

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2501**

As Agreed to March 25, 2026

Brief*

Senate Sub. for HB 2501 would create law concerning firearms hold agreements, amend Kansas Criminal Code prohibitions related to firearm suppressors and short-barrel shotguns, and create enhanced sentencing rules for persons who use a firearm suppressor or short-barrel shotgun while committing a nonperson or drug felony.

Firearms Hold Agreements

Definitions

The bill would define the following terms:

- “Federal firearms licensee” and “firearm” to mean the same as in federal firearms law;
- “Firearm hold agreement” to mean a private agreement between a federal firearms licensee (FFL) and an individual firearm owner in which the licensee takes physical possession of the owner’s lawfully possessed firearm at the owner’s request, holds the firearm for an agreed period of time, and returns the firearm to the owner according to the terms of the agreement. If the agreement does not provide for the disposition of a firearm abandoned by the owner, state law regarding the disposition of abandoned property would apply; and
- “Municipality” to mean any city, county, and consolidated city-county.

FFL Immunity and Privilege of Refusal

The bill would provide that, regardless of federal or state law, an FFL conducting business in the state that has entered into an agreement with a firearm owner would be immune from any civil liability, including, but not limited to, statutory claims or common law claims arising from tort or contract for any act or omission concerning, arising out of, or related to the temporary storage of the firearm on the FFL’s licensed business premises or for the return of a firearm to the firearm owner per the agreement, including, without limitation, claims related to personal injury

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or death of a person resulting from the return of a firearm to the firearm owner upon termination of the agreement.

Refusal to enter into an agreement. The bill would allow an FFL to have complete discretion in refusing to enter into an agreement and it would provide that its provisions could not be construed to require that an FFL accept a firearm for temporary storage on the licensee's premises at the request of the owner as a condition of the FFL's license.

Agreement Information

If an FFL has entered into an agreement with a firearm owner, the bill would require the firearm owner to provide the make, model, and serial number of each firearm to be held as part of the agreement.

Secondary contact information. The bill would also require the agreement to contain an option for the firearm owner to list a second person to contact in the event of death or serious illness of the firearm owner.

End of Agreement—Return of a Firearm

The bill would require, unless expressly agreed to by the parties in the agreement, or the firearm owner is otherwise prohibited by law from possessing the firearm at the time of return, that an FFL return a firearm to the firearm owner without unreasonable delay upon termination of the agreement without any additional penalties or fees.

The bill would provide that its provisions shall not be construed to impair, waive, or limit a firearm owner's right to recover possession of property or pursue relief for wrongful retention under contract or property law.

Destruction of records. The bill would require an FFL to destroy, and not retain in any form, including digital or electronic records, any agreement, lists of agreements, or identifying information for more than 90 days after the termination of the agreement and return of the firearm to the owner, unless otherwise required by federal law. The bill would require destruction of these records be done in a manner that prevents reconstruction of the records.

Prohibition of Local Regulations on Agreements and FFLs

Municipalities would be preempted from imposing any regulation or additional terms on agreements or from creating any civil course of action involving the parties of the agreement.

The bill's provisions would also preempt any local statutes, laws, or regulations that require or impose obligations on an FFL beyond the requirements to receive a firearm by a lawful owner for temporary storage according to an agreement.

Exercise of Property Rights

The bill would specify that the voluntary exercise by a firearm owner of the right to temporarily transfer possession of a lawfully owned firearm pursuant to an agreement, and the subsequent exercise of the right to reclaim possession of such firearm, shall be deemed the lawful exercise of a property right and shall not give rise to:

- Any presumption of negligence, fault, recklessness, or foreseeability;
- Any inference that the firearm owner lacked the legal capacity or fitness to possess a firearm; or
- Any duty, obligation, or expectation that the firearm owner continue, extend, or delay reclaiming possession of the firearm beyond the terms of the agreement.

Protection of lawful possession of firearms. The bill would provide that an agreement, the decision to enter in an agreement, or the timing of a firearm's return according to the agreement shall not be used to diminish, condition, or burden a firearm owner's lawful right to possess property. The bill would further provide that an agreement shall not, standing alone, be admissible to establish a standard of care, breach of duty, or comparative fault in any civil action against the firearm owner.

Repealing the Prohibition on Firearm Suppressors and Barrel-length Requirements

The bill would remove firearm suppressors and the requirement that a shotgun have a barrel at least 18 inches long from current law in the Kansas Criminal Code regarding the criminal use of weapons and criminal carrying of a weapon.

