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Testimony in Support of House Bill 2042

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

February 1, 2017

Mr. Chairman and members of the Committee, thank you for allowing me to provide testimony in support of 2017 House Bill 2042. I am Director and Assistant Attorney General designated to the Concealed Carry Licensing Unit (CCLU) of the Attorney General's Office. I supervise a staff of six persons and provide legal counsel for the CCLU in its administrative and regulatory functions of the licensing provisions found in the Kansas Personal and Family Protection Act (KPFPA).

As the Committee is aware, HB2042 is a bill which the Attorney General is seeking amendments in order to clarify a couple of matters relating to our role in licensing persons to carry concealed handguns under the KPFPA.

Recognition Language

With the passage of unlicensed concealed carry in 2015, a provision in the KPFPA relating to Kansas recognizing all "valid" concealed carry licenses issued by other "jurisdictions" was stricken from the language of K.S.A. 75-7c03. That language was amended into the law in 2013 at the request of Attorney General Schmidt. While that all-inclusive recognition language was theoretically no longer necessary in order for a qualifying, non-resident to carry concealed in Kansas, that language did carry some legal weight with respect to Kansans being able to reciprocally carry concealed in other jurisdictions.

Fortunately, while an actual example has not reared its head as of yet, the removal of that language/authority **could** have the unintended consequence of Kansas losing **recognition of our license** in states which require true reciprocity (i.e., Kansas **must** honor State A's license before State A may/shall honor Kansas' license).

Since that 2013 amendment, Kansas added eight other states' licenses to the list of states that honor the Kansas license. In short, we would hate for a state, on their own interpretation, to find no authority in Kansas law for their license to be honored and, consequently, notify Kansas that the Kansas license could no longer be honored by them.

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 a license.

Confidentiality Protections

The language proposed by Section 2 of HB2042 is to be proactive in making sure that any person from a state or municipal agency who becomes privy to information about a person being a concealed carry applicant or licensee shall keep that information confidential or be subject to criminal penalty.

Currently, the OAG is the only person specified as being subject to the limitations of K.S.A. 75-7c06. As part of the licensing process, however, the KPFFPA sets out several scenarios where the OAG must consult other law enforcement agencies or other state and municipal agencies regarding incidents or CCHL status in general.

For example, the Kansas Department of Revenue issues the actual license. Their database also provides 24-hour access to law enforcement officers who may need to verify license status (via driver's license or state identification card number). To accomplish that, KDOR, to some degree, maintains a record of every applicant/licensee's current status. Another example, among others, would be where Kansas laws *require* the OAG to disclose license status to a record holder when the OAG is reviewing an expunged record.

It has always been the interpretation of the OAG that, generally, *any* public agency's disclosure of license status and/or their identifying information to the public was to be prevented by 75-7c06. Committee members may recall the 2012 disclosures made in a New York publication that revealed locations of over 40,000 permittees in a New York county. Whether done via open records request or otherwise, to avoid issues like those or similar events in Kansas, these amendments will make clear that *any* person operating within a state or municipal agency is subject to the limitations and allowances of K.S.A. 75-7c06.

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