

SESSION OF 2006

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2118**

As Agreed to May 10, 2006

Brief*

HB 2118 is a trailer bill to 2006 SB 418, the recently-enacted Personal and Family Protection Act. The bill is intended to clarify aspects of the Act and make it easier to implement. Major provisions of the trailer bill are the following:

- If a person is carrying a concealed weapon but is not carrying a valid license to carry the weapon or fails to display the license upon demand of a law enforcement officer, the license of the person would be suspended for at least 30 days upon the first violation and would be revoked for at least five years upon the second or a subsequent violation. Under 2006 SB 418, such a violation is a class B nonperson misdemeanor, which is a more serious criminal penalty.
- A process would be established by which a person who has been ordered to receive treatment for mental illness or for an alcohol or substance abuse problem would be allowed to obtain a "certificate of restoration" from a court where treatment was ordered which would allow the person to apply for a license to carry a concealed weapon following treatment. The certificate of restoration could not be issued until at least five years after treatment is ordered. This provision does not change SB 418 with regard to who may be licensed to carry a concealed weapon but does provide a process by which someone who has been treated for mental illness or for an alcohol or substance abuse could become eligible for licensure.
- When a person is involuntarily committed for treatment for mental illness or controlled substance abuse by a court, the clerk of the district court must send a copy of the records to the Kansas Bureau of Investigation, where they would be maintained

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in the National Criminal Information Center and other appropriate databases. SB 418 does not address how the Attorney General would have access to that information.

- The bill provides that the sheriff or chief law enforcement officer of any law enforcement agency in the county of residence of an applicant for licensure could submit a report to the Attorney General containing readily discoverable information, corroborated through public records, which establishes that the applicant poses a greater threat to law enforcement or the public at large.
- Records relating to persons issued licenses to carry concealed weapons, except for those of individuals whose licenses have been suspended or revoked, would be confidential and could not be disclosed in any manner which would enable them to be identified. SB 418 requires the Attorney General to maintain a list of licensees which would be available to law enforcement agencies in Kansas, other states, and the District of Columbia, but is subject to varying interpretations as to whether the list is confidential or open to the public.
- The bill provides that a person who has a license to carry a concealed weapon but who becomes disqualified to carry the weapon shall have the license suspended until the charge against the person is disposed of and the person becomes otherwise eligible for a license.
- The bill expands places where a concealed weapon may not be carried to include a school attendance center, an administrative office, a service center, or other elementary and secondary school facility.
- The bill provides that a person who wants to be certified by the Attorney General as a weapons training instructor must pay an application fee set by the Attorney General, up to \$150. Under SB 418, individuals who want to become licensed to carry a concealed weapon must take a weapons course approved by the Attorney General, but the bill does not authorize the Attorney General to charge instructors a fee to become an instructor.
- The bill requires that an applicant for a license to carry a concealed weapon must provide his or her Kansas driver's license number or Kansas nondriver's license identification number. SB 418 requires the applicant to provide his or her

name, social security number, place and date of birth, and occupation.

- The bill sets the fee for initial licensure to carry a concealed weapon at \$150 and specifies that the fee must be paid by cashier checks or money orders in two amounts—a \$40 amount paid to the sheriff of the county where the applicant resides and \$110 to the Attorney General. The \$40 amount paid to the sheriff must be credited to a special fund of the sheriff's office to be used solely for law enforcement and criminal prosecution purposes and not as a source of revenue to meet normal operating expenses of the sheriff's office. A similar provision would be established for license renewals, with the renewal fee set at \$100, of which \$60 must be paid to the Attorney General and \$40 to the sheriff. SB 418 establishes the \$150 licensure fee and the \$50 renewal fee as a caps, not as the required fees, and does not specify how the payments are to be made or how they are to be handled at the local level.
- Individuals who become licensed to carry a concealed weapon must pay to the Kansas Department of Revenue the cost of the license and the photograph to be placed on the license. The amounts charged by the Department must be the same as those charged to obtain a driver's license photograph and a driver's license replacement. SB 418 contains no authorization for the Department of Revenue to recoup its costs for licenses and license photographs as the result of enactment of the Personal and Family Protection Act.
- The bill would authorize the Attorney General to adopt rules and regulations concerning standards for signs used to post property where carrying concealed weapons is restricted.
- The bill would make other changes which are technical, clarifying, or conforming in nature.

Conference Committee Action

The House conferees agreed to:

- Delete the contents of HB 2118, relating to satellite advance voting sites.
- Insert the contents of House Substitute for SB 513, relating to the

recently-enacted Personal and Family Protection Act, with changes. The Conference Committee concurred with the Senate amendments to House Substitute for SB 513 and made additional changes intended to address other areas in which clarification was needed. The primary additions are the following:

- The provision which authorized sheriffs of the county in which an applicant for licensure lives to submit reports to the Attorney General containing information which establishes that the applicant poses a greater threat to law enforcement or the public at large is expanded to provide that reports also can be submitted by the chief law enforcement officer of any other law enforcement agency in the county.
- An additional disqualification for licensure is added to provide that, if someone has a license but becomes disqualified for licensure (such as, for example, committing a crime which would disqualify the person from being licensed to carry a weapon), the license would be suspended until the charge against the person is disposed of and the person becomes otherwise eligible for licensure.
- The Conference Committee elaborated on the places in which a concealed weapon may not be carried to make it clear that “elementary or secondary school building” also includes an attendance center, administrative office, service center, or other facility.
- The Conference Committee deleted the provision that would have added anyone on the federal terrorist watch list to the group of individuals ineligible for licensure to carry a concealed weapon.

Background

HB 2118, as amended by Senate Committee on Elections & Local Government, was supported by the Secretary of State’s Office, the Kansas County Clerks Association, and election officers from Sedgwick, Johnson, Saline, Douglas, Crawford, and Hamilton counties.

The Senate Committee deleted provisions of HB 2118 dealing with cemeteries and inserted provisions of HB 2744.

The fiscal note for HB 2744 stated there would be no fiscal impact on the state.

House Substitute for SB 513 was supported by Representatives Candy Ruff and Gary Hayzlett and Senator Phil Journey. They explained to the House Appropriations Committee that the Personal and Family Protection Act, which now is law, has some areas that are unclear which could cause problems as the Act is being implemented. The purpose of the trailer bill is to address problems with the Act quickly so that it can be implemented smoothly.

The House Appropriations Committee amended proposed amendments to SB 418 into SB 513, which, in its original version, concerned methods of paying state employee compensation.

concealed carry clarifications