

January 25, 2013

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 41 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 41 is respectfully submitted to your committee.

SB 41 would amend language regarding possession of a firearm during a drug crime. Current law refers to offenders who “carried” a firearm. The bill would instead refer to offenders who “possessed” a firearm. The crime would be expanded to include the attempt or conspiracy to commit a drug felony while possessing a firearm.

The Kansas Sentencing Commission indicates that enactment of SB 41 would have a negligible effect on prison bed needs. While expanding the crime may result in an increase of convictions, the Commission notes that offenders would more likely be sentenced to probation rather than prison under current sentencing practices.

According to the Office of Judicial Administration, SB 41 has the potential for increasing the number of cases filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with SB 41 is not reflected in *The FY 2014 Governor’s Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Jeremy Barclay, KDOC

Scott Schultz, Sentencing Commission