

Approved: 5-3-97
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:10 a.m. on March 25, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee: None.

Others attending: None.

Senator Oleen referenced additional correspondence received from the City of Topeka as follow-up to testimony given by Mr. Jim Kaup yesterday in opposition to **HB 2159**, a bill relating to carrying concealed weapons (Attachment #1).

Senator Oleen called attention to correspondence from Marjorie Roberson (Attachment #2) regarding **SB 176**, a bill concerning farm wineries, and **SB 357**, relating to kegs of alcoholic beverages. Mrs. Roberson expressed her appreciation to the committee for reporting unfavorably **SB 176**. In regard to **SB 357**, she advised that the Kansas Retail Liquor Dealers Association, at their March 9 board meeting, agreed to explore ways to assist law enforcement officers in dealing with the issue of kegs.

Senator Oleen told the committee that additional information had been requested on **HB 2159**, which provides for licensure to carry concealed weapons, and that staff would review provisions of the bill, comparing it with provisions of **SB 21**, the Senate version of licensure to carry concealed weapons.

Senator Becker related a discussion that took place earlier in the day regarding background checks on individuals employed in nursing homes. He said he learned from that discussion that the KBI is able to run background checks on the employees at a cost of \$6.59 each. Senator Becker compared this with information given during hearings on **SB 21** which indicated background checks by the KBI would cost \$125 each. He indicated an interest in more specific information on what the bills require in regard to background checks. Discussion followed concerning the various levels of checks, noting that the more extensive checks would be more expensive.

Staff then presented a comparison of the major provisions of both bills, (Attachment #3), and discussion followed concerning training that would be required, proof of training, whether training would be required prior to or after the background check, and preemption. It was noted that there were no specific standards for satisfactory completion of the training course.

Senator Becker moved for approval of minutes from the February 12, 13 and 28 meetings, the March 20 meeting, minutes from the meeting at the Rail on February 13. Senator Schraad seconded the motion. The motion carried.

The meeting adjourned at 11:55 a.m. The next meeting is scheduled for March 27, 1997.

MAR 25 1997



CITY OF TOPEKA

City Council
215 E. 7th Street Room 255
Topeka, Kansas 66603
Phone 913-~~308~~-3710

MEMORANDUM

TO: Senator Laurie Bleeker
FROM: Jim Kaup, on behalf of the City of Topeka
RE: **Concealed Carry Legislation; HB 2159, Follow-up to Senate Committee Testimony**
DATE: March 24, 1997

Earlier today, I appeared before the Federal and State Affairs Committee to testify against HB 2159, on behalf of Topeka.

At that hearing I presented the City testimony which, in part, made the point that if the State preempts local lawmaking authority with regard to concealed carry that future legislatures would be faced with requests from municipalities seeking special legislation to address local problems and conditions which they can now address by Home Rule.

Following my testimony, you raised the very specific and proper question as to whether I knew of any instances in other states where municipalities had felt the need to request legislation to address such local conditions. I advised you, eventually, that I had not contacted other states to inquire as to whether that had occurred, and consequently had no first hand information in response.

Immediately following the Committee hearing I received a copy of the enclosed article from the Washington Post, March 20, 1997. This story, which relates to Fairfax County, Virginia, seems to be exactly on point. It addresses the attempts by Fairfax County to acquire special state legislation to allow it to ban guns from recreation centers in that County.

I appreciate the questions you raised, and am sorry that I was not able to respond to it at that time. I hope the enclosed will be informative on this point.

Enc.

cc: Chairperson, Lana Oleen and Members, Senate Federal and State Affairs Committee:

Senator Nancey Harrington	Senator Ben Vidricksen	Senator Rich Becker
Senator Keith Schraad	Senator Rip Gooch	Senator Donald Biggs
Senator Sherman Jones		

Sen. Federal & State Affairs Comm.
Date: 3-25-97
Attachment: #1

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NRA, Fairfax Warring Over Anti-Gun Bill

State Legislation Would Bar Most Weapons From County's Rec Centers

By Eric Lipton

Washington Post Staff Writer

Thursday, March 20 1997; Page A01

The Washington Post

The National Rifle Association is campaigning to persuade Virginia Gov. George Allen to veto a bill that would bar guns, knives and other weapons from Fairfax County's recreation centers, an effort that county officials are calling "ridiculous" and "senseless."

Fairfax officials pushed for the legislation, written to apply only in their county, after several incidents in which people showed up at community centers with guns or knives. Virginia law allows non-felons 18 and older to carry guns in public without a permit as long as the weapons aren't concealed.

"We are trying to provide a safe place for our kids to congregate," said Board of Supervisors Chairman Katherine K. Hanley (D). Her office has received 70 letters and calls of protest from NRA members. "For the NRA to take that and turn it into a gun control issue is ridiculous."

The NRA posted a warning on the Internet and sent letters to members, urging them to oppose the pending legislation as a dangerous step toward further restrictions on gun owners in the Old Dominion. A second bill opposed by the NRA would bar guns from county police stations. Both would exempt holders of concealed-weapons permits from the restrictions.

