

February 13, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 137 by Senator Holscher

In accordance with KSA 75-3715a, the following fiscal note concerning SB 137 is respectfully submitted to your committee.

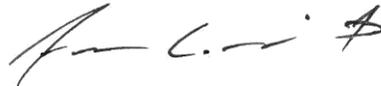
SB 137 would create the crime of unlawful storage of a firearm, which would be defined as storing or leaving a firearm that is not secured by a trigger lock mechanism; placed in a securely locked safe, box, or other container; or placed in some other location that a reasonable person would believe to be secure from any minor gaining access to the firearm. For the person who unlawfully stored the firearm, a minor accessing the firearm would be a class C person misdemeanor, a minor using the firearm to cause bodily harm to another person would be a severity level 9, person felony, and a minor using the firearm to cause great bodily harm to or the death of another person would be a severity level 5, person felony. The bill would outline several exceptions, including if a minor unlawfully entered the area where the firearm was being stored or if the firearm was used by a minor in lawful self-defense.

The Kansas Sentencing Commission estimates that enactment of SB 137 would result in an increase of one, three, or four adult prison beds needed by the end of FY 2024 depending on the scenario. By the end of FY 2033, four, nine, or 13 additional beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries misdemeanor and felony penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Attorney General states enactment of the bill could increase the number of cases that are prosecuted, but a precise fiscal effect cannot be estimated at this time. Any fiscal effect associated with SB 137 is not reflected in *The FY 2024 Governor's Budget Report*.

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: John Milburn, Office of the Attorney General
Scott Schultz, Sentencing Commission
Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections