

February 17, 2014

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

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2578 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2578 is respectfully submitted to your committee.

In some cases, federal law requires law enforcement to approve the transfer of a firearm. HB 2578 would establish a time limit of 15 days on law enforcement agencies to review and respond to these National Firearm's Act transfer of firearm certifications. The chief law enforcement officer must certify that the recipient is a proper person for the receipt of the firearm or that the chief law enforcement officer knows of no reason to prevent the firearm transfer. A chief law enforcement officer, as defined in the bill, could include a state or local district attorney or prosecutor, chief of police, or sheriff. The bill details the application and certification process.

The Office of the Attorney General states that it is impossible to predict how many individuals would request a firearm transfer certification from the agency under HB 2578. If the number of requests received exceeds the ability of existing staff to handle the workload, the office may need to increase staff to accommodate requests. In addition, if the certification is denied, the individual may appeal the decision to the district court. Additional staff could be required if the number of appeals cannot be accommodated within current staffing levels.

The Office of Judicial Administration notes that the passage of HB 2578 could increase the number of cases filed in district courts and the number of appeals relating to transfer of firearms. In the appeal to the district court, which is a new procedure not available under current law, courts would need access to databases that would identify persons prohibited by state or federal law from receiving a firearm, or against whom there is a pending legal or administrative proceeding which could result in the applicant being prohibited from receiving the firearm. In the alternative, the courts would need to spend additional time examining documents presented

The Honorable Steve Brunk, Chairperson

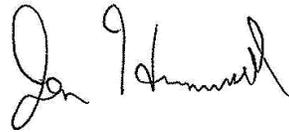
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by the parties regarding these issues. This, in turn, would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. However, it is not possible to predict how complex or time consuming the cases would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Association of Counties indicates that HB 2578 could potentially increase costs for sheriff's offices or district courts administrating the requirements imposed by the act. The fiscal effect cannot be estimated. Any fiscal effect associated with HB 2578 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,  
Interim Director of the Budget

cc: Willie Prescott, Attorney General's Office  
Melissa Wangemann, Association of Counties  
Larry Baer, League of Municipalities  
Mary Rinehart, Judiciary