"There is a long-standing hostility in Fairfax County to the rights of citizens to defend themselves," said NRA spokesman Jim Manown. "This is really an attempt to erode the uniform firearms laws in Virginia."

Allen has not indicated where he stands on the bills, which he must act on by Monday. A spokesman said yesterday that Allen, a longtime gun rights

advocate, is still studying the measures.

Fairfax County officials, as well as legislators who sponsored the proposed ban, say that the NRA is spreading misinformation to defeat a bill that is anything but unreasonable.

"We thought that this would be a no-brainer," said Wes Kendrick, director of the Fairfax County Department of Community and Recreation Services. "Then the NRA got involved."

The bill has attracted a great deal of attention since it was proposed by Northern Virginia legislators in January. During one legislative meeting, a costumed warrior showed up, suggesting that the bill would prevent him from taking part in reenactments that featured antique weapons (an amendment was added to exempt theatrical productions).

Kendrick and other Fairfax officials said that several recent gun-related incidents at recreation centers have convinced them that the need for the gun ban is real and immediate.

In December, a youth brought a BB gun to the Zone Teen Center in Annandale. Two months earlier, a man at the Mott Community Center threatened another person there with a handgun.

And last July, after two men got into an argument on a basketball court, one of them got a gun from his car before he was restrained.

Sen. Joseph V. Gartlan Jr. (D-Fairfax), who sponsored the legislation, called the NRA's stand "senseless" and "crazy."

"I don't think the NRA makes very rational choices about where it devotes its resources," Gartlan said.

The NRA letter, signed by chief lobbyist Tanya K. Metaksa, urges members to write or call Fairfax County supervisors, as well as Allen, and notes that the county used government-funded lobbyists to push the cause.

"These high-priced Richmond insiders said that you just couldn't be trusted to carry a firearm in certain areas of the county, even if you had a valid concealed handgun permit," the letter said, "and that Fairfax County government should have the power to regulate where you could and could not carry a firearm."

The letter did not mention that the law would bar guns only in recreation centers and police stations or that an amendment was added before final passage exempting concealed-weapon permit holders.

Robert A. Phillips, a gun owner from Springfield, called Allen's office and wrote a letter to Hanley protesting the proposal, which he said would do nothing but harm law-abiding citizens.

"Every individual has the right and responsibility to look after his property and his family, and this would prevent people from having the means to do that," he said. "It serves no useful purpose, except to create difficulties for the citizens of Fairfax County."

Fairfax's Kendrick disputed that: "By God, we are not trying to restrict law-abiding people who have weapons. I just want to keep weapons out of my teen centers and community centers."

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MAR 18 1997

Senator Oleen.

I want to thank you for defeating the farm winery bill, wholesalers selling direct to private clubs, and the keg registration bill. All of those bills would have adverse effects on the Kansas retail liquor dealer.

I appreciate having had the opportunity to appear before your committee, on behalf of the Kansas Retail Liquor Dealers Association.

You might like to know that at our March 9th board meeting, we agreed to explore a way to help the Kansas Law Enforcement people deal with the issue of kegs.

Thank you again, for hearing the concerns of the Kansas Liquor Dealer.

