the City of St. Louis has
2 negatively impacted the overall safety of the residents of the City; and

3 **WHEREAS**, from 2014 to 2016, gun homicides increased by nearly 43 percent across
4 the state; many of these deaths are concentrated in cities like St. Louis and Kansas City; these
5 two cities alone account for nearly 63 percent of all gun homicides in Missouri; and

6 **WHEREAS**, the State of Missouri does not require a background check prior to the
7 transfer of a firearm between unlicensed parties; the State of Missouri also does not require
8 firearms dealers to obtain a state license; and

9 **WHEREAS**, the National Instant Criminal Background Check System was created in
10 1993 as a part of the Brady Handgun Violence Prevention Act; the Brady Handgun Violence
11 Prevention Act requires background checks for firearms sales and transfers conducted through a
12 licensed dealer; however, it does not require a background check when a seller is unlicensed; and

13 **WHEREAS**, in Missouri, all firearm transfers by licensed dealers are processed directly
14 through the National Instant Criminal Background Check System; if an applicant fails the
15 National Instant Criminal Background Check System, there are no reporting requirements
16 regarding the failed background check; this ordinance creates reporting requirements for those
17 instances.

18 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

19 **SECTION ONE.** The Board of Aldermen finds and determines that it is necessary and
20 desirable to establish reporting requirements whenever a licensee receives notice from the
21 National Instant Criminal Background Check System that a firearms transfer has been denied.

1 **SECTION TWO. Reporting requirements.**

2 Whenever a licensee receives notice from the National Instant Criminal Background
3 Check System that a firearms transfer has been denied, the licensee shall notify the
4 Commissioner of Police or his or her designated agent, within 24 hours that a potential unlawful
5 act has occurred.

6 The licensee shall provide the following information:

7 (1) The notice provided by the licensee shall include the name and address of the party
8 who attempted to purchase the firearm, the licensee's name and address, the date
9 when the transaction was initiated, and the date the denial was received by the
10 licensee.

11 (2) The notice required by this section shall be in a form and manner to be prescribed by
12 the Commissioner of Police.

13 (3) No later than 60 days after the effective date of this ordinance, and annually
14 thereafter, the Commissioner of Police shall contact any licensee doing business
15 within this jurisdiction in writing to inform the licensee of the requirements of this
16 section, to request that licensees provide notice as required by this section, and to
17 inform them of the means of providing notice under subsection (2).

18 (4) The Commissioner of Police or his or her designee shall require that any notices
19 received under this section be investigated to determine if any unlawful acts have
20 occurred.

1 (5) For the purposes of this ordinance, “licensee” means a dealer, manufacturer, or
2 importer, licensed under 18 U.S.C. § 923.

3 **SECTION THREE. Penalty for Violations**

4 Any licensee who fails to provide the notice required by this ordinance shall be punished
5 by a fine of \$500.

6 **SECTION FOUR. Severability Clause**

7 If any section, subsection, sentence, clause, phrase or portion of the Ordinance is held
8 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
9 separate, distinct and independent provisions, and such holding shall not affect the validity of the
10 remaining portions thereof.

11 **SECTION FIVE. Emergency Clause**

12 This being an Ordinance necessary for the immediate preservation of public peace, health
13 and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19
14 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall
15 become effective immediately upon its passage and approval by the Mayor.

BOARD BILL #106 FISCAL NOTE

Preparer's Name _____ Tom Shepard _____

Phone Number or Email Address (will be available publicly)

_shepardt@stlouis-mo.gov _____

Bill Sponsor _____ President Reed _____

Bill Synopsis:	Ordinance establishing reporting requirements for licensees selling firearms to report failures of a background check system when a firearm purchase is denied and notification to the Police Commissioner and requires investigation of all notices to determine if unlawful acts have occurred.
Type of Impact:	We do not anticipate this board bill causing an increase in spending over the current fiscal year budgeted amounts.
Agencies Affected:	Police Department

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? _____ Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? _____ Yes No.
- A commitment of city funding in the future under certain specified conditions? _____ Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? _____ Yes No.
- An execution or initiation of an activity as a result of federal or state mandates or requirements? _____ Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget? _____ Yes No.

- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? Yes No.

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? Yes No.

- If yes, explain the impact and the estimated cost:

- Does the bill create a program or administrative subdivision? Yes No.

- If yes, then is there a similar existing program or administrative subdivision?

Yes No.

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division?

___ Yes ___ x ___ No.

○ If yes, by whom? _____.