

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 45

As Amended by House Committee on Federal
and State Affairs

Brief*

SB 45 would amend laws concerning the concealed carry of firearms. The bill would add language allowing the concealed carry of a firearm without a concealed carry license issued by the State, as long as that individual was not prohibited from possessing a firearm under either federal or state law. The bill would specify the carrying of a concealed handgun could not be prohibited in any building unless the building was posted in accordance with rules and regulations adopted by the Attorney General. Concealed carry licenses would still be issued by the State, but the availability of those licenses could not be construed to prohibit the carrying of handguns without a license, whether carried openly or concealed, loaded or unloaded.

Related to concealed carry licenses, the bill also would allow the Attorney General to create a list of concealed carry handgun licenses or permits from other jurisdictions that have training requirements greater than or equal to the Kansas requirements. This list could be used by the Attorney General when reviewing concealed carry license applications and making a determination about whether an individual has completed an approved handgun safety and training course required for issuance of a concealed carry license. The bill also would define "equal to or greater than," "jurisdiction," and "license or permit" for the purposes of the new section of law.

The bill would amend the definition of "criminal carrying of a weapon" to clarify that it is not legal for anyone under 21

*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>

years of age to carry any pistol, revolver, or other firearm concealed on one's person, except when on such person's land or in such person's abode or fixed place of business.

The bill also would delete or amend language in current law that conflicts with the new provisions.

Background

At the Hearing in the Senate Committee on Federal and State Affairs, Senator Bruce, along with representatives of the National Rifle Association, the Kansas State Rifle Association, and the National Association for Gun Rights, appeared in support of the bill. The proponents testified that law-abiding citizens had the right to open carry a firearm in the State without a permit or license and urged the same should be true for the concealed carrying of firearms. Written testimony in favor of the bill was submitted by Senator Knox and two private citizens.

Testimony in opposition to the bill was presented by a representative of the Kansas Chapter of the Brady Campaign to Prevent Gun Violence and Kansas Grandmothers Against Gun Violence, as well as by a private citizen. The opponents expressed concern the bill would remove the minimum training standards currently required for persons carrying concealed weapons and argued the result may be more gun related accidents. Written testimony in opposition to the bill was provided by a representative of the City of Overland Park.

Neutral written testimony was submitted by the Attorney General's Office and the League of Kansas Municipalities.

The Senate Committee amended the bill by clarifying the definition of "criminal carrying of a weapon" to include concealed carry of a firearm by anyone under 21 years of age, except when on such person's land or in such person's abode or fixed place of business.

At the hearing in the House Committee on Federal and State Affairs, Senator Bruce, Senator Knox, Representative Couture-Lovelady, and representatives from the National Rifle Association of America, the Kansas State Rifle Association, and three citizens testified in favor of the bill. Written testimony in support of the bill was submitted by three citizens.

Testimony in opposition to the bill was presented by representatives of the Brady Campaign to Prevent Gun Violence, the Reno County Sheriff's Office, and five citizens. Written opponent testimony was submitted by the Douglas County Sheriff's Office and nine citizens.

The House Committee amended the bill to make technical amendments to criminal penalties to reflect changes made elsewhere in the bill.

According to the fiscal note on the original bill prepared by the Division of the Budget, the Office of the Attorney General indicates it is difficult to know what the precise fiscal impact of the bill would be. According to the Attorney General, the bill, as introduced, could potentially reduce agency revenue if fewer applications for and renewals of concealed carry licenses were submitted. Additionally, if the bill generates increased requests for formal interpretations of the changes to firearms laws, the Attorney General may need an additional attorney to handle the increased volume of requests. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.