

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2145**

As Amended by House Committee of the Whole

**Brief\***

HB 2145 would amend the definition of “criminal use of weapons” by adding possession of a firearm by any of the following:

- Fugitives from justice;
- Aliens illegally or unlawfully in the United States;
- Persons convicted of a misdemeanor for a domestic violence offense within the past five years; and
- Persons subject to court orders restraining them from harassing, stalking, or threatening an intimate partner, child, or child of an intimate partner.

The bill would specify the following requirements for the issuance of court orders, after which the individual named in the order would be guilty of criminal use of weapons.

The bill would require such court order to:

- Have been issued after a noticed hearing where the individual had an opportunity to participate; and
- Include findings that such person is a credible threat to the safety of an intimate partner or child; or

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Explicitly prohibit the attempted, threatened, or actual use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.

The bill would provide definitions for “domestic violence,” “fugitive from justice,” and “intimate partner.”

## **Background**

The bill was introduced in the House Committee on Federal and State Affairs. In the House Committee hearing on February 14, 2017, a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs’ Association, and Kansas Peace Officers Association appeared in support of the bill.

Written-only opponent testimony was provided by 3UP of Kansas and the Kansas Association of Defense Council.

No other testimony was provided.

The House Committee of the Whole amended the bill by reconciling the definition of domestic violence with its definition passed into law during the 2017 Session. The Committee of the Whole also adopted a technical amendment updating statutory references to reflect the most current version of the law.

According to the fiscal note for the bill as introduced, prepared by the Division of the Budget during the 2017 Legislative Session, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed under the provisions of the bill, which could result in judicial and non-judicial staff spending more time processing, researching, and hearing cases. Enactment of the bill could also result in the collection of docket fees from those cases filed under the provisions the bill. However, it is not possible to predict the number of additional court cases

that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined.

The Kansas Sentencing Commission (Commission) estimates enactment of the bill would not have an immediate effect on prison admissions or beds. The Commission indicates the bill would have an effect on the probation population; however, the Commission cannot provide an estimate at this time. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.