

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 411**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 411 would amend the crime of criminal possession of a firearm by a person who has been convicted within the previous ten years of certain violent crimes or certain felony drug crimes. The bill would add the unlawful manufacture of controlled substances, unlawfully arranging a drug transaction using a communication device, and possession of chemicals with the intent to manufacture methamphetamine to the list of drug crimes covered by the crime of criminal possession of a firearm. Additionally, the bill would make an attempt, conspiracy, or solicitation to commit any of the specified felonies in the statute, including convictions of drug felonies as the crimes are identified in prior statutes, a severity level 8, nonperson felony.

**Background**

The proponent of the bill who presented testimony in the Senate Committee hearing was a representative of the Kansas County and District Attorneys Association.

There were no opponents of the bill who presented testimony in the Senate Committee hearing.

The fiscal note provided on this bill, as introduced, states the Kansas Sentencing Commission estimates that passage of SB 411 would result in an increase of adult prison beds. However, there are no data for this specific crime within the

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Commission's database to make an accurate estimate. The current capacity for male inmates is 8,123 and projections indicate that this capacity will be exceeded by the end of FY 2011. If the bill contributes to an increase in the inmate population sufficient to require additional facility capacity, previously closed units would need to be reopened, which would require annual costs to staff, operate, and maintain the units. If it is necessary to increase capacity beyond reopening the closed units, one-time construction and equipment costs would be needed for new units. Likewise, annual costs to staff, operate, and maintain the new units would be incurred. The 2007 Legislature authorized a construction package that included projects at El Dorado, Yates Center, Ellsworth, and Stockton in the event population estimates indicate new units are needed. If one or more of these projects are necessary, the estimated total costs would range from \$7.0 million for one project at Ellsworth to \$66.4 million for all four projects. The actual construction costs would depend on when construction is undertaken. The actual operating costs incurred would depend on the base salary amounts, fringe benefit rates, food service costs, and inmate health care costs applicable at the time the new units are occupied. If SB 411 contributes to an increase in the inmate population beyond this new capacity, other expansion projects would need to be identified.

If the effect from SB 411 does not require expansion of capacity, the additional annual costs would be approximately \$2,400 per inmate for basic support, including food services. Additional expenditures for health care also could be incurred if the increase in the inmate population requires adjustments to the medical contract. The health care contract provides that whenever the inmate count at a facility changes by more than a specified percentage, an adjustment to contract payments is made. The amount of any adjustment would depend on the specific facility involved.

SB 411 has the potential for increasing litigation in the courts because of the new violations created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system.

However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with SB 411 is not reflected in *The FY 2011 Governor's Budget Report*.