

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 306**

As Recommended by House Committee on
Federal and State Affairs

Brief*

House Sub. for SB 306 would amend the Personal and Family Protection Act, which established the concealed carry law. The proposed amendments would address the following:

- Changes the term “weapon” to “handgun” throughout the statutes.
- Deletes a number of current requirements that must be determined prior to licensure in order to qualify to carry a weapon after compliance with the application and training requirements in current law.
- Maintains the requirements to be determined prior to obtaining a concealed carry license that a person cannot obtain a license if prohibited from possessing a firearm either by federal or state law, is at least 21 years of age, and is a resident of the state and county where application for licensure is made.
- Adds a provision that would allow a person to carry a concealed handgun while the application is pending if the individual meets certain criteria enumerated in the new provision.
- Modifies the process of re-qualification for license renewal by eliminating certain current requirements.

*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>

- Modifies the driver license requirement for dependents of certain military personnel relative to the license application process.
- Reduces the current charges associated with licensure for concealed carry and also reduces the current charge for renewals.
- Eliminates the requirement for fingerprinting of applications for renewal of a concealed carry license and adds a require for a name-based national criminal records check.
- Adds a provision that extends the term of a license for 90 days after a person is no longer a resident of the state.
- Modifies the provisions which govern the public and private places a licensee may not carry a concealed handgun and provides new language for violations, with a first offense a \$50 fine, a second offense a \$100 fine, and the third or subsequent offense a class B misdemeanor.
- Excludes parking lots and garages from being included in any public or private facility where a concealed carry handgun is prohibited.
- Revises the dimensions, locations, and other features of signs prohibiting the concealed carry of handguns, subject to rules and regulations adopted by the Attorney General.
- Amends the provisions governing the crime of carrying a concealed handgun while under the influence of alcohol or drugs.
- Adds an additional exception to the general criminal prohibition of firearms possession for individuals who possess a license to carry a concealed handgun.

Background

The House Committee deleted the contents of SB 306 which amended the Kansas Fireworks Act. The House Committee inserted the contents of SB 504 that would amend the Personal and Family Protection Act. SB 504 originally was introduced during the 2010 Session and initially referred to the Senate Committee on Judiciary, then re-referred to the Senate Ways and Means Committee, then back to the Judiciary Committee on February 19, 2010 for the last reported action in the Senate.

There were no proponents or opponents who testified in the House Committee on SB 504 that included the proposed amendments to the provisions of the current concealed carry law.

A member of the House Committee presented a balloon with amendments to SB 504 for review and consideration. The House Committee adopted the suggested changes in the balloon amendments for SB 504 that would modify the Personal and Family Protection Act. The approved revisions and content of SB 504 were incorporated into House Sub. for SB 306.

According to the Office of the Attorney General, passage of the original SB 504 would decrease the agency's revenues in the Concealed Weapon Licensure Fund by approximately \$505,225 in FY 2011. The bill would reduce the initial application fee by \$50 and the renewal application fee by \$25. The agency estimates it will receive 6,500 new applications and 7,209 renewal applications in FY 2011. Under current law, the agency will receive \$715,000 (6,500 X \$110) for new application fees and \$360,450 (7,209 X \$50) for renewal applications. Under SB 504 the agency would receive \$390,000 (6,500 X \$60) for new application fees and \$180,225 (7,209 X \$25) for renewal applications for a total of only \$570,225 in FY 2011 for all application fees. The agency also estimates expenditures for the Concealed Carry Unit will be \$741,320 in FY 2011. While the revenues generated from fees would be \$171,095 less than the Unit's estimated expenditures, the balance in the Concealed

Weapon Licensure Fund would supplement the difference in FY 2011. In future years, this Unit would need funds from another source to administer the provisions of the Personal and Family Protection Act. The agency estimates the shortfall in funds for FY 2012 would be \$173,310 and FY 2013 would be \$398,065.

No fiscal note was available for House Sub. for SB 306.

SB 306 as passed by the Senate would have created the Fireworks and Explosives Fund within the State Fire Marshal, and would have amended existing law to direct license fees received under the Kansas Fireworks Act to be deposited into this newly created fund.

Proponents of SB 306 as passed by the Senate included a representative of the Kansas State Fire Marshal's Office.