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MEMORANDUM

To: Chairman Brunk
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 13, 2015

Subject: SB 45 – Authorizing the carrying of concealed handguns without a license under the personal and family protection act.

Senate Bill No. 45 makes amendments to the Personal and Family Protection Act (Act) and other statutes governing the carrying of concealed firearms. These amendments would allow an individual to carry a concealed firearm without obtaining a license under the Act. The concealed carry license process under the Act would remain in place for those individuals that still want to obtain a license because the license is recognized by other states as a valid license to carry a concealed handgun.

Sections 1 through 6 of SB 45 make amendments to statutes that generally criminalize the carrying of a concealed handgun. These statutes contain various exceptions for individuals who possess a concealed carry license. Since the crime of carrying a concealed firearm is stricken under the bill, the exceptions for licensees are no longer necessary and are also stricken. The Senate Committee on Federal and State Affairs amended SB 45 on page 7 to reinstate the crime of carrying a concealed firearm if the individual is under the age of 21. Since individuals under 21 cannot obtain a concealed carry license, the exceptions to the crime are still not necessary and are still stricken.

Sections 7 through 14 of SB 45 make amendments to the Act to conform to the general policy change to not require a concealed carry license in order to carry a concealed handgun. For example, the language stricken on pages 14-16 of the bill contains the requirement to possess a concealed carry license and present it upon request and the provisions for recognizing a license issued by another state. The remaining amendments to these sections general strike references to the requirement to have a license.

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SB 45 amends two statutes with respect to carrying firearms in certain government buildings. Section 5 of the bill amends K.S.A. 21-6309, which generally prohibits the carrying of any firearms in certain government buildings. Currently, there is an exemption for concealed carry licensees. SB 45 strikes this exemption and replaces it with an exemption that allows an individual to carry a concealed handgun in such buildings provided such individual is permitted to possess a firearm under federal and state law.

Likewise, Section 14 of the bill amends K.S.A. 75-7c21, which generally allows licensees to carry a concealed handgun in the state capitol. The bill strikes the reference to licensee, and replaces it with a requirement that such individual be permitted to possess a firearm under federal and state law.

If enacted, SB 45 would become effective on July 1, 2015.