

Approved June 26, 1992

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Sen. Edward F. Reilly, Jr. at 11:00 a.m. on February 20, 1992 in Room 254-E of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research Department
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:

Gary Stotts, Secretary, Department of Corrections
Jeff Gibbons, Topeka, Kansas

Others attending: See attached list

Sen. Reilly recognized Sen. Ward, who explained a proposal (Attachment 1) regarding real estate redemption rights and provides for criminal penalties, as discussed earlier by the committee. Sen. Ward made a motion the committee introduce the proposal, and it was seconded by Sen. Vidricksen. The motion passed.

Sen. Reilly introduced Gary Stotts, who presented three options (Attachment 2) to SB 616 to the committee. Committee members asked questions on the three options, and the Chairman commended Mr. Stotts and the DOC for doing a good job. Sen. Morris made a motion to amend SB 616, using the third option outlined by Mr. Stotts and pass the bill favorably. Sen. Walker seconded the motion. The Chairman clarified to the committee and staff the intent of the motion. The motion passed, and SB 616 will be reported favorably as amended.

Sen. Reilly introduced John Gibbons, who presented a proposal (Attachment 3) to the committee. Sen. Bond moved the committee introduce the proposal, and it was seconded by Sen. Ehrlich. Sen. Daniels asked Mr. Gibbons if he represented the National Rifle Association, and he replied he did not. Sen. Morris asked who drafted the proposal, and Sen. Reilly stated it is modeled after the Florida law. The motion passed.

Sen. Reilly asked the committee to look over the Minutes for committee meetings on February 4, 5 and 10. Sen. McClure made a motion the Minutes be approved, and it was seconded by Sen. Morris. Sen. Morris commented the Minutes were excellent! The motion passed, and the Minutes were approved.

The meeting adjourned at 11:30.

BILL NO. _____

AN ACT concerning equity skimming; establishing civil and criminal penalties.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) It shall be unlawful for any person who, with intent to defraud, willfully engages in a pattern or practice of:

(1) Purchasing one family to four family dwellings, including condominiums and cooperatives or acquiring any right, title or interest therein, including but not limited to an equity of redemption interest, which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust;

(2) failing to make payments under the mortgage or deed of trust as the payments become due, regardless of whether the purchaser is obligated on the loan; and

(3) applying or authorizing the application of rents from such dwellings for such person's own use.

(b) Violation of subsection (a) is a class A misdemeanor.

(c) Each purchase of a dwelling pursuant to subsection (a) shall be deemed a separate offense.

(d) In addition to other penalties that may be imposed by the court, any person violating subsection (a) shall pay a civil penalty of not more than the value of the mortgage on the dwelling per violation.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.



DEPARTMENT OF CORRECTIONS

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Joan Finney
Governor

Gary Stotts
Secretary

To: Senate Committee on Federal and State Affairs

From: Gary Stotts *Gary Stotts*
Secretary of Corrections

Subject: Senate Bill No. 616

Date: February 20, 1992

At the February 18th hearing on SB 616, the Committee requested that I review alternatives to the facility name changes related to the consolidations as now set forth in this bill. Three options have been identified and are briefly discussed herein.

1. All institution names as now set forth in statute could be deleted with the institutions then being named and operated as determined by the secretary of corrections. This could be interpreted as establishing the department as a single agency and that the institutions now set forth in statute would cease to be agencies. Accordingly, operations and budgets would be determined by the Secretary subject to appropriations format.
2. A second option would be to take no action on Senate Bill 616, thus leaving things as they are now. Osawatomie Correctional Facility, Toronto Correctional Work Facility, and El Dorado Correctional Work Facility, would remain in the statutes as institutions of the Department of Corrections. Stockton Correctional Facility, however, was removed from the statutes by previous legislation. As indicated during the February 18th hearing, administrative action to consolidate the management of Osawatomie Correctional Facility with Lansing Correctional Facility and Toronto and El Dorado Correctional Work Facilities with El Dorado Correctional Facility was taken last June. Budgets have been prepared based on this consolidation. It would be our intent to continue consolidated operations and budgets if this bill was not acted upon.

