

March 10, 2016

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 355 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 355 is respectfully submitted to your committee.

Under SB 355, the crime of criminal use of weapons would be expanded to include knowingly selling any firearm to any person who is and has been a mentally ill person or has an alcohol or substance abuse problem and received treatment as a voluntary patient. Criminal use of weapons would also include possessing any firearm by a person who is or has been a mentally ill person voluntarily admitted for care and treatment.

Treatment facilities would be required to send the names of all persons voluntarily admitted for care and treatment to the Kansas Bureau of Investigation (KBI). A person who has been discharged from treatment may file a petition to the court to restore the person's ability to legally possess a firearm. The court would be required to issue a certificate of restoration to the person and to forward a copy of the certificate to the KBI.

According to the Kansas Department for Aging and Disability Services (KDADS), the reporting requirements in the bill would involve a significant amount of time and coordination by staff at the Osawatomie State Hospital and the Larned State Hospital. This would have a fiscal effect on the hospitals; however, KDADS is unable to estimate the precise dollar amount.

The KBI indicates that the precise fiscal effect on the agency cannot be determined because it does not track the number of voluntary commitments in Kansas and has no information regarding the volume of work that may be necessary to implement the bill. The agency estimates that for every 30,000 submissions received it would need to hire 1.00 Administrative Assistant FTE position at an annual cost of \$48,110 for entering data into state and federal databases. The KBI notes that tracking voluntary commitments would require one-time programming costs of \$1,000.

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The bill has the potential for increasing the number of cases in the courts because of the new procedure that allows an individual to petition the court to restore the ability to legally possess a firearm. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. The Office notes that the courts handle only a small number of voluntary commitment cases. Therefore, the bill is not expected to have a large effect on the Judicial Branch. However, a precise fiscal effect cannot be determined.

The Office of the Attorney General states that the bill would have no fiscal effect on the agency. Any fiscal effect associated with SB 355 is not reflected in *The FY 2017 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
Ashley Michaelis, Judiciary
Shelia Sawyer-Tyler, KBI
Larry Baer, League of Municipalities
Brad Ridley, Aging & Disability Services
Jackie Aubert, Children & Families
Melissa Wangemann, Association of Counties