*Respectfully
Marjorie L. Roberson
President KR LDA*

COMPARISON OF MAJOR PROVISIONS 1997 BILLS THAT WOULD PROVIDE FOR LICENSURE TO CARRY CONCEALED WEAPONS/HANDGUNS

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
Definition of weapon: A handgun, pistol, or revolver. (Sec. 1(b))	Definition of handgun: any firearm designed, made, or adapted to be fired with one hand. (Sec. 1(g))
Kansas Bureau of Investigation authorized to begin issuing licenses January 1, 1998. (Sec. 3)	Licenses could be issued upon effective date of the act. (July 1, 1997)
Licenses would be valid for four years. (Sec. 3(a))	Same. (Sec. 9)
No KBI discretion regarding licensure. The only grounds for denial of the application would be failure of the applicant to meet statutory criteria. (Sec. 3(a), Sec. 4, Sec. 5(d), Sec. 8, and Sec. 16(b))	Same. (Sec. 6)
After July 1, 1998, the KBI would be required to issue or deny a license within 90 days of receiving the application, fee, and required documentation. Prior to July 1, 1998, the KBI would have 180 days. (Sec. 5(d))	Within 90 days (60 days after January 1, 1998) of designee's receipt of application materials, issue the license, or notify the applicant in writing that the application was denied and the grounds for denial. (Sec. 6(b)) (Maximum time from KBI receipt of completed initial application: 120 days (90 days after January 1, 1998).)
The KBI would be authorized to adopt rules and regulations to administer the act, but would not be authorized to adopt rules and regulations that ". . . encumber the license issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed . . ." in the bill. (Sec. 15(a) and Sec. 16(b))	The director would be authorized to adopt rules and regulations to administer the act. (Sec. 22)
The "act shall be liberally construed to carry out the constitutional right to bear arms for self-defense." (Sec. 16(c))	
	Two license categories by type of handgun: <ul style="list-style-type: none"> • SA—Any handguns that are not prohibited by law, whether semiautomatic or not; and • NSA—Handguns that are not prohibited by law and that are not semiautomatic. (Sec. 6(f)) A license of one category could be modified to the other if the licensee demonstrates proficiency in the use of the appropriate handguns. (Sec. 10(a) and 16(e) and (h))
Preemption of local regulation and licensure to carry concealed weapons. (Sec. 16(a))	No preemption provision. The act would be nonuniform.
Qualifications for licensure:	
<ul style="list-style-type: none"> • resident of county where application is filed and Kansas resident for at least six months (Sec. 4(a)(1)); 	<ul style="list-style-type: none"> • Legal state resident—six months Sec. 2(a)(1)
<ul style="list-style-type: none"> • at least 21 years of age (Sec. 4(a)(2)) 	<ul style="list-style-type: none"> • Same (Sec. 2(a)(2))
<ul style="list-style-type: none"> • does not suffer from a physical infirmity that prevents safe handling of a weapon (Sec. 4(a)(3)); 	<ul style="list-style-type: none"> • Applicant must demonstrate proficiency in use of handguns and in handgun safety procedures (Sec. 16(d)(2))
<ul style="list-style-type: none"> • has never been placed on diversion, convicted or adjudicated for a felony (adult or juvenile) in any jurisdiction (Sec. 4(a)(4)); and 	<ul style="list-style-type: none"> • Not charged with or convicted of a felony as an adult or adjudicated within ten years prior to application as a juvenile for commission of an act that would be a felony for an adult. (Sec. 2(a)(3), (4), and (14)) • Not charged with or convicted of felony or misdemeanor domestic violence for five years prior to application (ref. K.S.A. 22-2309 and criminal statutes). (Sec. 2(a)(16)) • No suicide attempt or assistance in a suicide attempt during ten years preceding date of application (ref. K.S.A. 21-3406) (Sec. 2(a)(17))
<ul style="list-style-type: none"> • has not been, during the <u>five years</u> immediately preceding the date of application: 	No time restriction except as noted for specific qualifications.

Sen. Federal & State Affairs Comm.
 Date: 3-25-97
 Attachment: # 3

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> ▶ a mentally ill person or involuntary patient as defined in K.S.A. 59-2946 (Sec. 4(a)(5)(A)); • has <u>never</u> been determined to be disabled under the Act for Obtaining a Guardian or Conservator unless the person was ordered restored to capacity three or more years before the date on which the application is submitted (Sec. 4(a)(8)); 	<p>Not of unsound mind—“Unsound mind” means the mental condition of a person who:</p> <ul style="list-style-type: none"> • has been adjudicated mentally incompetent, mentally ill, or not guilty of a criminal offense by reason of insanity; • has been diagnosed by a physician as being characterized by a mental disorder or infirmity that renders the person incapable of managing the person’s self or the person’s affairs, unless the person furnishes a certificate from a physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder; or • has been diagnosed by a physician as suffering from depression, manic depression, or post-traumatic stress syndrome, unless the person furnishes a certificate from a physician stating that the person is no longer disabled or under any medication for the treatment of a mental or psychiatric disorder. (Sec. 1(j))
<ul style="list-style-type: none"> ▶ an alcoholic as defined in K.S.A. 65-4003 (Sec. 4(a)(5)(B)); ▶ committed for abuse of a controlled substance (Sec. 4(a)(5)(D)); ▶ committed for abuse of alcohol (Sec. 4(a)(5)(F)); ▶ a drug abuser as defined in K.S.A. 65-5201 (Sec. 4(a)(5)(C)); ▶ convicted or placed on diversion two or more times for driving under the influence of alcohol or drugs (Sec. 4(a)(5)(G)); 	<p>Not chemically dependant—For most applicants “chemically dependent person” would be defined to be a person who has been convicted twice during the ten years preceding application for licensure of a class B misdemeanor or more serious crime that involves the use of alcohol or a controlled substance as a statutory element of the offense. (Sec. 2(c))</p> <p>For retired judges, “chemically dependent person” would be defined to be a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented. (Sec. 1(c))</p> <p>Throughout the act “intoxicated” would be defined to mean not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances or any other substance into the body, or having a blood or breath alcohol concentration of 0.08 or greater. (Sec. 1(h))</p>
<ul style="list-style-type: none"> ▶ convicted, placed on diversion, or adjudicated (adult or juvenile) for a misdemeanor under the Uniform Controlled Substances Act in any jurisdiction (Sec. 4(a)(5)(E)); ▶ convicted, placed on diversion, or adjudicated (adult or juvenile) of a crime under Articles 34 (crimes against persons) and 35 (sex offenses) of Chapter 21 of the statutes in any jurisdiction (Sec. 4(a)(5)(H)); ▶ convicted, placed on diversion, or adjudicated (adult or juvenile) for carrying a concealed weapon in violation of the act or violation of the criminal statute that prohibits carrying a concealed weapon (Sec. 4(a)(5)(I)). 	<p>Not charged with, or convicted in the five years preceding application, of an A or B misdemeanor or criminal use of weapons (ref. K.S.A. 21-4201). (Sec. 2(a)(4)) For purposes of qualifying for a license under the act, a class A misdemeanor would be defined as a crime that is not a felony and conviction of which could result in confinement in a nonstate jail. (Sec. 2(b))</p> <p>Not charged with or convicted of felony or misdemeanor domestic violence for five years prior to application (ref. K.S.A. 22-2309 and criminal statutes). (Sec. 2(a)(16))</p>
<ul style="list-style-type: none"> • desires a legal means to carry a concealed weapon for lawful self-defense (Sec. 4(a)(6)); 	
<ul style="list-style-type: none"> • presents evidence, as described in the bill, of completion of a “weapons safety and training course” approved by the KBI (Sec. 4(a)(7) and (b)(2)); 	<p>Submits certificate of proficiency and signed affidavit attesting to understanding of the act and state laws regarding the use of deadly force (Sec. 3(a)(7) and (8))</p>
<ul style="list-style-type: none"> • has not been dishonorably discharged from military service (Sec. 4(a)(9)) ; 	<p>Not dishonorably discharged <u>within ten</u> years of application. (Sec. 2(a)(19))</p>
<ul style="list-style-type: none"> • is a citizen (Sec. 4(a)(10)); and 	
<ul style="list-style-type: none"> • is not subject to a restraining order under the Protection from Abuse Act (Sec. 4(a)(11)). 	<p>Not restricted under a court protective order or subject to a restraining order affecting the spousal relationship, not including a restraining order solely affecting property interests. (Sec. 2(a)(13))</p>
	<p>Not finally determined delinquent in making a child support payment and no past due child support. (Sec. 2(a)(10) and (18))</p>
	<p>No suicide attempt or assistance in a suicide attempt during ten years preceding date of application (ref. K.S.A. 21-3406). (Sec. 2(a)(17))</p>

