

CORRECTED
SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 221

As Amended by Senate Committee
on Judiciary

Brief*

SB 221 would expand on or after January 1, 2007, the crimes of criminal possession of a firearm and criminal disposal of a firearm to cover any person who is or has been a mentally ill person subject to involuntary commitment. The bill would require every district court to review all court records on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment, and forward these records to the Kansas Bureau of Investigation (KBI). The KBI would be required to enter these court orders involving involuntary commitments into the National Criminal Information Center and other appropriate databases.

The bill would require the court to notify any mentally ill person subject to involuntary commitment that it is a violation of law to possess a firearm. Upon release, the state hospital would be required to notify the patient that it is a violation of law for the patient to possess a firearm and also to inform the patient regarding the restoration of the right to possess a firearm.

The bill would establish a procedure for the restoration of a person's right to possess a firearm by filing a petition for restoration with the court. The court would be required to issue a certificate of restoration upon finding the person is no longer likely to cause harm to themselves or others. The issuance of these certificates of restoration must be reported to the KBI.

The bill also would raise the docket fee for treatment of mentally ill cases from \$25.50 to \$50.00.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was supported by Senator Journey who said federal law now prohibits mentally incompetent people from possessing firearms. The Kansas Attorney General supported the bill. A representative of the Association of Community Mental Health Centers of Kansas, Inc. also provided testimony.

The fiscal note states that the KBI estimates an additional expenditures of \$20,000 for contracted services by commercial vendors to create interfaces and data transports between law enforcement databases. The Office of Judicial Administration estimates an additional expenditure of \$74,406 for temporary workers to review court files for a total expenditure of \$94,406 from the State General Fund.