

February 28, 2023

The Honorable Will Carpenter, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Carpenter:

SUBJECT: Fiscal Note for HB 2339 by Representative Ousley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2339 is respectfully submitted to your committee.

HB 2339 would enact the Kansas Voluntary Do-Not-Sell Firearms List Act that would be established by the Kansas Bureau of Investigation (KBI). The KBI would adopt rules and regulations and develop policies necessary to the implementation of the list. The KBI would not disclose to the public information regarding a request to be placed onto or removed from the list or other personally identifiable information, except to law enforcement. This provision would expire on July 1, 2028. The bill would detail how a person can request placement on or removal from the list, and how the KBI would handle each request. Criminal use of a weapon would include purchasing a firearm by a person who has been placed on the Kansas Voluntary Do-Not-Sell Firearms List.

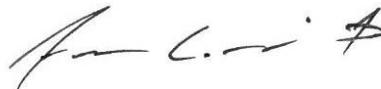
The bill would make it unlawful for a person to (1) inquire if a person is on the list for any purpose other than to determine a person's eligibility to purchase a firearm, (2) knowingly give false information or make a false statement with the intent of placing a person onto the list or removing a person from the list, or (3) discriminate against a person with respect to healthcare services, employment, education, housing, insurance, governmental benefits, or contracting because the person is not on the list, is on the list, or has previously been on the list. Violations would be a class B nonperson misdemeanor.

The KBI states that the only similar process they currently provide is the court ordered involuntary commitments and this process takes approximately five minutes to process the order in the KBI systems and to forward it to the National Instant Background Check System. The KBI would use Microsoft Excel to maintain the list. The agency cannot estimate how many requests would be received to add or remove individuals from the list and therefore a fiscal effect cannot be estimated.

The Office of the Attorney General states that the bill would affect its Concealed Carry Licensing Unit because it would increase the time required to do background investigations for every initial application and renewal application because they would have to cross reference the list maintained by KBI to ensure the applicant is allowed to purchase firearms. A person who is not legally allowed to purchase a firearm is legally not allowed to be issued a concealed carry license. The agency would require 1.00 Special Agent FTE position at a total cost of \$110,728 from its Concealed Weapons Licensure Fund for FY 2024. Of that amount, \$83,817 would be for salaries and wages and \$26,911 would be for operating expenditures.

The Office of Judicial Administration states that HB 2339 could increase the number of cases filed in district court because the bill would create new crimes which could increase the time spent by district court judicial and nonjudicial personnel for processing, researching, and hearing cases. The Office states that there could be more supervision of offenders required to be performed by the court services officers because the crimes created in the bill carry a misdemeanor penalty. The bill could also increase the collection of docket fees, supervision fees, and fines assessed that would be deposited into the State General Fund. However, a fiscal effect cannot be determined because the number of cases cannot be estimated. The Kansas Highway Patrol does not anticipate any fiscal effect from enactment of the bill. Any fiscal effect associated with HB 2339 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Paul Weisgerber, Kansas Bureau of Investigation
John Milburn, Office of the Attorney General
Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Sherry Macke, Highway Patrol