SUPPLEMENTAL NOTE ON SENATE BILL NO. 41

<u>As Amended by Senate Committee on Judiciary</u>

Brief*

SB 41 would amend a special sentencing rule related to firearms. Under current law, the rule applies when an offender *carries* a firearm to commit a drug felony or *possesses* a firearm in furtherance of a drug felony. The bill would change this language to apply the rule when an offender *possesses* a firearm and such firearm was readily accessible during the commission of, or in furtherance of, a drug felony, or any attempt or conspiracy to commit a drug felony.

Background

The bill was introduced by the Senate Judiciary Committee at the request of the Kansas County and District Attorneys Association (KCDAA). In the Senate Committee, representatives of the KCDAA testified in support of the bill. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association submitted written proponent testimony. There was no other testimony.

The Senate Committee amended the bill to add a provision requiring the firearm to be readily accessible for the rule to apply. The Committee recommended the bill be passed as amended.

The Division of the Budget's fiscal note indicates the bill has the potential to increase the number of cases filed in the courts, which would require time spent by personnel, but

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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

could also result in the collection of additional docket fee revenue. However, the Office of Judicial Administration cannot predict a precise fiscal effect and believes any effect would likely be accommodated within existing court schedules.

The Kansas Sentencing Commission states the bill would have a negligible effect on prison bed needs.

Any fiscal effect associated with the bill is not reflected in *The FY 2014 Governor's Budget Report*.