

March 10, 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 192 by Senator Sykes, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 192 is respectfully submitted to your committee.

SB 192 would require a court to issue an order requiring a defendant to relinquish all firearms in the defendant's control, custody, or possession and any concealed carry license if the defendant is subject to a qualifying protection order or has been convicted of domestic battery or misdemeanor domestic violence. If present in court at the time the order is pronounced, the defendant must relinquish the firearms and license within 24 hours. If the defendant is not present, a law enforcement officer must personally serve the order to the defendant.

The person to whom the firearms or license is surrendered must provide written proof of relinquishment. The defendant must file the proof within 48 hours after relinquishment. If the defendant fails to provide the proof, the clerk of the court would be required to notify the sheriff. The sheriff must make a good faith effort to determine if the defendant has failed to relinquish firearms, a license, or both. The relinquishment order would remain in place for the duration of the qualifying protection order issued against the defendant or for the period of time during which the defendant cannot possess a firearm.

The plaintiff, county or district attorney, or a law enforcement officer could file an affidavit alleging the defendant still possesses firearms and/or a license. If the court finds probable cause that the defendant still possesses, controls, or has access to firearms, the court would be required to issue a search warrant. The defendant could request the firearms be returned after the order terminates. A background check would be conducted before the firearms could be returned.

The bill specifies it would be unlawful for a defendant to possess a firearm or concealed carry license issued to the defendant while there is a relinquishment order in effect. Violation would be a severity level eight, nonperson felony.

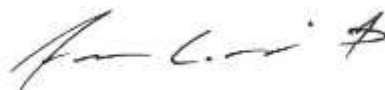
The Office of Judicial Administration indicates enactment of SB 192 would create additional requirements for the Judicial Branch, which would increase the workload of district court personnel. In addition, there is not a current process or system to track whether a proof of relinquishment has been filed, so this would most likely be a manual calendaring process performed by district court clerks.

The Office estimates that two hours of additional work would have to be performed by district court clerks on the cases affected by the bill's provisions. According to the Office, case data indicates that in calendar year 2018, there were 13,658 protection from abuse/stalking cases filed and 2,651 criminal cases where the most serious charge was a domestic violence misdemeanor charge. The Office states case data is not readily available concerning divorce cases in which restraining orders are entered or the number of protections from abuse or stalking cases that result in permanent orders. If 75.0 percent of protective orders have permanent protection orders entered, that would result in 10,244 orders, according to the Office. Based on two additional hours of work, for the manual work and monitoring a clerk would have to perform, the Office estimates this would result in 25,790 additional hours spent each year ((10,244 orders+2,651 criminal cases) X 2 hours). Based on FY 2022 payroll and benefit amounts, this would require additional expenditures of \$510,000 from the State General Fund in FY 2022 for an additional 12.00 District Court Clerk FTE positions.

The Office states that it is possible that programming changes could be performed to the current case management system to relieve manual tracking by district court clerks; however, this would result in additional expenditures by the Judicial Branch. Additional research would have to be done as to how these changes could be performed and the cost of these changes. The Office states enactment of the bill could result in the collection of additional docket fees in those cases filed under the bill's provisions.

The Kansas Sentencing Commission estimates enactment of SB 192 could have an effect on prison admissions and bed space; however, the Commission cannot estimate what that effect would be. The Department of Corrections indicates enactment of the bill would not have a fiscal effect on Department operations. Any fiscal effect associated with SB 192 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

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