

SESSION OF 2009

SUPPLEMENTAL NOTE ON SENATE BILL NO. 19

As Amended by House Committee on
Federal and State Affairs

Brief*

SB 19, as amended, would authorize, under certain circumstances, prosecutors to carry concealed firearms and to exempt those prosecutors from the crime of discharge of a firearm. The bill would clarify that the chief judge of any judicial district may determine any restrictions or prohibitions concerning firearms in the court rooms of that judicial district. The bill further expands the term "courthouse" by adding reference to include all facilities, including courthouses, annexes and another other county building or office. Finally, the bill would authorize the county commission to opt out of the provisions of this bill if a secured environment is provided and all firearms are excluded. The prosecutors authorized by this bill 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.

*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>

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.

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, 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.