

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2468

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2468 would make changes to the Weapons Free School Act by prohibiting school districts from adopting policies preventing organizations from conducting activities on school property solely because the activities involve the possession and use of air guns.

Under the bill, school districts could prohibit the possession of air guns at a school, on school property, or at a school-supervised activity except when a pupil is participating in activities conducted by an organization or is in transit to or from such activities. School districts could not implement policies that prohibit the possession of an air gun by a pupil on school property if the pupil is a participant in the activities of an organization.

Individuals, or parents of individuals, participating in activities conducted by an organization could be required to sign a liability waiver as prescribed by the chief administrative officer of the school. The waiver would be required to contain appropriate language to relieve the school district, the school, and all school personnel from liability for claims arising from the acts or omissions of individuals or school personnel relating to activities conducted by an organization.

The bill would amend the definition of "weapon" to specifically exclude air guns. The bill would define "air gun" to mean any device that will or is designed to or may be readily converted to expel a projectile by the release of compressed

*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>

air or gas, and that is of .18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second. The bill would define “organization” to mean any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 19 in activities designed to promote and encourage self-confidence, teamwork, and a sense of community.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Blake Carpenter. At the hearing before the House Federal and State Affairs Committee, Representative Carpenter, a representative of the Kansas State Rifle Association, and four citizens appeared in support of the bill. The proponents testified that BB gun and air rifle activities are safe; teach gun safety; provide opportunities to attend national conferences and win scholarships; and teach self-confidence, maturity, and valuable life lessons. Written testimony in support of the bill was provided by the National Rifle Association and five citizens. There was no neutral testimony on the bill.

Testimony in opposition to the bill was presented by a representative of the Kansas Association of School Boards (KASB), who testified about concerns related to interfering with the local control of school districts, prohibiting school districts from refusing to allow certain types of activities to take place on school property, and liability for the schools related to activities taking place on school property.

The House Committee on Federal and State Affairs amended the bill by modifying the definition of “air gun” to require any such device be .18 caliber or less and have a muzzle velocity that does not exceed 700 feet per second. The House Committee also amended the bill by removing language that would have exempted organizations from being required to obtain liability insurance for activities conducted

on school property or paying all or part of a liability insurance policy obtained by the school for such activities.

According to the fiscal note provided by the Division of the Budget, the Department of Education has indicated enactment of the bill, as introduced, would have no fiscal effect.