

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 513**

As Recommended by
House Committee on Appropriations

Brief*

House Sub. for SB 513 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

*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>

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.

- 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 adds to the list of individuals who would not be eligible for licensure to carry a concealed weapon an individual who is on the terrorist watch list maintained by the federal government.
- 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 by the Department charged 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.

Background

House Substitute for SB 518 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.