

March 31, 2022

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2743 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2743 is respectfully submitted to your committee.

HB 2743 would create the Covert Firearms Act. The bill would prohibit a person from knowingly transporting, shipping, transferring, or selling an unfinished firearm frame or receiver except under certain conditions and would make violations a severity level nine, nonperson felony. The bill would also prohibit possessing or manufacturing a covert or undetectable firearm and would make possession a level nine, nonperson felony and manufacturing a level eight, nonperson felony. The bill would also prohibit the possession, manufacturing, or distribution of an untraceable firearm and would make possession a level nine, nonperson felony and manufacturing and distribution level eight, nonperson felonies.

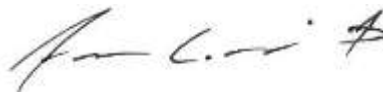
The Kansas Sentencing Commission estimates that enactment of HB 2743 would increase prison admissions and bed space, but a precise effect cannot be determined because data on the new crimes outlined in the bill is not currently collected. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it creates several new crimes involving firearms. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because the new crimes carry severity level eight and

nine, nonperson felony penalties, there could be additional supervision of offenders required to be performed by court services officers. The bill could also result in the collection of additional docket fees, supervision fees, and fines assessed in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Office of the Attorney General indicates that enactment of the bill would likely result in legal challenges. Any cases arising from the enactment of the bill would need to go through the appellate process to obtain a definitive ruling on the validity of the law. Depending on if such cases were filed in federal or state court systems, the time to receive an appellate decision could be between two and four years. The Office indicates its staff would handle the legal defense, but it is possible that specialized outside counsel would need to be hired by the state to defend lawsuits. If any legal challenges would be successful, the state could be ordered to pay attorney fees and costs. However, a precise fiscal effect cannot be determined because the scope of any potential lawsuits cannot be estimated. Any fiscal effect associated with HB 2743 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Randy Bowman, Corrections
Scott Schultz, Sentencing Commission
Willie Prescott, Office of the Attorney General