

April 1, 2015

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2375 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2375 is respectfully submitted to your committee.

HB 2375 would create the Gun Violence Restraining Order Act which would allow individuals to request a restraining order that prohibits the purchase or possession of firearms by certain defendants if there is reasonable cause to believe the defendant poses a significant risk of personal injury to self or others by possessing a firearm. The court would be allowed to issue an order without written or oral notice to the defendant if the court determines there is clear and convincing evidence that irreparable injury will result from the delay required to provide notice, or that the notice itself will precipitate adverse action before the order can be issued. Forms for the order must be approved by the Judicial Council.

A defendant who is restrained by an order issued without notice would be allowed to file a motion to modify or rescind the order and request a hearing provided the motion is filed within 14 days after the individual receives service or actual notice of the order. The court would be required to hold a hearing on the motion within 14 days after it is filed. If the firearms have already been seized, a hearing must be held within five days after the motion is filed.

The bill would allow the order to be served on a defendant by any method. A court would be allowed to issue one or more extended orders. Each order would be effective for up to one year after the expiration of the preceding order.

The Office of Judicial Administration estimates that processing petitions for gun violence restraining orders and conducting hearings associated with those order would require additional expenditures of \$121,740 from the State General Fund in FY 2016. If it is assumed that 1,500 to 2,000 petitions are filed statewide per year, one additional Trial Court Clerk II FTE position would be needed at a cost of \$36,480 for salaries and benefits to assist the public and process the necessary documents. The expected need for an additional clerk position is based on the court's

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experience with similar protective orders. At the same petition filing level, two additional senior judge contracts would also be needed at a cost of \$85,260. For FY 2017, it is estimated that the total fiscal effect would be \$129,006 from the State General Fund, which includes \$40,822 for the clerk position and \$88,184 for judge contracts.

One-time expenditures of \$1,100 from agency fee funds would be required to conduct one meeting of the Judicial Council's advisory committee during FY 2016 to create a form for gun violence restraining orders. The Judicial Council states that the expenditures could be handled within existing resources.

To the extent that local law enforcement agencies would be involved in enforcing gun violence restraining orders, there would be a fiscal effect on local governments. The League of Kansas Municipalities indicates that the specific fiscal effect on cities is unknown. Any fiscal effect associated with HB 2375 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Melissa Wangemann, KAC
Larry Baer, LKM
Janelle Williams, Judicial Council