



February 26, 2025

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 133 by Senator Holscher

In accordance with KSA 75-3715a, the following fiscal note concerning SB 133 is respectfully submitted to your committee.

SB 133 would create the crime of unlawful storage of a firearm. Unlawful storage would be defined as storing or leaving a firearm that is not secured by a trigger lock mechanism, placed in a securely locked safe, box, or other container, or placed in another location that a reasonable person would consider secure from access by a minor.

The bill would specify that unlawful storage occurs under three circumstances: if a minor accesses the firearm; if a minor uses the firearm to cause bodily harm to another person; or if a minor uses the firearm to cause great bodily harm or death to another person. The bill would classify unlawful storage as a Class C person misdemeanor if the firearm were accessed by a minor, a severity level 9, person felony if the firearm was used by a minor to cause bodily harm, and a severity level 5, person felony if the firearm was used by a minor to cause great bodily harm or death.

The bill would include exceptions, such as if the firearm is inoperable, if the firearm is within the immediate access and control of the owner, or if the minor unlawfully entered the area where the firearm was stored. The bill would also not apply to firearms manufactured before 1899 or replicas of those firearms if they are not designed to 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

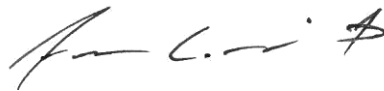
on average, a severity level 9, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 9, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,375. The Board indicates that on average, a severity level 5, person felony case requires 57 hours of defense attorney work. Therefore, each new severity level 5, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$7,125. 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. Any fiscal effect associated with SB 133 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 or symbol.

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