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3. A third option would be to leave the Osawatomie and Toronto facilities in the statutes and restore the Stockton facility to that status but authorize the secretary of corrections, for purposes of management and operation, to take administrative action to consolidate with another facility the administration and budget structure of one or more of the facilities listed in the statutes. These facilities would continue to be recognized in statute but, if determined appropriate by the secretary, could be consolidated for management purposes. Possible language to accomplish this objective is as follows:

"The secretary of corrections shall be authorized to consolidate the administration and operations of any of the correctional institutions established by K.S.A. 75-5202 and amendments thereto."

Option three appears to best resolve the issue at this time.

GS:CES/pa

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Federal and State Affairs

Recommends that Senate Bill No. 616

"AN ACT concerning certain state correctional institutions; affecting name consolidations and name changes; adjusting imprest funds; amending K.S.A. 1991 Supp. 21-4602, 75-3058 and 75-5202 and repealing the existing sections."

Be amended:

On page 1, by striking lines 24 through 42; in line 43, by striking "New Sec. 2." and inserting (b)";

By renumbering sections 3 and 4 as sections 2 and 3;

On page 2, in line 2, by striking "institutions" and inserting "institution"; in line 3, by striking "section 1" and inserting "subsection (a)"; in line 5, by striking "to which they are consolidated with" and inserting "with which it is consolidated";

On page 3, in line 5, before "Larned", by inserting "Osawatomie correctional facility,"; in line 7, before "Wichita", by inserting "Toronto correctional work facility, Stockton correctional facility,"; in line 29, before "Larned", by inserting "Osawatomie correctional facility,"; in line 31, before "Wichita", by inserting "Toronto correctional work facility, Stockton correctional facility,";

On page 4, after line 5, by inserting:

"Sec. 4. K.S.A. 75-5205 is hereby amended to read as follows: 75-5205. (a) The secretary of corrections shall have the general supervision and management of the correctional institutions of the state and such other facilities as may be acquired by lease, purchase or contract for the housing of persons in the secretary's custody. The secretary shall have general supervision, management and control of any manufacturing

or other business that may be carried on in behalf of the state pursuant to law, other than business enterprises operating under K.S.A. 75-5288, and amendments thereto, in and about any correctional institution or facility and shall have the power to receive, take charge, sell or otherwise dispose of any articles manufactured or produced for the benefit of the state, in the manner prescribed by law, other than articles, products and services produced or provided by business enterprises operating under K.S.A. 75-5288, and amendments thereto. The secretary shall have charge and general supervision of the grounds and buildings of such correctional institutions, and the secretary is hereby authorized to purchase the necessary material and supplies therefor. The secretary shall be authorized to consolidate the administration and operations of any correctional institutions.

(b) For purpose of carrying out the secretary's duties, the secretary shall have the authority to receive and expend federal funds and to contract with qualified individuals, partnerships, corporations, organizations, other agencies of the state and the federal government and its agencies.

(c) The secretary shall devote the secretary's entire time to the duties conferred upon the secretary by this act. The secretary may appoint such employees as may be necessary for the efficient management and administration of the department of corrections and as are within available appropriations therefor, and such employees shall be within the classified service under the Kansas civil service act unless otherwise specifically provided by law. Any person appointed as an attorney shall be in the unclassified service under the Kansas civil service act.

(d) The secretary may appoint such advisors or groups of advisors as the secretary deems necessary to carry out the duties imposed by this act. Such advisors or groups of advisors will serve at the pleasure of the secretary and may receive mileage and subsistence allowances.

(e) The secretary may accept and receive for the department of corrections or a correctional institution any gift of property

which the secretary determines would enhance the services provided by the department of corrections.

