

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2081

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2081 would amend concealed carry law to specify that public employers would not be liable for any wrongful or negligent act of an employee carrying a concealed handgun, concerning acts or omissions regarding such handguns.

Background

The bill was introduced in the House Committee on Federal and State Affairs at the request of the League of Kansas Municipalities.

In the House Committee hearing, testimony in support of the bill was provided by representatives of the Kansas Association of Chiefs of Police, the Kansas Sheriffs' Association, the Kansas Peace Officers Association, the Kansas Association of Counties, and the League of Kansas Municipalities.

Written-only proponent testimony was provided by the City of Manhattan, Kansas and the City of Overland Park, Kansas.

Testimony in opposition of the bill was provided by the American Federation of Teachers-Kansas and the Kansas Organization of State Employees.

No other testimony was provided on the bill.

*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>

According to the fiscal note prepared by the Division of the Budget, the Office of the Attorney General (Office) states enactment of the bill would not have a fiscal effect on agency operations. The Office states state agencies and municipalities currently are immune from liability for acts or omissions regarding handguns that are carried in a state or municipal building. The bill would extend the protection from liability for public employers even if the public employee is not in a state or municipal building. While the Office has not been asked to defend any state agency from lawsuits resulting from wrongful or negligent acts of employees carrying concealed handguns, the bill would provide a mechanism to quickly dismiss cases that may be brought in the future.

Local governments could also avoid potential litigation costs arising from wrongful or negligent acts of carrying concealed handguns by public employees with enactment of the bill. However, neither the Kansas Association of Counties nor the League of Kansas Municipalities is able to estimate the fiscal effect, as the number of acts that would be mitigated is unknown. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.