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
	Never affiliated with street gang or other criminal enterprise as defined in state and federal law (ref. K.S.A. 21-4401 and 18 U.S.C. 1961). (Sec. 2(a)(20))
	Not a fugitive from justice for a felony or an A or B felony. (Sec. 2(a)(5))
	Qualified under state and federal law to purchase a handgun. (Sec. 2(a)(9))
	Current in payment of all state and local taxes. (Sec. 2(a)(11))
	Not in default on a state guaranteed higher education loan. (Sec. 2(a)(12))
<p>Grounds for license suspension <u>or</u> revocation:</p>	
<ul style="list-style-type: none"> Licensees who fail to submit evidence of completion of a weapons safety and training course every two years would have their licenses suspended or revoked. (Sec. 7) and Sec. 4 (c)) 	
<ul style="list-style-type: none"> Licensees who fail to maintain initial eligibility to receive a license would have their licenses revoked. (Sec. 7) 	<p>The KBI would be authorized to revoke a license if the licensee:</p> <ul style="list-style-type: none"> was not entitled to the license at the time it was issued; gave false information on the application; or subsequently becomes ineligible for a license. <p>Being charged with or convicted of a felony or a class A or B misdemeanor could result in revocation. (Sec. 12(a))</p>
<ul style="list-style-type: none"> A false answer to any question on the license application form or submission of any false document by the applicant would subject the applicant to prosecution for perjury. (Sec. 5(a)(5)) (Perjury in this instance would be a felony and preclude licensure.) 	
	Any conviction entered by any court for criminal use of weapons (K.S.A. 21-4201 <i>et seq.</i>) must contain the handgun license number of the convicted licensee. A certified copy of the judgment would be conclusive and sufficient evidence to justify revocation of a license. (Sec. 14(c) and Sec. 12(a))
	If a law enforcement officer believes a statutory basis for suspending or revoking a license exists, the officer would be required to prepare an affidavit on a form provided by the bureau stating the reason for the revocation or suspension of the license and giving the KBI all of the information available to the law enforcement officer at the time of the preparation of the form. The officer would have to attach the officer's reports relating to the license holder to the form and send the form and attachments to the KBI at its Topeka headquarters not later than the fifth working day after the date the form is prepared and to the licensee. (Sec. 12(b) and 13(b))
<ul style="list-style-type: none"> Failure to notify the KBI within 30 days of a change of permanent address, or the loss or destruction of a license could result in imposition of a maximum \$100 fine, or a maximum 180-day license suspension. (Sec. 6(b)) 	<p>The KBI would be authorized to suspend a license if the licensee:</p> <ul style="list-style-type: none"> is convicted of disorderly conduct punishable as a class C misdemeanor; fails to notify the KBI of a change of address or name as required; carries a handgun of a different category than the license allows; has been charged with a crime conviction for which would result in ineligibility for a license; or fails to return a license after receiving a license for a different class of handgun. (Sec. 13(a)) <p>Licenses could be suspended for statutory reasons for a minimum of one year or a maximum of three years. (Sec. 13(c))</p> <p>Failure or refusal to display the license and identification as required by the bill would specifically be grounds for suspension and would be a class B misdemeanor. (Sec. 6(l) and 13(a)) Conviction of a class B misdemeanor could result in license revocation and prevent a person from being licensed for a minimum of five years. (Sec. 2(a)(8), and 12(a)(3) and (c))</p>