(f) The secretary of administration shall provide the department of corrections with office space at Topeka.";

Also on page 4, after line 13, by inserting:

"Toronto correctional work facility..... 5,000";

Also on page 4, after line 19, by inserting:

"Osawatomie correctional facility..... 4,000";

Also on page 4, in line 20, by striking "15,000" and inserting "19,000"; in line 29, before "K.S.A.", by inserting "K.S.A. 75-5202 and";

In the title, in line 8, by striking "affecting"; in line 9, by striking "name" and inserting "relating to"; in line 10, before "K.S.A.", by inserting "K.S.A. 75-5202 and";

And the bill be passed as amended.

Chairperson

PRESENTATION

MR. JOHN JEFFREY GIBBONS

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

02/20/92

Mr. Chairman, Members of the committee, my name is John Jeffrey Gibbons, and I reside at 1241 Boswell in Topeka, KS. I 'm here today to speak in support of proposed legislation that would provide qualified, responsible men and women of Kansas the opportunity to obtain a statewide license for the carry of certain concealed weapons. This act would allow the state to exercise reasonable control over licensing by conducting full background checks and requiring evidence that applicants have adequate training or experience. The system would be totally funded by user fees, and would be revenue neutral.

The proposal before you is not revolutionary. It is modeled on the existing uniform carry law that was so successfully implemented in Florida in 1987, that it has now been adopted by Idaho, Mississippi, Montana, and Oregon and is now pending in Texas and Oklahoma.

KBI statistics show that the overall violent crime rate in Kansas was up 8.5% in the first nine months of 1991 in comparison to the same period of the previous year. Murder increased more than 50%, rape by 9%, robbery by 17%, and

aggravated assault by nearly 5% The dramatic increase in gang activity and drug use has brought a wave of violent street crime to Kansas, streets where current law denies honest citizens the right to bear any effective means to protect themselves. And the police simply cannot protect everyone.

Kansas has only 5400 sworn peace officers to serve almost two and a half million citizens. At most, one fourth are on duty in any 8 hour time period. Consequently, the role of the police officer is one of only generalized crime prevention and after the fact response.

Nationwide over 650,000 Americans use firearms in self defense each year. That's 1780 a day, one at least every 46 seconds. Most of the time, no shot is even fired. The mere realization that a victim is armed is usually sufficient to discourage a criminal. A 1985 National Institute of Justice study showed that felons are more frightened of encountering an armed victim than of being caught by the police, and that they take care to avoid victims they believe might be armed. A full one third of the felons interviewed had been scared off, shot, or apprehended by an armed victim. Nearly 50% had at some time or other chosen not to commit a crime because they feared the potential victim might be armed.

The irony of laws that completely prohibit the carry of defensive weapons by responsible citizens is that they have made the streets safer for predatory criminals. Areas in the country with the strictest gun laws have: 1] the highest crime rates 2] the highest murder rates 3] the largest number of illegal guns on the street.

For many Kansans, the threat of crime is a much more frightening and immediate presence than that of the law. They find themselves caught in a moral dilemma, to live in constant fear every time they walk out the front door, or carry a weapon illegally and run the risk of going to jail. Roy Innes, the National Chairman of the Congress of Racial Equality called this an "immoral choice forced upon the individual and a violation of one's human and civil rights." He also points out that persons forced to arm themselves illegally are less likely to receive training in gun proficiency and safety. However, when qualified persons are able to become licensed much like being licensed to operate an automobile, they develop the necessary skills and judgement to handle their guns safely. When one considers that a recent survey revealed that 7% of handgun owners admitted to carrying guns outside the home, the need for effective licensing controls becomes obvious. A soundly conceived permit system would not increase the frequency of concealed carry by citizens, but it would allow reasonable governmental oversight instead of the existing ineffective and unrealistic prohibition.

When Florida's law went into effect in 1987, opponents predicted a wave of violence, shoot-outs over minor traffic accidents. They even dubbed Florida the GUNshine state. It just didn't happen. From the moment the law took effect the Florida Police Chiefs Association alerted all police chiefs to look for any violations. All gun incidents, however minor, were to be reported. After nearly a year of intense scrutiny, Willis Booth, FPCA executive director, had to admit the law was working very well, and none of the horror stories had come true.

General Counsel for the Florida Sheriff's Association, John Fuller, concurred that there were no instances of permit holders causing violent crimes.