Enhanced Sentencing for Crimes Involving Certain Firearms

The bill would provide for, when a firearm is used to commit any nonperson felony or any drug felony, the offender's sentence to be one severity level above the appropriate level for such offense if the trier of fact makes a finding beyond a reasonable doubt that the firearm was:

- Equipped with a device designed to suppress the report of the firearm; or
- A shotgun equipped with a forend and having a barrel less than 18 inches in length.

For nonperson felonies, the sentence imposed pursuant to this provision would not be considered a departure and would not be subject to appeal.

Conference Committee Action

The Conference Committee agreed to the provisions of Senate Sub. for HB 2501, as passed by the Senate, and to replace its provisions concerning firearms hold agreements with the provisions of House Sub. for SB 356, as passed by the House.

Background

The Conference Committee report contains provisions from Senate Sub. for HB 2501 and House Sub. for SB 356.

Senate Sub. for HB 2501 (Firearms Hold Agreements, Suppressors, and Short-barrel Shotguns)

The Senate Committee on Federal and State Affairs amended SB 503 to modify sentencing guidelines for certain felonies committed while using a firearm suppressor or short-barrel shotgun. The Senate Committee then inserted the amended contents of SB 503 into HB 2501 while retaining its contents, as introduced, and recommended a substitute bill be passed. Background information for each bill may be found below.

HB 2501

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Kessler.

House Committee on Federal and State Affairs. In the House Committee hearing, **proponent** testimony was provided by representatives of the Association of Community Mental Health Centers of Kansas, Greater KC Veterans Coalition, Johnson County Mental Health Center, Kansas Law Enforcement Crisis Intervention Team Council, Kansas Mental Health Coalition, the National Shooting Sports Foundation, and Up in Arms Kansas, who generally stated the immunity provisions of the bill would likely lead to additional FFLs entering into hold agreements with firearms owners, which in turn would prevent additional suicide attempts and deaths in Kansas.

Written-only proponent testimony was provided by Representative Stiens; representatives of the Johnson County Mental Health Center Advisory Board, National Rifle Association of America, Six Feet Over, and Up in Arms Kansas; and five private citizens.

Neutral testimony was provided by a representative of the Kansas Trial Lawyers Association, who stated the organization generally supports the bill's provisions, but also provided a potential amendment to make the immunity provisions of the bill more narrow.

Written-only neutral testimony was provided by a representative of the Armory Project.

No other testimony was provided.

The House Committee amended the bill to:

- Clarify immunity would apply regardless of any other federal or state provisions of law;
- Require the individual firearm owner to provide certain information concerning their held firearms and include an option for a secondary contact person;

- Replace the term “transaction” to “agreement” in the definition of “firearm hold agreement”;
- Add provisions concerning abandoned property;
- Add and define the term “municipality” to mean any city, county, and consolidated city-county;
- Clarify the scope of FFL liability;
- Remove provisions regarding unlawful conduct on the part of the FFL;
- Add provisions to allow an FFL to use discretion in refusing to enter an agreement;
- Preempt local regulation of agreements;
- Add language regarding property rights;
- Add language to prohibit liability of a firearm owner related to the existence of an agreement;
- Specify how and when a firearm is to be returned to the owner following the termination of an agreement; and
- Establish a timeline and manner for the destruction for records related to an agreement.

[*Note:* These amendments were not retained by the Conference Committee.]

SB 503

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Claeys.

Senate Committee on Federal and State Affairs. In the Senate Committee hearing, **proponent** testimony was provided by the Attorney General; representatives of the American Suppressor Association, Firearm Industry Trade Association, Kansas State Rifle Association, and Silencer Central; and one private citizen. The conferees generally stated the bill would align state law with federal standards and remove uncertainty regarding suppressor ownership and transfers. The conferees also stated firearm suppressors are safety tools that reduce gunshot noise and reduce hearing damage.

Written-only proponent testimony was provided by Representative Schmoe and representatives of the Congressional Sportsmen’s Foundation, Investment Arms and Coins, and National Rifle Association.

Opponent testimony was provided by representatives of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The conferees expressed concerns about removing the criminal prohibition on short-barrel shotguns and asked for an amendment to address criminal use of firearm suppressors.

No other testimony was submitted.