1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<p>Rules and regulations of the KBI would establish procedures and standards for the weapons safety and training course. Those standards would have to include:</p> <ul style="list-style-type: none"> • qualifications of instructors (Sec. 4(b)(1)(C)); 	<p>The KBI would be authorized to adopt rules and regulations establishing minimum standards for handgun proficiency, a course to teach handgun proficiency, and examinations to measure handgun proficiency. (Sec.16(a))</p> <p>The director of the KBI may certify as a qualified handgun instructor a person who:</p> <ul style="list-style-type: none"> • is certified by the Kansas Law Enforcement Training Commission and the Kansas Attorney General to instruct others in the use of handguns; • regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors; or • is certified by the National Rifle Association of America as a handgun instructor. (Sec. 18(a)) • After certification, a qualified handgun instructor may conduct training for applicants for concealed handgun licenses. (Sec. 18(e)) <p>A qualified handgun instructor would have to be qualified to instruct persons in:</p> <ul style="list-style-type: none"> • laws that relate to weapons and to the use of deadly force; • handgun use, proficiency, and safety; • nonviolent dispute resolution; and • proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child. (Sec. 18(b)) <p>A qualified handgun instructor certificate would be valid for two years. To renew a certificate, the qualified handgun instructor would have to pay a fee of \$100 and take and successfully complete the retraining courses required by rule and regulation of the KBI. (Sec. 18(d))</p> <p>If the KBI determines that a reason exists to revoke, suspend, or deny a license to carry a concealed handgun with respect to a person who is a qualified handgun instructor or an applicant for certification as a qualified handgun instructor, the bureau shall take that action against the person's certification as a qualified handgun instructor regardless of whether the person has a license issued under this act to carry a concealed handgun. (Sec. 18(f))</p> <p>A qualified handgun instructor would have to cooperate with the KBI in the bureau's efforts to monitor the instructor's presentation of training. An instructor would have to make available for inspection to the bureau all records maintained by the instructor. The instructor would have to keep a record of all certificates of handgun proficiency issued by the instructor and other information required by the bureau by rule and regulation. The KBI would be authorized to monitor any class or training presented by a qualified handgun instructor. (Sec. 16(l))</p>
<ul style="list-style-type: none"> • general guidelines for courses (Sec. 4(b)(1)(B)); • a requirement that the course be a weapons course: <ul style="list-style-type: none"> ■ certified or sponsored by the KBI; or ■ certified or sponsored by a law enforcement agency, college, private or public institution or organization, or weapons training school and taught by instructors certified by the KBI (Sec. 4(b)(1)(D)); 	<p>The course to teach handgun proficiency would have to contain training sessions divided into two parts. One part of the course would have to be classroom instruction and the other part would have to be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the category of handgun for which the applicant seeks certification. (Sec. 16(a))</p> <p>Requirements for handgun proficiency certification would be waived for applicants for licensure who take and successfully complete training to be qualified handgun instructors and who pay the training fee. (Sec.18(c))</p>

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1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> ■ a requirement that trainees receive training in the safe storage of weapons actual firing of weapons (Sec. 4(b)(1)(A); and 	<p>An applicant could not be certified unless the applicant demonstrates, at a minimum, the degree of proficiency that is required to effectively operate a 9-millimeter or .38-caliber handgun. (Sec.16(a))</p> <p>A retired law enforcement officer who obtains a concealed handgun license would be required to maintain, for the category of weapon licensed, the proficiency required for a law enforcement officer under K.A.R. 107-1-5 and amendments thereto. The KBI or a local law enforcement agency would be required to allow a retired peace officer of the bureau or agency an opportunity to annually demonstrate the required proficiency. The proficiency would have to be reported to the KBI upon application and renewal. (Sec. 28(e))</p>
<ul style="list-style-type: none"> ■ instruction in state laws regarding the carrying of concealed weapons and the use of deadly force (Sec. 4(b)(1)(A). 	<p>Handgun proficiency courses would have to be administered by qualified handgun instructors and include a minimum of ten hours and a maximum of 15 hours of instruction on:</p> <ol style="list-style-type: none"> (1) the laws that relate to weapons and to the use of deadly force; (2) handgun use, proficiency and safety; (3) nonviolent dispute resolution; and (4) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child. (Sec. 16(b)) <p>The classroom instruction part of the proficiency course for active judicial officers and elected prosecutors would not be subject to a minimum hour requirement. The instruction would have to include instruction only on:</p> <ol style="list-style-type: none"> (1) handgun use, proficiency and safety; and (2) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child. (Sec. 30(f) and (h))
<p>No examination requirement specified.</p>	<p>The proficiency examination to obtain or to renew a license would have to be administered by a qualified handgun instructor and include:</p> <ol style="list-style-type: none"> (1) a written section on the subjects required to be covered in the proficiency course; and (2) a physical demonstration of proficiency in the use of one or more handguns of specific categories and in handgun safety procedures. (Sec. 16(d)) <p>A retired law enforcement officer who obtains a concealed handgun license would be required to maintain, for the category of weapon licensed, the proficiency required for a law enforcement officer under K.A.R. 107-1-5 and amendments thereto. The KBI and local law enforcement agencies would be required to allow retired peace officers of the bureau or agency an opportunity to annually demonstrate the required proficiency. The proficiency would have to be reported to the KBI upon application and renewal. (Sec. 28(e))</p>
<p>The following would constitute evidence of satisfactory completion of an approved weapons safety and training course:</p> <ul style="list-style-type: none"> ▶ a photocopy of a certificate of completion of the course; ▶ an affidavit from the instructor, school, club, organization, or group that conducted or taught the course attesting to completion by the applicant; or ▶ a copy of any document which shows completion of the course. (Sec. 4(b)(2)) 	<p>If a person successfully completes the proficiency requirements, the instructor would be required to endorse a certificate of handgun proficiency provided by the KBI. An applicant would have to successfully complete both classroom and range instruction to receive a certificate. The certificate would have to indicate the category of handgun for which the applicant demonstrated proficiency during the examination. (Sec.17(b))</p> <p>The KBI would establish in rule and regulation a maximum fee of \$5 to cover the costs of handgun proficiency certificates. (Sec. 17(a))</p>
<p>The applicant must pay for the training course. (Sec. 4(b)(2))</p>	
<p>Licensees could not carry concealed weapons into:</p>	<p>Licensees would be prohibited from intentionally, knowingly, or recklessly carrying a <u>concealed or unconcealed</u> handgun on or about the licensee's person:</p>
<ul style="list-style-type: none"> • a place in which a common nuisance is maintained (illegal gambling, promotion of obscenity, promotion of prostitution, violations of drug, alcohol, and tobacco laws) (Sec. 10(a)); 	

