



March 3, 2025

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

Dear Representative Kessler:

SUBJECT: Fiscal Note for HB 2167 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2167 is respectfully submitted to your committee.

HB 2167 would create the crime of unlawful storage of a firearm and establish criminal penalties for violations. The bill would require that firearms, rifles, shotguns, large capacity magazine firearms, and machine guns be secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged to prevent use by anyone other than the owner or authorized user. Similarly, stun guns would also need to be secured in a locked container accessible only to the owner or authorized user.

The bill would make it unlawful to store rifles or shotguns in areas where persons younger than 18 years of age could access them. If the firearm is a large-capacity firearm or machine gun, storing it in a place where a minor could have access would be classified as a severity level 9, nonperson felony. Storing other types of firearms in areas accessible to minors would result in a Class A nonperson misdemeanor.

The bill would also provide that violations of the storage requirements would be considered evidence of wanton or reckless conduct if a minor acquires access to a weapon and such access results in injury or death, unless the minor was a trespasser. The bill would exclude firearms that use matchlocks, flintlocks, or similar ignition systems manufactured before 1899, or replicas that do not use modern ammunition. The bill would take effect on July 1, 2025.

The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that

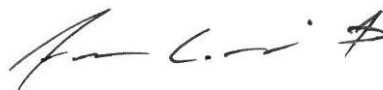
on average, a severity level 9, nonperson felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 9, nonperson felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,375. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the number of new cases brought to the agency under the provisions of the bill.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate a precise estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions and the number of prison beds needed; however, a precise estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with HB 2167 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase county government expenditures on legal proceedings by a negligible amount. The League of Kansas Municipalities indicates that the bill would have no fiscal effect on city governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Heather Cessna, Board of Indigents Defense Services
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections