

SESSION OF 2014

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2140**

As Agreed to May 2, 2014

Brief*

HB 2140 would create a new law allowing in-state, off-duty and retired law enforcement officers, as well as out-of-state law enforcement officers and retired law enforcement officers, who meet the requirements of the federal Law Enforcement Officers Safety Act, to carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun. The bill would allow these active and retired officers to conceal carry handguns in buildings prohibiting the concealed carry of firearms and conforming to the security and signage requirements specified in either KSA 2013 Supp. 75-7c10 or 75-7c20.

The provisions of the bill would not apply to buildings where the possession of firearms is prohibited or restricted by order of the chief judge of a judicial district or by federal law or regulation. The provisions of the bill also would not apply to any officer or retired officer who was denied a conceal carry handgun license or whose concealed carry handgun license had been suspended or revoked under the provisions of the Personal and Family Protection Act.

In-state officers and retired officers would be required to remain in compliance with the firearms policies of their law enforcement agency, would be required to possess identification as required by that agency, and would be

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required to present such identification when requested by other law enforcement officers or persons of authority for the building where they are concealed carrying.

Similarly, the out-of-state officers and retired officers meeting the requirements of the federal Law Enforcement Officers Safety Act would be required to possess identification as required by the federal law and would be required to present that identification when requested by other law-enforcement officers or persons of authority for the buildings where they are concealed carrying.

The bill would define “law enforcement officer” as:

- Any person employed by a law enforcement agency, who is in good standing and is certified under the Kansas Law Enforcement Training Act;
- A law enforcement officer who obtained a similar designation in a jurisdiction outside the state of Kansas and within the United States; or
- A federal law enforcement officer who as part of such officer’s duties is permitted to make arrests and to be armed.

The bill would define “person of authority” as any person who is tasked with screening persons entering the building, or who otherwise has the authority to determine whether a person may enter or remain in the building.

The provisions of the indemnification section for municipalities found in 2014 HB 2578 would not apply to those employees required to carry a firearm as a condition of their employment.

Conference Committee Action

The Conference Committee agreed to delete the contents of HB 2140 and to insert the contents of Sub. for HB 2503, as passed by the House.

The Conference Committee also added language that amends 2014 HB 2578, which was approved by the Governor earlier in the 2014 Session. The amendment clarifies that municipalities are not liable for the actions or omissions relating to the actions of municipal employees who are not carrying a firearm as a condition of their employment.

Background

The original contents of HB 2140 related to educational matters considered during the 2013 Session and carried over to the 2014 Session in a conference report passed by the Senate in 2013. The House, in 2014, rejected the 2013 conference committee report and both chambers appointed new conferees during the 2014 session. The 2014 conference committee made adjustments based on two bills, inserting provisions from the first (Sub. for HB 2503) and correcting one provision in the second (HB 2578).

Substitute for HB 2503, as passed by the House

At the hearing in the House Committee on Federal and State Affairs for HB 2503, Representative Edwards, and representatives from the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, the Kansas Peace Officers Association, and the Kansas State Troopers Association appeared in support of the bill. Neutral testimony was provided by the Attorney General's Office. There was no opposing testimony on the bill.

The House Committee recommended a substitute bill that addressed where active and retired law enforcement officers, both in-state and out-of-state residents, may carry a concealed handgun. Originally, the bill only related to the issuing of concealed carry handgun licenses to retired law enforcement officers.

According to the fiscal note on the original bill, the Attorney General's Office indicated that enactment of the bill

would required modifications to the concealed carry license, costing the agency between \$5,000 and \$10,000, which would come from agency fee funds. The agency also anticipates negligible revenue loss as a result of eligible retired law enforcement officer no longer having to pay for conceal carry licenses. Any fiscal effect associate with the bill is not reflected in *The FY 2015 Governor's Budget Report*. There was no fiscal note available for the substitute bill.

HB 2578, as approved by the Governor

The bill was passed by the legislature and signed into law by the Governor during the 2014 Session. The bill, as approved by the Governor, addressed weapons and the regulation and possession of firearms and knives.

Firearms; concealed carry; handguns; law enforcement officers; weapons; knives

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