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1997 HB 2159 as Amended by House Committee of the Whole	1997 SB 21
<ul style="list-style-type: none"> a police, sheriff, or highway patrol station (Sec. 10(b)); 	
<ul style="list-style-type: none"> a detention facility, prison, or jail (Sec. 10(c)); 	<ul style="list-style-type: none"> on the premises of a correctional facility (Sec. 37(b)(3); (Violation of this provision would be a felony of the third degree; (Sec. 37(g)) ("Premises" for this and the following prohibitions would be defined to be a building or a portion of a building. The term would not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage or other parking area. (Sec. 37(f)(3)))
<ul style="list-style-type: none"> a courthouse (Sec. 10(d)); (See K.S.A. 21-4218) a polling place (Sec. 10(f)); a meeting of the governing body of a county, city, or other subdivision (Sec. 10(g)); a courtroom (unless a judge or unless authorized by the judge) (Sec. 10(e)); a meeting of the Legislature or a committee thereof (Sec. 10(h)); (See K.S.A. 21-4218) 	<ul style="list-style-type: none"> whether or not on or about the licensee's person, at any meeting of a governmental entity (Sec. 37(c) and (d)).
<ul style="list-style-type: none"> any school, community college, college, university or professional athletic event not related to firearms (Sec. 10(l)); (See K.S.A. 21-4204) 	<ul style="list-style-type: none"> on premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the licensee is a participant in the event and a handgun is used in the event; (Sec. 37(b)(2) (See K.S.A. 21-4204)
<ul style="list-style-type: none"> any portion of an establishment licensed to dispense alcoholic liquor or cereal malt beverage for consumption on the premises, which portion of the establishment is primarily devoted to such purpose (Sec. 10(j)); 	<ul style="list-style-type: none"> on the premises of a microbrewery that is also licensed as a club or drinking establishment, if the business derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption. (Sec. 37(b)(1)) (Violation of this provision would be a felony of the third degree.) (Sec. 37(g)) <p>Microbreweries that are also licensed as a club or drinking establishment and that derive 51 percent or more of their income from the sale of alcoholic beverages for on-premises consumption would have to display at each entrance to the premises a sign that provides notice that it is illegal to carry a handgun on the premises. (Sec. 31(a) and (b)) Those signs would have to be in both English and Spanish, and meet other statutory specifications. (Sec. 31(c))</p>
<ul style="list-style-type: none"> any elementary or secondary school facility (Sec. 10(k)); (See K.S.A. 21-4204) 	
<ul style="list-style-type: none"> any community college, college, or university facility (Sec. 10(l)); or 	
<ul style="list-style-type: none"> any place where the carrying of firearms is prohibited by state or federal law (Sec. 10(m)). 	
	<ul style="list-style-type: none"> on the premises of a licensed hospital or nursing home unless the handgun licensee has written authorization of the hospital or nursing home administration, as appropriate; (Sec. 37(b)(4)) <p>Licensed hospitals and nursing homes would have to display at each entrance to the premises a sign that provides notice that it is illegal to carry a handgun on the premises. (Sec. 31(a) and (b)) Those signs would have to be in both English and Spanish, and meet other statutory specifications. (Sec. 31(c))</p>
	<ul style="list-style-type: none"> in an amusement park (37(b)(5); ("Amusement park" would be defined to be a permanent indoor or outdoor facility or park where amusement rides are available for use by the public, located in a county with a population of more than one million, encompassing at least 75 acres in surface area, enclosed with access only through controlled entries, open for operation more than 120 days in each calendar year and with security guards on the premises at all times. The term would not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage or other parking area. (Sec. 37(f)(1)))
	<ul style="list-style-type: none"> on the premises of a church, synagogue, or other established place of religious worship. (Sec. 37(b)(6))

