

January 30, 2014

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2473 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2473 is respectfully submitted to your committee.

HB 2473 would prohibit any city or county from expending any funds derived from the proceeds of any city or county taxes for the purpose of implementing, administering, or operating a firearms buyback program. In addition, no municipality could require an employee to disclose possession of a valid license to carry a concealed handgun. The bill would prohibit municipalities from maintaining records of employees who have made such a disclosure. If a municipality maintained records about employees who possess a valid license to carry a concealed handgun on or before June 30, 2014, the municipality must destroy the records on or before July 31, 2014.

Cities and counties are already prevented from adopting ordinances, resolutions, or regulations governing the purchase, transfer, ownership, storage, or transporting of firearms or ammunition. The bill would prohibit the enforcement of any such law and would add "carrying" of firearms or ammunition to the list of activities which cities and counties cannot regulate. HB 2473 would prohibit cities and counties from adopting or enforcing any law relating to firearm sales by an individual who holds a federal firearms license, if that law is more restrictive than local laws relating to the sale of any other commercial good. The bill would declare null and void any local law adopted prior to July 1, 2014, that is in conflict with the prohibitions listed above.

The bill would make modifications to related statutes governing municipal regulation of knives. Local laws governing the manufacture of knives would not be permitted to be more restrictive than laws addressing the manufacture of any other commercial good. Local laws adopted prior to July 1, 2014, which conflict with the provisions in the bill, would be declared null and void and prosecution for violation of any such local laws would be barred if the offense occurred on or after July 1, 2013.

HB 2473 would change rules regarding the expungement of certain convictions and related arrest records. The bill would allow an individual to petition for expungement if the person was convicted of any law (relating to the regulation of knives) if the ordinance was adopted prior to July 1, 2014. This would apply to the expungement of applicable diversion agreements as well. The bill would amend the definition of “criminal use of weapons.” The bill would add the following weapons to the list of those that are defined as illegal to possess when the intent is to use the weapon unlawfully against another: dagger, dirk, dangerous knife, straight-edge razor, and stiletto.

The bill would also modify the portion of the statute that makes it a crime for any person under the age of 18 to possess a firearm with a barrel less than 12 inches long. Under current law, this constitutes a violation regardless of whether the person knows or has reason to know the length of the barrel. HB 2473 would remove that language. HB 2473 would add exceptions to this rule. Under HB 2473, a minor would be permitted to shoot such a weapon at a private range with the permission of a parent or legal guardian. Further, the bill would add an exception in any circumstance where the minor has a parent or legal guardian’s permission to be in possession of the firearm.

Under the bill, a trial court would no longer have the option of ordering the destruction of confiscated weapons. The bill would allow the court to forfeit the weapon to the Kansas Department of Wildlife, Parks, and Tourism for use in hunter education programs. This would be in addition to the court’s authority to order the weapon be forfeited to a law enforcement agency or the Kansas Bureau of Investigation. Destruction could occur only if the court is unable to forfeit the weapon to these aforementioned agencies because of the weapon’s condition or because the weapon was used in the commission of certain felonies.

HB 2473 would add a provision that any weapon seized from an individual who is not convicted of or adjudicated as described in current law must be returned to the individual from whom it was seized after verification by law enforcement that the weapon was not stolen. The bill would also lengthen the list of government properties upon which the possession of firearms is prohibited by expressly including municipal buildings with adequate security measures and signs that state that firearms are prohibited. The bill makes additional technical changes.

The Office of Judicial Administration states that HB 2473 could increase the number of cases filed in district court and the number of appeals relating to regulation and possession of firearms and knives. Passage of HB 2473 could result in the collection of additional docket fees in those cases filed under the provisions of the bill. However, until the courts have had an opportunity to operate under the provisions of HB 2473 an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given. Any fiscal effect associated with HB 2473 is not reflected in *The FY 2015 Governor’s Budget Report*.

The League of Kansas Municipalities states that cities that have adopted written personnel policies to address employees carrying handguns on the job and employee disclosure of being licensed for concealed carry would have to be reviewed and any applicable policies changed. Also, any city that has adopted ordinances regulating guns or knives would have to

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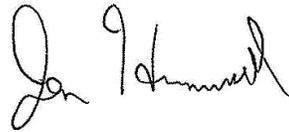
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review and repeal all applicable ordinances in violation of HB 2473. Staff time would be required to review and redraft personnel policies and prepare new ordinances to repeal any existing ordinances that conflict with the provisions of the bill. Because it is unknown how many cities may have conflicting personnel policies or ordinances and it is also unknown what costs a city would incur, it is not possible for the League to determine what the fiscal effect would be upon Kansas cities if HB 2473 is enacted.

According to the Kansas Association of Counties, the bill would require counties to accelerate the purchase of adequate security measures if the county wanted to prevent open carry in municipal buildings. Current law grants a four-year exemption.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Melissa Wangemann, KAC
Larry Baer, LKM
Mary Rinehart, Judiciary
Chris Tymeson, KDWPT