

March 2, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 195 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 195 is respectfully submitted to your committee.

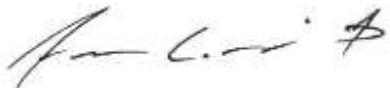
SB 195 would modify the definition of “criminal discharge of a firearm,” to include a provision that criminal discharge of a firearm is the reckless and unauthorized discharge of any firearm at a motor vehicle in which there is a human being, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present.

The bill would specify that if the trier of fact makes a finding beyond a reasonable doubt that the offender discharged a firearm and the offender knew or reasonably should have known that a person was present in a dwelling, building, structure, or motor vehicle, the sentence would be presumptive imprisonment. In addition to the sentence imposed by the Kansas Sentencing Guidelines Act, the offender would receive an additional 60 months’ imprisonment. If the trier of fact makes a finding beyond a reasonable doubt that the offender knew or reasonably should have known that a person less than 14 years of age was present in the dwelling, building, structure, or motor vehicle, the offender would be sentenced to an additional 120 months’ imprisonment. The sentence imposed would be served consecutively to any other term or terms of imprisonment imposed and would not be considered a departure and would not be subject to appeal.

The Office of Judicial Administration states enactment of SB 195 could have a fiscal effect on Judicial Branch operations because of the provisions requiring presumptive imprisonment and additional imprisonment of 60 or 120 months, which could result in more time spent by court employees and judges processing and hearing 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 Kansas Sentencing Commission indicates enactment of the bill could have an effect on prison admissions and bed space; however, the Commission cannot determine what that effect would be. The Department of Corrections states the bill's enactment would not have a fiscal effect on agency operations. Any fiscal effect associated with SB 195 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Randy Bowman, Corrections
Scott Schultz, Sentencing Commission
Jay Hall, Association of Counties