

February 4, 2019

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

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2023 by Representative Ward

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2023 is respectfully submitted to your committee.

HB 2023 would amend the definition of “criminal use of weapons.” The bill would prohibit the selling, giving, or transferring of any firearm to any person who is identified in the terrorist screening database, or any successor list or database, maintained and operated by the Federal Bureau of Investigation. A violation would be a severity level eight, nonperson felony.

The bill would also change the criminal severity level from a class A nonperson misdemeanor to a severity level eight, nonperson felony for selling, giving, or transferring any firearm to any person who has been involuntarily committed because of mental illness, alcohol, or substance abuse problems.

HB 2023 has the potential for increasing litigation in the courts because of the new crime and change to the criminal severity level created by the bill. If litigation would increase, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming the cases would be. The fiscal effect would most likely be negligible and could be accommodated within the existing budget resources.

The Office of Attorney General states enactment of the bill could have a fiscal effect if the constitutionality of the bill is challenged in court and the agency needed to retain outside counsel.

The Kansas Sentencing Commission estimates that enactment of HB 2023 would have no immediate effect on prison admissions or beds. The Commission estimates there would be an effect on the probation population and the agency's workload; however, the Commission cannot provide an estimate. Any fiscal effect associated with HB 2023 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a smaller "L." followed by "Campbell".

Larry L. Campbell  
Division of the Budget

cc: Willie Prescott, Office of the Attorney General  
Janie Harris, Judiciary  
Scott Schultz, Sentencing Commission  
Paul Weisgerber, KBI