

February 29, 2024

The Honorable Will Carpenter, Chairperson  
House Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Representative Carpenter:

**SUBJECT:** Fiscal Note for HB 2803 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2803 is respectfully submitted to your committee.

HB 2803 would create the Kansas Gun Rights Preservation Act. The bill would prohibit any state or local agency or employee from cooperating with the federal government in enforcing any federal law or regulation that restricts the rights of law-abiding citizens to own or use firearms, accessories, or ammunition. The bill would also prohibit the use of any state funds or resources to assist the federal government in enforcement of such laws or regulations. The bill specifies circumstances that would not be violations of the Act, including assisting a federal law enforcement agency in pursuit of a suspect connected to another jurisdiction and assisting the United States Attorney in prosecuting felony crimes that involve firearms. The bill would establish a \$50,000 civil penalty for any state or local law enforcement agency or political subdivision that employs a law enforcement officer who violates the Act. Each violation with respect to a firearm, firearm accessory, or container of ammunition would constitute a separate occurrence. The bill would also establish a \$50,000 civil penalty for any law enforcement agency or political subdivision that employs an individual as an official, agent, or employee of the United States government who gives aid, acts or previously acted under the color of any federal law to enforce or attempt to enforce any federal law, executive order, rule, or regulation against law-abiding citizens to own or use firearms, accessories, or ammunition. Any law-abiding citizen who lives or conducts business in Kansas and is aggrieved by or suspects a violation of the Act could sue the violator in court and seek an injunction to stop the violation. The court would be required to hear the case within 30 days and could award the prevailing party reasonable legal fees and costs unless the winner is the state or a local government. The bill would take effect upon its publication in the *Kansas Register*.

The Kansas Bureau of Investigation (KBI) indicates enactment of the bill could create additional liabilities for the agency. The KBI notes that, in many instances during an initial investigation, there may not be clear evidence if a citizen is law abiding. If the KBI seizes a gun pursuant to a criminal investigation but the individual is later acquitted of the charges or not charged by the county attorney, the citizen could then file a lawsuit against the KBI as a violation

of the Act. The KBI also notes that the bill would nullify its ability to put agents on any federal task forces. The KBI has several agents who are situated on federal task forces who are able to leverage federal resources in KBI investigations. The KBI also offers a significant number of cases to the United States Attorney's Office with federal gun charges, which would also be impacted. However, a precise fiscal effect cannot be estimated.

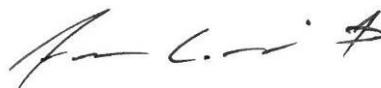
The Kansas Highway Patrol (KHP) states that its sworn law enforcement officers have an obligation to respect federal law and in many cases partner with federal law enforcement agencies to protect the citizens of Kansas from violent crimes. As an example, KHP reports that it seized 130 guns in 2023. If referral of the seized weapons and the underlying offenders were found to be in violation of the Act, KHP would have faced up to \$6.5 million in civil penalties (130 guns X \$50,000). KHP also notes that the bill would also hold the agency liable for reasonable attorney fees and court costs, which would increase expenditures. However, until the courts have had an opportunity to hear litigation under the provisions of the bill, an accurate fiscal effect on the expenditures of the agency cannot be estimated.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it allows for a party to bring a court action. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be credited to the State General Fund. According to the Office, a precise fiscal effect cannot be determined until the courts have had an opportunity to operate under the provisions of the bill.

The Office of the Attorney General notes that enactment of the bill would likely result in litigation, which could increase agency expenditures. However, a precise fiscal effect on the agency cannot be estimated. Any fiscal effect associated with HB 2803 is not reflected in *The FY 2025 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill could put local governments at risk of losing federal funds or becoming ineligible for federal grants, as the bill does not comply with federal law. However, a precise fiscal effect cannot be estimated.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
William Hendrix, Office of the Attorney General  
Sherry Macke, Kansas Highway Patrol  
Paul Weisgerber, Kansas Bureau of Investigation  
Wendi Stark, League of Kansas Municipalities  
Jay Hall, Kansas Association of Counties