

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2052**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Senate Sub. for HB 2052 would enact new law and amend existing law concerning firearms and the Personal and Family Protection Act.

Specifically, the bill would:

- Prohibit the unlawful discharge of a firearm within or into the corporate limits of any city. The bill would provide exemptions for when a firearm may be discharged within or into a city and also classify the unlawful discharge of a firearm as a Class B Nonperson Misdemeanor;
- Modify the Personal and Family Protection Act (Act) to allow the possession of firearms on certain governmental property, including State and municipal buildings;
- Require adequate security measures at public entrances of State and municipal buildings in order to prohibit the carrying of any weapon into a building;
- Prevent a State agency or municipality from prohibiting a licensed employee from carrying a concealed handgun at the employee's workplace unless the building has adequate security measures;

*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>

- Provide that it will not be a violation of the Act for a licensed person to carry a concealed handgun into a State or municipal building with adequate security measures through a restricted access entrance;
- Enact liability protections allowing concealed carry in State agency or municipal buildings;
- Allow corrections facilities, jail facilities, or law enforcement agencies to prohibit the carrying of a concealed handgun into buildings located on the premises;
- Allow the governing body or chief administrative officer of any State or municipal building to exempt the building for four years; and
- Define for the purposes of the bill, the terms “adequate security measures,” “municipality,” “redistricted access entrance,” “State,” “State or municipal building,” and “weapon;”
- Add law enforcement officers from another state and qualified retired law enforcement to the list of individuals exempted from law prohibiting the criminal carrying of a weapon;
- Strike language prohibiting the possession of a firearm on the grounds of certain government buildings;
- Update statues by striking a reference to the Ombudsman of Corrections;
- Unless otherwise required by law, prohibit the release of records that would disclose the name, home address, zip code, e-mail address, phone number or cell number, or other contact information of any person licensed to carry concealed

handguns. The provision also would apply to applicants for a license;

- Delete a separate concealed carry license fee structure for retired law enforcement;
- Allow corrections officers, parole officers, and corrections officers employed by the Federal Bureau of Prisons to apply professional certification toward training requirements for a concealed carry license;
- Remove a specific listing of buildings where concealed carrying is prohibited provided the premises are conspicuously posted and insert “any building;”
- Enact liability protections that allow concealed carry for private entities;
- Allow educational institutions to permit a licensed employee to concealed carry;
- Allow for the denial to or removal from buildings where concealed carry is prohibited; and
- Allow law enforcement officers from other states and qualified retired law enforcement officers to possess a handgun within buildings where concealed carry may be prohibited.

Background

The Senate Committee on Federal and State Affairs held a hearing on HB 2052, as amended by the House Committee. The bill contained the language on the discharge of a firearm within or into a city. At the Senate Committee hearing, proponent testimony was provided by Representative Jim Howell, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association, and

the Kansas State Rifle Association. No opponent or neutral testimony was provided.

The Senate Committee recommended a substitute bill. The substitute language contained numerous provisions from other firearm-related bills, including SB 157 (retired law enforcement), SB 158 (open records), and SB 186 (concealed carry in government buildings).

The fiscal note on HB 2052, as introduced, indicates its passage would have no fiscal impact on the Kansas Department of Wildlife, Parks and Tourism. The fiscal impact of the bill on Kansas cities could not be determined.