

February 26, 2020

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2636 by Representative Stogsdill

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2636 is respectfully submitted to your committee.

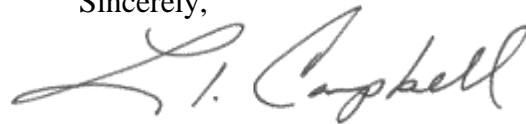
HB 2636 would add “possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any large capacity ammunition magazine designed for use with a handgun whether the person knows or has reason to know the size of the magazine” to the definition of criminal use of weapons. The bill would define “large capacity magazine” as an ammunition feeding device that physically extends below the bottom of the grip of a handgun when fully seated. The bill would also amend the definition of “criminal carrying of a weapon” to include carrying a handgun with a large capacity magazine.

The Kansas Sentencing Commission estimates that enactment of HB 2636 could have an effect on prison admissions, prison beds, and the workload of the Commission. However, a fiscal effect cannot be determined. The current estimated available bed capacity is 9,916. Based upon the Commission’s most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available capacity will be over capacity by 258 inmates in FY 2020 and 524 inmates in FY 2021. The Department of Corrections would house any additional inmates over the capacity limit in county jails or out-of-state contract beds at a rate ranging from \$40 per day to \$74.76 per day.

The Office of the Attorney General indicates that enactment of the bill could result in a lawsuit under the Second Amendment of the United States Constitution. The Office indicates that it would be responsible for defending the law. Depending on the workload of the civil litigation attorneys, there could be a need to retain outside counsel. The cost for hiring outside counsel would depend on which outside counsel is selected and the amount of time required to properly defend the litigation. In addition, the Office states there could be a monetary judgment against the state as well as an order to pay the prevailing party’s attorney fees.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it expands the definition of criminal use of weapons and criminal carrying of a weapon. The Office indicates that this could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries a level 9, nonperson penalty, the Office indicates that the bill could require additional supervision of offenders by court services officers. The bill could also result in the collection of additional docket fees and supervision fees assessed in such cases. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated. Any fiscal effect associated with HB 2636 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and the last name "Campbell" clearly visible.

Larry L. Campbell
Division of the Budget

cc: Willie Prescott, Office of the Attorney General
Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections