

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2042

As Amended by House Committee of the Whole

Brief*

HB 2042, as amended, would require the State of Kansas to recognize all valid concealed carry licenses and permits issued by other states to non-Kansas residents, would lower the age to obtain a concealed carry license in Kansas, and would allow postsecondary institutions to prohibit the carrying of concealed weapons by certain persons who are not licensed by the Kansas Attorney General (Office of the Attorney General).

Recognition of Out-of-State Concealed Carry Licenses

The bill would specify that such recognition of licenses would entitle the license holder to carry only concealed handguns, and license holders would be required to act in accordance with Kansas laws while in the state.

The bill would state the recognition of out-of-state concealed carry licenses would not be construed as a prohibition on the permit-less, concealed, or open carrying of loaded or unloaded firearms in the state.

Further, the bill would extend the prohibition on disclosing certain records relating to concealed carry permits under the Kansas Open Records Act (KORA) to the Office of the Attorney General, the Department of Revenue, any sheriff's office or other law enforcement agency, and all employees, contractors, and agents thereof; and any other agency, office, department, or other governmental entity, and

*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>

all employees, contractors, and agents thereof, with access to such records. Under current law, the disclosure of records relating to persons issued licenses, persons applying for licenses, or persons denied licenses cannot be disclosed as part of KORA.

Concealed Carry License Age Requirement

The bill would lower the age required to obtain a concealed carry permit from age 21 to age 18. Additionally, the bill would make a similar amendment to the criminal carrying of a weapon statute, excluding persons under age 21 carrying a concealed handgun pursuant to licensure by the Office of the Attorney General.

Concealed Carry at Postsecondary Institutions

The bill would provide that postsecondary institutions cannot prohibit the carrying of concealed handguns in buildings and public areas without adequate security by persons who possess a concealed carry license issued by the Office of the Attorney General.

Current law allows postsecondary educational institutions to prohibit the carrying of concealed handguns in buildings and public areas which have adequate security and signage as defined in statute. Persons who are at least age 21, and who may legally possess firearms, may carry concealed handguns in buildings and public areas without adequate security.

The bill would also make conforming amendments to the definition of the term "municipality" in the Personal and Family Protection Act.

Background

The bill was introduced in the House Committee on Federal and State Affairs at the request of the Office of the Attorney General. In the House Committee hearing held in February 2017, a representative of the Office of the Attorney General appeared in support of the bill. A private citizen appeared in opposition to the bill. Written-only opponent testimony was provided by Kansas Moms Demand Action for Gun Sense in America. No other testimony was provided.

The House Committee of the Whole amended the bill to include provisions lowering the age required to obtain a concealed carry permit and to allow postsecondary educational institutions to prohibit concealed carry by persons who do not possess a concealed carry license. The Committee of the Whole also adopted a technical amendment to update certain statutory references.

According to the fiscal note on the bill, as introduced, prepared by the Division of the Budget during the 2017 Legislative Session, the Office of the Attorney General indicates enactment of the bill would have no effect on its concealed carry licensing processes or operations. The Kansas Association of Counties reports the bill would have no fiscal effect on local governments.