

March 22, 2021

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

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2410 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2410 is respectfully submitted to your committee.

HB 2410 would create the Gun Violence Restraining Order Act. The bill would allow individuals to request a restraining order that prohibits the purchase or possession of firearms by certain defendants if there is reasonable cause to believe the defendant poses a significant risk of personal injury to themselves or others by possessing a firearm. The court would be allowed to issue an order without written or oral notice to the defendant if the court determines there is clear and convincing evidence that irreparable injury would result from the delay required to provide notice, or that the notice itself will precipitate adverse action before the order can be issued. Forms for the order must be approved by the Judicial Council.

A defendant who is restrained by an order issued without notice would be allowed to file a motion to modify or rescind the order and request a hearing provided the motion is filed within 14 days after the individual receives service or actual notice of the order. The court would be required to hold a hearing on the motion within 14 days after it is filed. If the firearms have already been seized, a hearing must be held within five days after the motion is filed.

The bill would allow the order to be served on a defendant by any method. A court would be allowed to issue one or more extended orders. Each order would be effective for up to one year after the expiration of the preceding order.

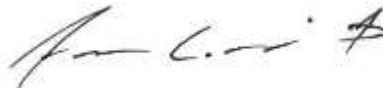
The Kansas Judicial Council indicates that enactment of the bill would require the Judicial Council's Family Law Advisory Committee to hold two meetings to discuss and draft the necessary forms to implement the bill. The agency states the average cost per meeting is \$980,

resulting in a total one-time cost of \$1,960 from special revenue funds. However, the agency states that it could fund the additional expenditures within existing resources.

The Office of Judicial Administration indicates that enactment of the bill would significantly increase the amount of time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The Office states that it would likely have to hire more court clerks to perform the additional workload and responsibilities. Enactment of the bill could also result in the collection of additional docket fees. However, a fiscal effect cannot be estimated, as the additional workload is unknown. Any fiscal effect associated with HB 2410 is not reflected in *The FY 2022 Governor's Budget Report*.

The League of Kansas Municipalities indicates that enactment of the bill would require cities to assist with implementation and enforcement of the bill. However, a fiscal effect cannot be determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Janelle Williams, Judicial Council
Wendi Stark, League of Municipalities