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The act could not be interpreted to prevent a business owner or operator who has posted signs or a private or public employer from prohibiting licensees from carrying concealed weapons while on the business premises or while engaged in duties of employment. (Sec. 11)	This bill would not prevent or otherwise limit a public or private employer from prohibiting licensees from carrying a concealed handgun on the premises of the business. (Sec. 32)
	Licensees would be prohibited from carrying a <u>deliberately unconcealed</u> handgun on or about the licensee's person unless the licensee would be justified under state law in using deadly force to protect the licensee or another person. (Sec. 37(a) and (h))
A licensee carrying a concealed weapon while under the influence of alcohol or drugs, or both would be guilty of a class A nonperson misdemeanor. (Sec. 12)	
An application for a concealed weapon license would be completed under oath and submitted to the sheriff of the county where the applicant resides. (Sec. 5(a) and (b))	The applicant must complete and submit the application on a KBI provided form that requires only the information specified by the law. (Sec. 3(a)(1) and (b) and 4(a))
Initial license fee between \$100 and \$125. (Sec. 5(b)(2) and (c)(1))	Application fees: 1. Most applicants \$140 (Sec. 3(a)(6)) 2. Active and retired judges At level necessary to cover administrative costs 3. Indigent applicants and applicants who are 60 or older \$70 (Sec. 33(a) and 34) 4. Elected prosecuting attorney None (Sec. 30(h)) 5. Modification of license to permit carrying a handgun of a different class \$25 (Sec. 10(a))
License renewal fee \$80 to \$100. (Sec. 5(c)(1) and Sec. 8(a))	License renewal fee would be set by the KBI at the level necessary to cover administrative costs. (Sec 11(b))
Retired law enforcement officers exempt from fees and background investigations for one year subsequent to the date of retirement. (Sec. 5(e))	Retired law enforcement officer initial application fee: \$25 (Sec. 28(d))
Sheriff forwards to the KBI \$100 of original license fee, and \$80 of renewal fee. The cost of taking fingerprints would be paid from the portion of the application or renewal fee retained by the sheriff. (Sec. 5(c)(1))	
Fees received by the KBI would be used for administration of the act with the balance allocated to the County Law Enforcement Equipment Fund (20 percent) and the Forensic Laboratory and Materials Fee Fund (80 percent). (Sec. 13) All fees retained by sheriff would be deposited in the county general fund and budgeted for the use of the sheriff's department. (Sec. 5(c)(3))	All fees collected under the act would be credited to the Concealed Handgun License Account of the KBI General Fees Fund. All moneys credited to that account could be expended only to pay the KBI's costs of implementing and administering the act. Any amounts in the account that would not be needed to implement the act would be transferred to the Crime Victims Compensation Fund. (Sec. 23)
A late fee of \$15 would apply to applications for license renewal made up to six months after expiration of the license. (Sec. 8(a) and (c))	
The fee for replacement of a lost or destroyed license would be \$15. (Sec. 6(c))	Duplicate license fee \$25. (Sec. 8(d))
	Required fees could only be paid by cashier's check, money order made payable to the KBI, or other method approved by the bureau. Any fees received by the bureau under the act would be nonrefundable. (Sec. 25)

