

January 21, 2020

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541C-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 245 by Senator Hilderbrand

In accordance with KSA 75-3715a, the following fiscal note concerning SB 245 is respectfully submitted to your committee.

SB 245 would enact the Kansas Anti-Red Flag Act. The bill would address extreme risk protection orders, including all orders issued by federal or state courts. Any city, county or other political subdivision of Kansas would be prohibited from enacting or from assisting in enforcement of an ordinance, resolution, or regulation that provides for extreme risk protection orders.

Any attempt to adopt an extreme risk protection order against a Kansas resident would be void and deemed an infringement of the resident's constitutional rights. A state agency, city, county, or political subdivision in Kansas would be prohibited from accepting monies to implement any action that would effectively enforce an extreme risk protection order.

The bill defines an "extreme risk protection order" as an order or warrant issued by a federal or state court for the primary purpose of reducing the risk of firearm-related death or injury by one or more of the following: prohibiting a named individual from owning, possessing, receiving, or otherwise having control or custody of a firearm or having a firearm removed or requiring the surrender of firearms from a named individual.

The bill would create a new severity level nine, person felony for any individual, including law enforcement officers, attempting to enforce an extreme risk protection order on a Kansas resident.

The Office of Judicial Administration states enactment of SB 245 could increase the number of cases filed in district court because it creates a new crime, which could result in more time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Office of the Attorney General states the agency would be responsible for defending a lawsuit filed against the State of Kansas and there could be agency costs because of requests for formal legal opinions. However, the agency is unable to estimate a fiscal effect.

The Kansas Sentencing Commission indicates enactment of SB 245 could result in additional prison beds; however, the Commission does not have enough information to estimate an effect.

The League of Kansas Municipalities estimates there could be a fiscal effect on Kansas cities resulting from the enactment of the bill; however, the League does not have enough information to estimate what the fiscal effect might be. The Kansas Association of Counties cannot determine what, if any fiscal effect, enactment of the bill would have on Kansas counties. Any fiscal effect associated with SB 245 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Willie Prescott, Office of the Attorney General
Paul Weisgerber, KBI
Kaitlyn Willis, League of Municipalities
Jay Hall, Association of Counties