

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 19**

As Agreed to March 26, 2009

Brief*

SB 19 would authorize, under certain circumstances, prosecutors while engaged in the duties of their employment or any activities incidental to such duties to carry concealed firearms and to exempt those prosecutors from the crime of discharge of a firearm.

The prosecutors authorized by this bill would include:

- The United States Attorney for the District of Kansas or any Assistant United States Attorney for the District of Kansas if authorized by the United States Attorney for the District of Kansas;
- The Kansas Attorney General or any Kansas Assistant Attorney General if authorized by the Kansas Attorney General; and
- Any district attorney or county attorney, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed.

The bill would clarify that the chief judge of any judicial district may determine any restrictions or prohibitions concerning firearms in the courthouse or court-related facility of that judicial district.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill also would authorize the county commission to opt out of the provisions of this bill by passage of a resolution if the courthouse and court-related facilities:

- Have adequate security measures to ensure no weapons are permitted to be carried into such facilities;
- Have adequate measures for storing and securing lawfully carried weapons;
- Such county also has a policy or regulation requiring all law enforcement officers to secure and store such officer's firearm upon entering the courthouse or court-related facility. Such policy or regulation may exclude court security or sheriff's personnel for such county; and
- Have a sign conspicuously posted at each entrance that concealed firearms are not permitted in a courthouse or court-related facilities.

All costs related to obtaining and maintaining licensure as required by the Personal and Family Protection Act, KSA 75-7c01 *et seq.*, would be at the prosecutors' own expense. Additionally, the prosecutor would be required to complete a firearms training course as determined by the Director of the Law Enforcement Training Center and to be licensed as required by the Personal and Family Protection Act.

Finally, technical amendments were made to the concealed carry law to make it clear prosecutors would be authorized to carry a concealed firearm in a courthouse or court-related facility.

Conference Committee Action

The Conference Committee adopted the House amendments to the bill with the following changes:

- Added the requirement that the cost of obtaining and maintaining licensure as required by the Personal and Family Protection Act be at the prosecutor's own expense;
- Amended language to clarify the bill authorizes a prosecutor to carry a concealed firearm in a courthouse or court-related facility, rather than a county facility;
- Added a technical amendment to the concealed carry law to make it clear prosecutors are authorized to carry a concealed firearm in a courthouse or court-related facility;
- Added language to authorize a prosecutor to carry a concealed weapon "while actually engage in the duties of their employment or any activities incidental to such duties;
- Added the provision for the storage of lawfully carried weapons if the county opts out of the provisions of this bill;
- Added language requiring all law enforcement, except court security or sheriff's personnel if specifically exempted by county policy or regulation, to secure and store such officer's firearm upon entering the courthouse or court-related facility if the county opts out of the provisions on this bill; and
- Added the requirement to post signs stating prosecutors are not allowed to carry a concealed weapon on the premises of the courthouse or court-related facility if the county opts out of the provisions of this bill.

Background

In 2006 and 2007, the Office of Judicial Administration conducted vulnerability assessments on 127 Kansas district court facilities and the Kansas Judicial Center. These facilities were 110 courthouses (including the 105 counties, plus five counties with two courthouses) and 17 annex facilities, the

majority of which house court services staff, and the Sedgwick County Juvenile Courthouse.

At that time, there were 14 courthouses with controlled entries, including magnetometers (metal detectors). These were the Kansas Judicial Center; courthouses in Wyandotte County, Sedgwick County, Shawnee County, Douglas County, Johnson County, Leavenworth County, Franklin County, Butler County, Lyon County, Cherokee County, and Labette County; and the Crawford County Courthouses in Pittsburg and Girard. One annex, the Sedgwick County Juvenile Courthouse, has a controlled entry.

The proponents of the bill that presented testimony at the Senate Committee were Senator Derek Schmidt, sponsor of the bill; Ed Brancart, Office of the District Attorney, Wyandotte County; Richard Delonis, President, National Association of United States Attorneys; Thomas R. Stanton, Deputy, Reno County District Attorney's Office. There was no testimony in opposition to the bill.

The Senate Committee on Judiciary amended the bill to add the Kansas Attorney General, and any Assistant Attorney Generals authorized by the Kansas Attorney General to the list of prosecutors authorized by the bill to carry a firearm or discharge a firearm under the provisions of the bill.

The House Committee on Federal and State Affairs added clarifying language to change the word "courthouse" to "facility" in order to broaden the application to all courthouses, annexes, and any other county building or office. In addition, the House Committee added new language to give the chief judge of each judicial district authority to order any restrictions or prohibitions for court rooms in that judicial district. Next, the House Committee deleted language where reference is made to "while actually engaged in the duties of their employment" in order to remove such restriction as well as other language that required certification "at their own expense." Finally, the House Committee clarified that the county commission has authority to opt out of the new provisions in this legislation under certain

circumstances where security measures are in effect for everyone entering the facilities under their jurisdiction.

The original fiscal note indicated that passage of the bill would have no fiscal effect.

concealed carry by prosecutors; court house