

February 9, 2015

The Honorable Ralph Ostmeyer, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Ostmeyer:

SUBJECT: Fiscal Note for SB 25 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 25 is respectfully submitted to your committee.

SB 25 would make it illegal for anyone except a licensed firearm's dealer, manufacturer or importer to complete a transfer of a firearm to an unlicensed person at a gun show or through a publication without background check. A licensed gun dealer may charge the fee to do a background check for the parties involved. The bill lists exceptions for when this would not apply.

It would be a class A misdemeanor to violate the provisions of this act and, if convicted, a person would be prohibited from owning a firearm for two years. The violation must be reported by the court to the National Instant Criminal Background Check System. In addition, the transferor of the gun may be held jointly and severally liable for any civil damages proximately caused by the receiver's subsequent use of the firearm.

SB 25 would not have a fiscal effect on the Attorney General's office. There may be some local prosecution costs for violations of the act, as well as revenue from possible fines that can be imposed. However, the precise fiscal effect on local governments is unknown.

The Office of Judicial Administration notes that SB 25 could have a fiscal effect on Judicial Branch expenditures because the bill would create a new misdemeanor crime of knowingly providing false information to a prospective transferor or to a licensed gun dealer for the purpose of acquiring a firearm. This could increase the time spent by district court and appellate staff in processing, researching, and hearing cases. Also, the court would be required to report all convictions to the National Instant Criminal Background Check System (NICS), which would require additional training and processing for the clerks. The passage of the bill could produce additional revenue from docket fees and fines that could be collected from new case filings; however, the fine revenue would be credited to other agencies. Until the courts have

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had an opportunity to operate under the provisions of SB 25, an accurate estimate of its fiscal effect cannot be estimated.

The Kansas Bureau of Investigation currently submits information on persons prohibited from carrying firearms for two years to the NICS. The Bureau states that adding an additional prohibition would not have a fiscal effect on the agency. Any fiscal effect associated with SB 25 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Attorney General's Office
Mary Rinehart, Judiciary
Shelia Sawyer-Tyler, KBI