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Honorable Ernest L. Johnson, Chair
Honorable Richard M. Smith, Vice Chair
Scott M. Schultz, Executive Director

Sam Brownback, Governor

MEMORANDUM

To: Dennis Taylor, Secretary of Administration
Attn: Brendan Yorkey
From: Scott M. Schultz, Executive Director
Date: January 20, 2012
Re: Prison Bed Impact Assessment, HB 2427 Entrapment of Firearm Dealers

SUMMARY OF THE BILL

This bill creates three new offenses of Entrapment of Firearms Dealers. Each carries a punishment of a nondrug severity level 10, nonperson felony. The three following three acts constitute individual violations:

1. Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the law of this state or the United States;
2. Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be a materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or
3. Any person who willfully procures another to engage in conduct prohibited by the bill.

KEY ASSUMPTIONS

- The target population of this bill includes any person who is convicted of the above crimes.
- Projected admissions to prison are assumed to increase by an annual average of 2%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2010 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison is assumed to be 80% less jail credit and good time lost.
- It is assumed that the new policy effective date starts on July 1, 2012.
- **Scenario One:** It is assumed that **one offender** will be convicted of the above crimes each year and be sentenced to probation.
- **Scenario Two:** It is assumed that **three offenders** will be convicted of the above crimes each year and be sentenced to probation.
- **Scenario Three:** It is assumed that **five offenders** will be convicted of the above crimes each year and be sentenced to probation.

FINDINGS

- No information is available for the crimes as defined in this bill in the Commission's databases.
- The Commission has searched such information from other states and found no statistics. Oklahoma recently passed similar legislation but the law is effective November 1, 2011. Therefore, no meaningful

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Attachment # 2-1

statistics are available. The Commission further contacted three different agencies in West Virginia, a state who passed a similar legislation in 2010. It was determined from these sources that all 55 counties in the state maintain their own conviction data and there is no central statistical center in which to request data.

IMPACT OF THE BILL

- **Impact on prison admissions and prison beds:** This bill would have **no immediate impact** on prison admission and prison bed need.
- **Impact on Probation:** This bill would result in **one to five probation offenders**.