

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2501**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Senate Sub. for HB 2501 would create law concerning federal firearm hold agreements and amend the criminal prohibitions related to firearm suppressors and short-barrel shotguns.

Firearm Hold Agreements

The bill would grant immunity from civil liability to any federal firearms licensee in Kansas who enters into a firearm hold agreement and returns the firearm to the firearm owner at the termination of the agreement.

The bill specifies that the immunity granted would not apply to any action arising from a firearm hold agreement if such action was the result of otherwise unlawful conduct on the part of the federal firearms licensee.

The bill would define:

- “Federal firearms licensee” and “firearm” as defined in federal law; and
- “Firearm hold agreement” to mean a private transaction between a federal firearms licensee and an individual firearm owner in which the licensee takes physical possession of the owner’s

*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 <https://klrd.gov/>

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 transaction.

Repealing 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.

Background

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 federal firearms licensees (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 that would 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 Senate 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.

Fiscal Information

HB 2501

According to the fiscal note prepared by the Division of the Budget on the bill, 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 the bill, 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 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.

Firearms; federal firearms licensee; firearm hold agreement; immunity; liability