	<p>The KBI would:</p> <ul style="list-style-type: none"> • Conduct a criminal history record check through a computerized criminal history system. (Sec. 5(a)) • Send applicant's fingerprints to the FBI for national criminal history check. (Sec. 5(b)) • Forward applications, except those from active or retired judicial officers, to the KBI director's local designee no later than 30 days after receiving the application from the applicant. (Sec. 5(a) and Sec. 30(e)(2)) • The KBI's designee would conduct additional criminal history record check and investigation of local official records to verify accuracy of the application. The scope of the record check and investigation would be at the discretion of the KBI. (Sec. 5(b)) • Conduct appropriate background investigations to determine a retired judicial officer's eligibility for a license. (Sec. 30(e)(2)) <p>It does not appear that active judges and elected prosecutors would be subject to background checks. (Sec. 30(e) and (h))</p>
<p>The sheriff accepting the application would be authorized, but not required, to submit within 45 days a report to the KBI of any "readily discoverable prior information" that the sheriff deems pertinent to the licensing of an applicant. A sheriff who submits such a report would not incur any civil or criminal liability as a result of the good faith submission. (Sec. 5(c)(2) The sheriff's report could be the sole basis for license denial. (Sec. 5(d)(2)(A))</p>	<p>The KBI's local designee would be authorized, but not required, to submit to the KBI a written recommendation for approval or disapproval of the application. Any recommendation for disapproval would have to be accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of statutory grounds for denial of license. (Sec. 5(b))</p> <p>A qualified handgun instructor could submit to the bureau a written recommendation for disapproval of the application for a license, renewal, or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of facts that lead the instructor to believe that an applicant is not qualified for handgun proficiency certification. (Sec.17(c))</p>
<p>The KBI would be required to notify licensees in writing at least 90 days prior to the expiration of the license. (Sec. 8(a))</p>	<p>The KBI would have to notify licensees of impending license expiration and providing a renewal form at least 60 days prior to license expiration. (Sec. 11(b))</p>
<p>Licensees would apply for renewal by submitting to the sheriff the renewal fee, renewal form, an affidavit stating that the licensee is qualified as required by the bill, a fingerprint card, a photograph, and evidence of satisfactory completion of a weapons safety and training course. (Sec. 8(a) and Sec. 4(c))</p>	<p>A licensee would have to submit an application for license renewal with the required fee. (Sec. 11(a)(3)) If renewing by mail, the licensee would have to sign and return a form that describes state law regarding the use of deadly force and places where it is unlawful for the holder of a license to carry a concealed handgun. (Sec. 11(d))</p>
<p>Licenses of qualified applicants would be renewed "upon receipt by the bureau of the [renewal application]." (Sec. 8(b))</p>	<p>Within 45 days after receipt of a license renewal or modification application, issue license or notify the applicant of denial in writing. (Sec. 10(c) and Sec. 11(c))</p>
<p>The licensee would have to submit to the KBI every two years evidence that the licensee has completed within the preceding 12 months a weapons safety and training course approved by the KBI. (Sec. 4(c))</p>	<p>In order to qualify for license renewal, the licensee would have to complete a continuing education course in handgun proficiency and obtain a handgun proficiency certificate not more than six months before the date of application for renewal. (Sec. 11(a))</p> <p>The continuing education course for persons who wish to renew a license would be defined in rules and regulations of the KBI and would have to include at least four hours of instruction on one or more of the topics covered in the initial licensure course and other information the KBI director determines is appropriate. (Sec. 16(c))</p> <p>The proficiency examination for license renewal would be the same as the examination for an original license. (Sec. 16(d))</p> <p>An active judicial officer would not be required to attend the classroom instruction part of the continuing education proficiency course to renew a license. (Sec. 30(g))</p>

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The KBI would be required to maintain an automated listing of license holders and "pertinent information" that would have to be available, upon request, at all times to all law enforcement agencies in Kansas. (Sec. 6(a))	The KBI would be required to disclose to criminal justice agencies, or individuals upon written request and payment of a reasonable copying fee, whether a named individual or any individual named in a specified list is licensed to carry a concealed handgun. Information about an individual that could be disclosed would include the individual's name, date of birth, gender, race, and zip code. (Sec. 20)
	The KBI would be authorized, but not required to make public and distribute to the public at no cost lists of individuals who are certified as qualified handgun instructors by the bureau. (Sec. 20)
	All records maintained under the act would be confidential and not subject to mandatory disclosure under the Open Records Act (K.S.A. 45-215 <i>et seq.</i>) except those specified in the act as open. (Sec. 20 and Sec. 21)
	An applicant or licensee could be furnished a copy of such disposable records on request and the payment of a reasonable fee. (Sec. 20)
The KBI would be required to report annually to the Governor and Legislative leadership the number of licenses issued, revoked, suspended, and denied. (Sec. 15 (b))	The KBI would have to provide, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the bureau during the preceding month, listed by age, gender, race, and zip code of the applicant or licensee. (Sec. 21)
Failure to carry the concealed weapons license and a valid driver's license or nondriver identification card when carrying a concealed weapon or failure to display both the license and proper identification upon demand by a law enforcement officer would be a class B nonperson misdemeanor. (Sec. 3(c))	Licensees would be required to display the handgun license and driver's license or identification certificate when a judge or a law enforcement officer asks to see the handgun license or when asked for identification while carrying a handgun. (Sec. 6(g) and (h)) Failure or refusal to display the license and identification as required by the bill would specifically be grounds for suspension and would be a class B misdemeanor. (Sec. 6(l)) Conviction of a class B misdemeanor could result in license revocation and prevent a person from being licensed for a minimum of five years. (Sec. 2(a)(8), and 12(a)(3) and (c))
A false answer to any question on the license application form or submission of any false document by the applicant would subject the applicant to prosecution for perjury. (Sec. 5(a)(5)) Each application for an initial license or license renewal would have to include a specific warning that false statement would result in prosecution for perjury. (Sec. 9) Perjury in this instance would be a level 9, nonperson felony. Conviction of a felony would preclude licensure to carry a concealed weapon. (Sec. 4(a)(4))	No misrepresentation or failure to disclose a material fact on an application submitted under the act. (Sec. 2(a)(15)) Any such misrepresentation or failure to disclose would be grounds for license denial. Giving false information on an application would be grounds for license revocation. (Sec. 12(a))
Single step application process with application submitted to county sheriff.	Two step application process. Both steps require submission of material to the KBI.

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