

February 22, 2023

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 2403 by House Committee on Federal and State Affairs

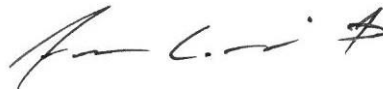
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2403 is respectfully submitted to your committee.

HB 2403 would classify storing or keeping any firearm, rifle, or shotgun, including a large-capacity magazine firearm or machine gun, in any place unless the firearm is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device that is properly engaged so the weapon is inoperable by any person other than the owner or other lawfully authorized user as a class A, nonperson misdemeanor. Storing or keeping any stun gun in any place unless the weapon is secured in a locked container accessible only to the owner or other lawfully authorized user would also be a class A, nonperson misdemeanor. Storing a rifle or shotgun that is a large-capacity firearm in an area where a person under 18 years of age has access would be classified as a severity level 9, nonperson felony. Violations of these provisions would be evidence of wanton or reckless conduct in any criminal or civil proceeding if a person less than 18 years of age who was not a trespasser or was a foreseeable trespasser acquired access to a weapon that results in the personal injury to or the death of any person. The bill would make exceptions for certain antique and replica firearms.

The Kansas Sentencing Commission estimates that enactment of HB 2403 could increase the number of beds needed but that this effect cannot be determined at this time. 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 that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates new crimes. 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. Any fiscal effect associated with HB 2403 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: Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections
Scott Schultz, Sentencing Commission