

March 10, 2016

The Honorable Ralph Ostmeyer, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Ostmeyer:

SUBJECT: Fiscal Note for SB 479 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 479 is respectfully submitted to your committee.

SB 479 would expand the definition of the crime of criminal use of a weapon to include:

1. Possessing any firearm while a fugitive from justice;
2. Possessing any firearm by a person who is illegally or unlawfully in the United States, or who has been admitted to the United States under a nonimmigrant visa;
3. Possessing any firearm by a person who is subject to a court order issued under KSA 60-3107 or 60-31a06, and when the order has been issued to protect a family or household member of the person, or an individual dating the person; or
4. Possessing any firearm by a person who, within the preceding five years, has been convicted of a misdemeanor for a domestic violence offense or an equivalent conviction in another jurisdiction.

Any of these violations would be classified as a severity level 8, nonperson felony. The bill would clarify that an illegal immigrant in possession of a firearm would be exempt if the person is:

1. Admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States;
2. An official representative of a foreign government who is accredited to the United States government or the United States government's mission to an international organization having its headquarters in the United States, or en route to or from another country to which such person is accredited;

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3. An official of a foreign government or a distinguished foreign visitor who has been so designated by the United States Department of State; or
4. A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

“Fugitive from justice” would be defined as any person having knowledge that a warrant has been issued for the apprehension of such person under KSA 22-2713.

The Kansas Sentencing Commission indicates that SB 479 would have no immediate effect on prison admissions or bed space, but would impact the probation population and increase the number of journal entries requiring data entry by Commission staff although the estimate for the additional workload is unknown. The Kansas Department of Corrections indicates the bill would have a fiscal effect, but the variables included in the bill make it difficult to determine an estimate. The Office of Judicial Administration indicates the bill would increase expenditures related to additional time spent by judges and court employees in processing and hearing criminal use of weapon cases, but an estimate cannot be provided. If the bill results in new criminal use of weapon cases, the Office of Judicial Administration indicates the bill would also increase revenues from docket fees. Any fiscal effect associated with SB 479 is not reflected in *The FY 2017 Governor’s Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Adam Pfannenstiel, Corrections
Scott Schultz, Sentencing Commission
Ashley Michaelis, Judiciary