

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 479

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

SB 479 would make changes to the definition of criminal use of a weapon. The bill would expand criminal use of a weapon to make possession of a firearm under the following circumstances a severity level 8, nonperson felony:

- While a fugitive from justice;
 - “Fugitive from justice” would be defined as any person having knowledge that a warrant has been issued for the apprehension of such person;
- By a person who is illegally or unlawfully present in the U.S., or has been admitted to the U.S. under a nonimmigrant visa;
- By a person who is subject to a court order issued under laws concerning protection from abuse or protection from stalking orders; or
- By a person who has been convicted of a misdemeanor for domestic violence or has had a misdemeanor conviction in another jurisdiction in the past five years.

*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>

The bill would specify that a person admitted to the U.S. under a nonimmigrant visa would not be guilty of criminal use of a weapon if the person is:

- Admitted to the U.S. for lawful hunting or sporting purposes or in possession of a hunting license or permit lawfully issued in the U.S.;
- An official representative of a foreign government who is:
 - Accredited to the U.S. government or the U.S. government's mission to an international organization having its headquarters in the U.S., or
 - En route to or from another country to which such person is accredited;
- An official of a foreign government or a distinguished foreign visitor who has been so designated by the U.S. Department of State; or
- A foreign law enforcement officer of a friendly foreign government entering the U.S. on official law enforcement business.

Background

At the hearing before the Senate Committee on Federal and State Affairs, a representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, and the Kansas Peace Officers Association appeared in support of the bill. There was no neutral or opponent testimony on the bill.

According to the fiscal note provided by the Division of the Budget, the Kansas Sentencing Commission has indicated that the bill would have no immediate effect on prison admissions or bed space, but would impact the

probation population and increase the number of journal entries requiring data entry by Commission staff. The estimate for the additional workload is unknown. The Kansas Department of Corrections has indicated the bill would have a fiscal effect, but variables in the bill make estimating costs difficult. The Office of Judicial Administration indicates the bill would increase expenditures related to additional time spent by judges and court employees in processing and hearing cases, but an estimate cannot be provided. If the bill results in additional criminal prosecutions, the Office of Judicial Administration indicates the bill also would increase revenues from docket fees.

Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.