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Testimony in Support of House Bill 2089

**Presented to the House Committee on Federal & State Affairs
By Kansas Attorney General Derek Schmidt
January 27, 2021**

Chairman Barker and Members of the Committee:

Thank you for allowing me to provide testimony in support of House Bill 2089. This bill seeks to create a narrow provision which would allow the attorney general, in times of a declared state of disaster emergency, to issue temporary documentation to concealed carry licensees, which allows the licensee to exercise the rights and privileges of the Personal and Family Protection Act (PFPA), when it is impractical for the licensee to visit the Division of Motor Vehicles to obtain their physical card.

This bill is in response to issues that have arisen during the COVID-19 pandemic and the governmental responses under the state of emergency, which has led to significant delays in licensees being able to visit their local DMV office to obtain the physical card, which is required by the PFPA. As you know, the driver's license offices around the state were closed for a significant amount of time last spring, and when they reopened, have had limited capacity, mostly operating by appointment only. In our larger counties, the wait times to secure an appointment have been long as well. We began to receive complaints from concealed carry licensees who had been approved to receive their license by our office, but were not able to secure the physical card for weeks or months.

We solved this problem internally for those individuals who already had a concealed carry license and were seeking a renewal. We modified language in our approval letters to those individuals stating that, during the state of emergency, they could continue exercising the rights and privileges of the PFPA by carrying with them their approval letter and their expired card. This is functionally similar to the way the Governor has extended expired driver's licenses.

However, the problem remained for those who were being approved for a license for the first time. This bill would extend the same concept we applied to renewals, by allowing an individual, who has completed the process and background check done by our office, to carry with them their notice of approval, and exercise their rights and privileges under the PFPA while awaiting an opportunity to get to the DMV office to obtain their physical card.

This provision would only apply during a declared state of disaster emergency, when the attorney general makes a finding that it is impractical for licensees to obtain the physical cards from the DMV. This provision allowing the exercise of PFPA rights and privileges with just the paper approval notice from the attorney general would expire 90 days after the state of disaster emergency is ended.

We think this is a common sense solution to this hopefully temporary problem, but do think it makes good policy sense to have this option available in the future.

Thank you for your attention to this matter.

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