

March 31, 2021

The Honorable Larry Alley, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Alley:

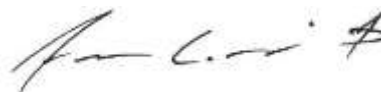
SUBJECT: Fiscal Note for SB 294 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 294 is respectfully submitted to your committee.

SB 294 would create the Roy' Ale Spencer Firearms Safety Act. The Act would make it unlawful for any person to store or leave a loaded firearm that is not secured by a trigger lock mechanism, placed in a securely locked safe, box or other container or placed in some other location that a reasonable person would believe to be secure from any person under 18 years of age if the underage person exhibits the firearm in a public place in an unlawful manner or uses the firearm unlawfully to cause injury or death to a person. The bill would clarify that the provisions of the Act would not apply if the person under 18 years of age obtains the firearm as a result of an unlawful entry by any person. The penalty for a violation of this Act would be a class C person misdemeanor.

The Office of the Attorney General (OAG) indicates SB 294 could be challenged on Constitutional grounds increasing state expenditures by several hundred thousand dollars for specialized outside counsel over the two to four-year period it estimates an appellate decision would require. The OAG estimates litigation costs would further increase if the case ended up at the United States Supreme Court. If the challenge is successful, the OAG estimates total costs to the state would more than double if it was ordered to pay the plaintiff's attorney fees and costs. The Office of Judicial Administration indicates SB 294 would increase expenditures by and revenues to the Judicia Branch from additional cases filed; however, a fiscal effect cannot be estimated. Any fiscal effect associated with SB 294 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Willie Prescott, Office of the Attorney General