The Senate Committee amended the bill to provide for enhanced criminal penalties for certain felonies committed while using a firearm suppressor or short-barrel shotgun; added the amended contents of SB 503 to HB 2501 while retaining its contents, as introduced, and recommended a substitute bill be passed.

[*Note:* The Conference Committee retained the amended contents of SB 503 concerning suppressors and short barrel shotguns, but did not retain the contents of HB 2501, as introduced.]

House Sub. for SB 356 (Firearms Hold Agreements)

The House Committee on Federal and State Affairs recommended a substitute bill incorporating the provisions originally contained in HB 2501, as amended by the House Committee on Federal and State Affairs, concerning firearms hold agreements. Background information for HB 2501 is provided above.

The original provisions of SB 356 were removed from the bill. [*Note:* SB 356, as passed by the Senate, also concerned firearms hold agreements.]

The House Committee amended the provisions of HB 2501, as amended by the House Committee, to:

- Clarify immunity would apply regardless of any other federal or state provisions of law;
- Require the individual firearm owner to provide certain information concerning their held firearms and include an option for a secondary contact person;
- Replace the term “transaction” with “agreement” in the definition of “firearm hold agreement”;
- Add provisions concerning abandoned property;
- Add and define the term “municipality” to mean any city, county, and consolidated city-county;
- Clarify the scope of FFL liability;
- Remove provisions regarding unlawful conduct on the part of the FFL;
- Add provisions to allow an FFL to use discretion in refusing to enter an agreement;
- Preempt local regulation of agreements;
- Add language regarding property rights;
- Add language to prohibit liability of a firearm owner related to the existence of an agreement;

- Specify how and when a firearm is to be returned to the owner following the termination of an agreement; and
- Establish a timeline and manner for the destruction for records related to an agreement.

[Note: The Conference Committee retained these amendments.]

Fiscal Information

Senate Sub. for HB 2501 (Firearms Hold Agreements, Suppressors and Short Barrel Shotguns)

According to the fiscal note prepared by the Division of the Budget on HB 2501, as introduced, the Office of the Attorney General states that the bill would have no fiscal effect. The Office of Judicial Administration indicates that the bill would have a negligible effect on expenditures and would be absorbed within the agency's existing resources. Any effect of agency revenues and State General Fund (SGF) reserves would be negligible and cannot be estimated.

SB 503

According to the fiscal note prepared by the Division of the Budget on SB 503, as introduced, the Sentencing Commission estimates that enactment of the bill would result in a decrease of zero to one adult prison bed needed by the end of FY 2027, depending on the scenario. The scenarios project two fewer prison admissions if one person per year would have been convicted under the affected provisions and sentenced to prison, one fewer admission if two persons per year would have been convicted, and no change in admissions if three persons per year would have been convicted. By the end of FY 2036, zero to one fewer bed would be needed, depending on the scenario. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2026 Adult Inmate Prison Population Projections report, it is estimated that the year-end population will total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections indicates that enactment of the bill would decrease SGF expenditures by \$5,783 in FY 2027 and \$5,985 in FY 2028, assuming a bed impact of one fewer inmate. These savings represent the marginal cost of housing one inmate, which accounts for variable costs that fluctuate with population changes, such as food service and incentive pay, but excludes administrative overhead and housing unit staffing costs.

The Office of Judicial Administration indicates enactment of the bill could decrease the number of cases filed in district courts because it removes certain criminal prohibitions. This could decrease the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because these prohibitions carried felony penalties, there could also be less supervision of offenders required of court services officers, along with a decrease in the collection of supervision fees, docket fees, and fines that would otherwise have been deposited into the SGF. However, the Office indicates a precise fiscal effect cannot be

determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. The Board of Indigents' Defense Services indicates enactment of the bill would have no fiscal effect on its operations.

Any fiscal effect associated with enactment of the bill is not reflected in The *FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill would increase expenditures for city governments, as municipalities and law enforcement officers would need to develop new procedures and receive additional training related to the changes in law. The Kansas Association of Counties indicates enactment of the bill would decrease enforcement expenditures for county governments; however, neither organization was able to provide a precise estimate of the fiscal effect on local governments.

House Sub. for SB 356 (Firearms Hold Agreements)

House Sub. for SB 356 contained the contents of HB 2501, as introduced, with further amendments made by the House Committee on Federal and State Affairs. No fiscal note on House Sub. for SB 356 was available when the House Committee took action on the bill.

Firearms; federal firearms licensee; firearms hold agreement; immunity; liability; crimes; sentencing; suppressor

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