

February 17, 2011

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2329 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2329 is respectfully submitted to your committee.

HB 2329 would set out a procedure by which an individual who has been adjudicated a mentally ill person subject to involuntary commitment for care and treatment may petition for relief from firearm prohibition laws. The petitioner would be required to submit certain records and documents to the court and would be allowed to present evidence to the court. A record of the proceedings would be created and maintained for review. If the court denies the petition for relief, the petitioner would be able to seek review of the decision. If the petition is granted, documentation of the petition would be submitted to the Kansas Bureau of Investigation (KBI).

HB 2329 would require municipal courts and district courts to make expunged records and related information in the court's possession available to the KBI for certain purposes. In addition, courts would be prohibited from assessing fees or charges against the central repository of the KBI for providing criminal history record information.

HB 2329 would also incorporate the provisions under current law requiring a \$100 docket fee and a \$15 surcharge.

Passage of HB 2329 would result in additional time spent by district court clerks, court reporters, and judges on the petitions for relief from the firearm prohibition laws and the attendant proceedings. However, because it is not known how many petitions for relief would be filed under the provisions of HB 2329, an accurate estimate of the effect on expenditures by the Judicial Branch cannot be given.

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The KBI states that relief from disabilities and the restoration of rights would allow the state to be eligible for future federal grants. The National Instant Background Checks System Act Record Improvement Program grant for 2011 has not yet been announced, but based on past grants the KBI could receive up to \$250,000 in federal funds in FY 2012. Any fiscal effect associated with HB 2329 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Mary Rinehart, Judiciary
Linda Durand, KBI