

UPDATED
SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2058

As Amended by House Committee of the Whole

Brief*

HB 2058, as amended, would amend law related to the recognition and issuance of concealed carry licenses (license). The bill would also create two license classes.

License Reciprocity

The bill would specify a valid license or permit to carry a concealed firearm issued by another jurisdiction would be recognized in Kansas while such permit or license holder is not a Kansas resident.

The bill would provide valid licenses or permits issued by another jurisdiction would entitle the lawful holder only to carry concealed handguns as defined in Kansas law, and would require such persons to act in accordance with Kansas laws while carrying a concealed handgun in the state.

The bill would also state criminal provisions in continuing law prohibiting the carrying of a concealed firearm by persons under age 21 would not apply to residents of another state who are less than 21 years of age and lawfully carrying a concealed firearm pursuant to a recognized out-of-state license.

The bill would provide that recognition of a license or permit from another jurisdiction would not be construed to impose a general prohibition on the open or concealed

*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>

carrying of handguns, either loaded or unloaded, without a license.

Issuance of an Alternative License During Certain Circumstances

The bill would require the Attorney General to issue documents to concealed carry licensees (licensees) as an alternative to the physical card issued pursuant to continuing law, if the Attorney General determines it is impractical for the Department of Revenue Division of Vehicles (Division) to issue such physical cards, and if the Attorney General determines such impractical conditions have lasted for at least 30 days.

The bill would provide that, if such a determination was made, the alternative authorization document would authorize the licensee to exercise the rights and privileges to carry a concealed handgun, pursuant to the Personal and Family Protection Act (PFPA).

The bill would state the alternative document must state it is proof that the licensee holds a valid license to carry concealed handguns and must include the same information included on a regular license card under continuing law, as follows:

- Licensee's name;
- Licensee's signature;
- Licensee's address;
- Licensee's date of birth; and
- Licensee's driver's license number; or
- Nondriver's identification card number; or

- Unique number for military applicants or their dependents as required by continuing law.

The bill would further specify that all such documents issued during the period of determined impracticality would expire 90 days after such conditions have ceased and it is practical for the Division to resume issuing physical cards.

The bill would also make a conforming amendment to provisions regarding the issuance of a license, requiring issuance of such authorization documents within 90 days after receipt of a completed application, if the Attorney General has made a determination of impracticality with regard to card issuance.

Concealed Carry License Classes

The bill would create two license classes:

- A provisional license that could be issued to persons who are at least 18 years of age and meet the requirements in continuing law for issuance of a license; and
- A standard license for persons who are over 21 years of age and meet the requirements in continuing law for issuance.

[*Note:* Persons over 21 years of age could also carry a concealed firearm without a license pursuant to continuing law.]

The bill would specify that if a licensee holds a valid provisional license at the time a renewal application is submitted, then the Attorney General shall issue a standard license to the licensee if such person is not otherwise disqualified from holding a license. [*Note:* Continuing law provides that licenses are valid for a period of four years.]

Under the provisions of the bill, a license would be required to indicate whether it is a provisional or standard license.

The bill would also make conforming changes in statutes related to crimes and hunting to allow persons who hold a valid provisional license, but are under 21 years of age, to carry a concealed handgun in the same manner as an individual licensed under existing law. Specifically, the bill would amend statutes related to the following:

- Traffic in contraband in a correctional institution or care and treatment facility, specifying that provisional licensees may possess a firearm or ammunition while in a vehicle, or store such items in a vehicle;
- Criminal use of weapons, specifying that provisional licensees may possess a concealed handgun in or on certain school property or grounds and buildings used by a unified school district or accredited nonpublic school. [*Note:* The PFPA exempts public school district buildings from the adequate security requirements which must be met by other public buildings seeking to prohibit concealed carry of weapons in such buildings, allowing school districts to restrict concealed carry of handguns in school buildings by posting signage.];
- Criminal carrying of weapons;
- Possession of a concealed handgun in certain government buildings; and
- Carrying a concealed handgun while hunting, fishing, or furharvesting.

The bill would also make conforming changes to the PFPA to carry out the provisions of the bill.

Background

The House Committee on Federal and State Affairs (House Committee) inserted the contents of HB 2089, as introduced, into HB 2058, as introduced. The House Committee on Federal and State Affairs then made further amendments to provisions related to the issuance of alternative documents and adopted a technical amendment.

The House Committee of the Whole also made amendments to the bill.

HB 2058 (License Reciprocity)

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Barker on behalf of the Attorney General.

[*Note:* HB 2058, as introduced, contained provisions similar to those of 2020 HB 2326, as recommended by the House Committee.]

House Committee on Federal and State Affairs

In the House Committee hearing on the bill on January 27, 2021, **proponent** testimony was provided by the Attorney General and a representative of the Kansas State Rifle Association. The proponents stated recognition of out-of-state permits would ensure Kansas permit holders would have their credentials recognized in certain other states.

Opponent testimony was provided by representatives of Kansas Interfaith Action and Moms Demand Action for Gun Sense in America, and a private citizen. The opponents expressed their concern for additional concealed firearms possibly being carried in the state and said out-of-state permits may require less stringent qualifications. Written-only **opponent** testimony was provided by seven private citizens.

No other testimony was provided.

HB 2089 (Issuance of an Alternative License During Certain Circumstances)

HB 2089 was introduced by the House Committee at the request of Representative Barker on behalf of the Attorney General.

House Committee on Federal and State Affairs

In the House Committee hearing on HB 2089 on January 27, 2021, **proponent** testimony was provided by the Attorney General and a representative of the Kansas State Rifle Association. The proponents stated, due to the COVID-19 pandemic, it is more difficult for a concealed carry permit holders to obtain a permit card. They further stated the bill would provide the Office of Attorney General more flexibility in issuing paper documents that would be recognized the same as permit cards.

No neutral or **opponent** testimony was provided.

House Committee of the Whole

The House Committee of the Whole made a technical amendment to the bill and inserted provisions that would create two license classes.

[*Note:* The inserted provisions are similar to the provisions of HB 2059, as introduced.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Attorney General states enactment of the bill would have no fiscal effect.

According to the fiscal note prepared by the Division of the Budget on HB 2089, as introduced, the Office of Attorney General currently sends out notices to individuals informing them that their application for a license has been approved. The agency states the authorization document established by the bill could be included with the normal approval document mailing. The agency states there would be increased printing and postage costs to send duplicate notices to individuals who misplace a notice and request another copy. However, any additional expenditures could be absorbed within existing resources.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Attorney General; concealed carry license; Personal and Family Protection Act