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**Testimony to the House Federal and State Affairs Committee
Neutral Informational Testimony Regarding SB45**

March 13, 2015

Chairman Brunk and Committee Members,

Our law enforcement responsibilities include carrying out the policy decisions made by the legislature. It is important for us to share some of the challenges and limitations we foresee in fulfilling that responsibility as you debate these issues. We offer the following information for your consideration as you make this policy decision. Understand we are not opining on the wisdom of these changes although concerns have been expressed by some of our members regarding potential impacts on public safety and officer safety. The lack of training, the challenges of obtaining adequate information during the length of a stop to determine if a person is prohibited, and the lack of tools to deal with bad actors without identifiable prohibitions from firearm possession have all been issues mentioned.

First, we are concerned whether the legislative intent is accurately reflected in several areas of the bill in its current form:

The provisions on page 7, lines 1-6 will allow concealed carry of any firearm by a person 21 years of age or older, including a long barrel firearm (rifle/shotgun). Is this the legislative intent? Or, is the intent to allow concealed carry of handguns and not allow concealed carry of long barreled firearms? The rest of the bill continues to use the term "handgun" which we believe, and we hope, is the legislative intent. We believe allowing concealed carry of long barrel firearms is ill advised.

The amendment on page 7 lines 13-15 increases the penalty for a person under 21 years of age carrying a concealed firearm from an A misdemeanor to a SL9 nonperson felony and removes all penalties for possessing a shotgun with a barrel less than 18 inches. Is that the intent of the bill? We believe the subsection references are in error. Shouldn't the reference to (a)(4) on line 13 be retained and the reference on line 15 be to (a)(5)?

On page 8, lines 22 and 33, the reference to (a)(4) is to a person under the age of 21 carrying a concealed firearm. Shouldn't that be subsection (a)(5) instead?

Page 11, lines 27-29 and page 26 lines 36-42 appear to allow the carrying of a concealed firearm in the capital complex and other government buildings including the state capital by any person regardless of age, unlike the amendments to KSA 21-6302 which limits concealed carry to those age 21 and older. Is the intent really to allow those under 21 to carry concealed in

these areas but not in other public areas? Shouldn't these subsections include just those age 21 and older?

In addition, we feel compelled to explain the law enforcement procedures we believe will be required to properly enforce the amended law. The proposal to allow concealed carry without a permit will result in officers encountering persons carrying concealed and needing to determine if the person is carrying the firearm legally or in violation of the law. Under the provisions of SB45, whether a person carrying a concealed firearm is in violation of the law will require the officer to determine, at the time of contact, if the person is prohibited from possessing under state or federal law. With the permit system that is easily and quickly determined because the licensing process has already vetted their eligibility to possess a firearm. But without the permit system we will have to engage in additional steps to make that determination, and we may not be able to make that determination in a reasonable time. SB45 also removes any requirement of a person who does possess a CCH permit from showing it to law enforcement. The steps available to law enforcement to determine if a person is in violation will include running a full records check on the person to obtain their "rap" sheet report. If none exists it will be clear there are no felony convictions, domestic violence convictions, or protection from abuse orders. The records available to us will not show us if there is a mental health commitment outside of Kansas, active restraining order, or other similar prohibitions. NICS is not available to law enforcement for this purpose. Even if the "rap" sheet reveals certain felony convictions, determining if they are prohibitors often requires research of the original reports. It often takes considerable efforts over several days to get the information necessary to make the final determination.

These changes will require significant training of officers. Has any consideration been given to directing the Office of the Attorney General, through their concealed carry unit and the KBI, to develop law enforcement training materials? Such a training plan would provide uniform training throughout the state developed by the experts in the concealed carry laws and the law enforcement data systems.

The point of this information for you is that depending on why a person is prohibited we may or may not be able to determine a bad actor is illegally carrying concealed under the proposed bill. For certain, some people we deal with on a regular basis we will know are in violation. But those we are not familiar with will be more difficult to determine whether they are prohibited and holding those in violation accountable. The more urban the area the more difficult this becomes.

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