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Testimony in Support of House Bill 2326

Presented to the House Committee on Federal and State Affairs
By Assistant Attorney General C.W. Klebe

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Mr. Chairman and members of the Committee, thank you for allowing me to provide testimony in support of House Bill 2326 (HB2326) on behalf of the Attorney General's Office (OAG). I am Director and Assistant Attorney General designated to the Concealed Carry Licensing Unit (CCLU). I began serving as AAG for the CCLU in 2006 and was named Director in 2015 when I began supervising the staff of six persons. The CCLU oversees the administration of the Kansas Personal and Family Protection Act (KPFPA) and the KPFPA is the legal authority for the OAG to issue Kansas concealed carry handgun licenses (CCHL) to persons who are not disqualified from licensure.

Recognition Language: 75-7c03

While our office did not request introduction of this bill, HB2326 has roots dating back to legislation submitted by the OAG in 2017. A short, historical backdrop is provided here to explain the amendments sought by HB2326.

During the 2013 legislative session, in order to help broaden the list of states that honored the Kansas CCHL, Attorney General Schmidt recommended amending the KPFPA so that *all* valid licenses issued by other jurisdictions were honored in Kansas so long as the holder of the license was not a Kansas resident. With that 2013 amendment, eight other states began honoring the Kansas CCHL.

In 2015, HB45 was passed and unlicensed concealed carry began in Kansas. However, the mandatory recognition language added in 2013 was stricken from K.S.A. 75-7c03 with the passage of unlicensed carry. While theoretically no longer *necessary* in order for a qualifying, non-resident to carry concealed handguns in Kansas, that recognition language did carry some legal weight with respect to Kansans being able to reciprocally use their CCHL in other jurisdictions.

Fortunately, while an actual example has not reared its head as of yet, the removal of that recognition language from K.S.A. 75-7c03 *could* have the unintended consequence of Kansas losing *recognition of our CCHL* in states which require true reciprocity (i.e., Kansas *must* honor State A's license before State A may/shall honor Kansas' CCHL). In short, we would hate for a state, on their own interpretation, to find no authority for their license to be honored by Kansas and, consequently, notify the OAG that the Kansas CCHL will no longer be recognized by that state.

The bill before you today would largely restore the 2013 language, while recognizing that state law now allows for the carrying of a concealed handgun without requiring the person have a license to carry.

Age Considerations

Under Kansas law, in order to carry concealed firearms via a CCHL *or* in an unlicensed manner, K.S.A. 2018 Supp. 21-6302(a)(4) generally requires a person to be at least 21 years of age (or fit one of a few exceptions). Other states, however, allow their licenses to be issued to persons who are less than 21 years of age. The amendments in Section 1 of HB2326 clarify that where another state has a lower age threshold, Kansas will honor that decision in the administrative and criminal context. HB2326 Section 2, adding K.S.A. 75-7c03(c)(1), is clear that the age recognition allowance is only applicable to those who are not Kansans.

Again, I appreciate the Committee's time and attention to this testimony.