

March 6, 2020

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541C-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 415 by Senator Sykes

In accordance with KSA 75-3715a, the following fiscal note concerning SB 415 is respectfully submitted to your committee.

SB 415 would require a court to issue an order requiring a defendant to relinquish firearms in the defendant's possession and any concealed carry license issued in the defendant's name upon a court issued protection order, domestic battery conviction, domestic violence offense, stalking, sexual assault, or human trafficking. The firearms and license would be surrendered to the sheriff of the county where the relinquishment order was issued and proof of relinquishment would be given as identified in the bill. The defendant would show proof to the court and attest that he or she does not possess any firearms or a concealed carry license. Upon expiration of the order and before a sheriff would return the firearms or license, the sheriff would be required to conduct a state and national criminal background record check to confirm that the defendant is not prohibited from possessing a firearm under state or federal law. Violations of the bill would be a severity level 8, nonperson felony unless an individual is transporting a firearm within the allowed timeframe to the sheriff.

The Kansas Sentencing Commission estimates that enactment of the bill would result in an increase of 25, 37, or 50 adult prison beds needed by the end of FY 2021 depending on the scenario. By the end of FY 2030, 28, 43, or 55 additional beds would be needed depending on the scenario. The Commission also estimates an increase of 42, 63, or 85 prison admissions each year. The Commission also states that the bill would increase journal entries by 168, 251, or 335 depending on the scenario. 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 \$40.00 per day to \$74.76 per day.

The Kansas Bureau of Investigation states that the bill could negligibly increase its expenditures and revenues to run background checks created in the bill. However, any additional expenditures or revenues would be offset as fees collected to run background checks are used to pay for employee salary and benefit expenditures and maintain computer systems.

The Office of the Attorney General states that enactment of the bill would have a negligible fiscal effect to its Concealed Carry Division, but could be managed within existing resources. However, the constitutionality of the bill could be challenged in a civil lawsuit. The Attorney General would be responsible for defending the law and depending on the current workload of the its staff, outside counsel could be hired. In addition, a monetary judgement against the state could occur as well as an order to pay the prevailing party's attorney fees. These funds would be paid from a transfer from the State General Fund to the Tort Claims fund of the Attorney General. However, it is not possible to estimate the fiscal effect of the bill.

The Kansas Highway Patrol states that the bill would not have a fiscal effect because if the agency was called to assist in serving a defendant, it would be during the normal course of working hours.

The Kansas Association of Counties and the League of Kansas Municipalities both state that the bill could have a fiscal effect because the bill would require local law enforcement to issue, enforce, and administer the relinquishment orders, which would in turn increase expenditures. However, a fiscal effect cannot be estimated because the number of relinquishment orders cannot be estimated. Any fiscal effect associated with SB 415 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 and last names being clearly legible.

Larry L. Campbell  
Director of the Budget

cc: Willie Prescott, Office of the Attorney General  
Mary Rinehart, Judiciary  
Trey Cocking, League of Municipalities  
Jay Hall, Association of Counties  
Sherry Macke, Highway Patrol  
Paul Weisgerber, KBI  
Randy Bowman, Corrections  
Scott Schultz, Sentencing Commission