Between 10/01/87 and 12/31/91, Florida's Division of Licensing received 116,249 permit applications. 97% were granted a license, 748 or 0.6% were denied. Because of the background check and non-refundable fee, those who don't meet the requirements usually don't bother to apply. Of the denials, 60% were refused on the basis of criminal history, and 40% were turned down due to incomplete applications. Of the licenses issued, only 117, 0.1%, had been revoked as of 12/31/91, and only 11 of those involved a firearms violation.

Qualified, law-abiding citizens are carrying their concealed weapons responsibly and safely. The Florida record is impressive, and I believe Kansas would be no less so. You have before you proposed legislation which has unique qualities. It is a rational and proven system that promotes public safety. It pays for itself. It invites the compliance of responsible citizens. And most importantly, it guarantees that the most basic of human rights, the right to protect and defend one's life, does not end at the front door.

Mr. Chairman, members of the committee, thank you for your attention and consideration.

PRESENTATION

MR. LARRY HESS

SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

02/20/92

Mr. Chairman, Members of the committee, my name is Larry Hess, and I reside at 1105 East 25th St. Terrace in Lawrence, KS. I am here today to join in sponsorship of this proposal. As my co-sponsor Mr. Gibbons has testified, the threat of violence to Kansans on our streets is real, the rights of citizens to the defense of their lives is necessary, and the vehicle by which they can be afforded the means is before you.

Although the value of this legislation as a sound instrument of public policy has been established, I would like to address a particularly important aspect as it relates to women. As a certified rifle, pistol and shotgun instructor for the past 15 years, I have been requested on numerous occasions to provide firearms training to adult women. The reasons given to me for such requests are usually those attributable to a perceived need for a means of personal self defense, both within and without the home. Although I am careful to adequately instruct on the prohibitions of K.S.A. 21-4201 as they relate to concealed carry of weapons, I often feel that a some of these women may at times carry a weapon anyway.

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Should they do so, it would not be surprising. It is estimated that three out of four women will face criminal attack in their lifetime. The U.S. Justice Department finds nearly half of all women have "not very much" or "no confidence" in the ability of the police to protect them from violent crime. With more women living alone, and more mothers raising children as single parents, it's understandable that firearms ownership is an increasingly popular defense option, an option that many women are unwilling to leave at home.

Mr. Chairman, members of the committee, thank you for your attention and consideration.

AN ACT providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 21-4201 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in this act:

- (a) "Bureau" means the Kansas bureau of investigation.
- (b) "Weapon" means handgun, electronic weapon or device, tear gas gun, knife or billy.

New Sec. 2. (a) The bureau may issue licenses to carry concealed weapons to persons qualified as provided by this act. Such licenses shall be valid throughout the state for a period of three years from the date of issuance.

(b) The licensee must carry the license or an actual copy thereof, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon and must display both the license and proper identification upon demand by a law enforcement officer. Violation of the provisions of this subsection shall constitute a class C misdemeanor.

New Sec. 3. (a) The bureau shall issue a license pursuant to this act if the applicant:

- (1) Is a resident of the state and has been a resident for six months or more immediately preceding the filing of the application;
- (2) is 21 years or more of age;
- (3) does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- (4) is not ineligible to possess a firearm pursuant to K.S.A. 21-4204 and amendments thereto by virtue of having been convicted of a felony;

(5) has not been, during the three years immediately preceding the date on which the application is submitted, committed for the abuse of a controlled substance or found guilty of a crime under provisions of the uniform controlled substances act or a similar law of another state or the District of Columbia relating to controlled substances;

(6) does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired if the applicant has been, during the three years immediately preceding the date on which the application is submitted, committed for the abuse of alcohol or has had two or more convictions under K.S.A. 8-1567 and amendments thereto, or under a similar law of any city, county, other state or the District of Columbia;

(7) desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(8) presents evidence satisfactory to the bureau that the applicant:

(A) Has satisfactorily completed a hunter education or hunter safety course approved by the secretary of wildlife and parks or by a similar agency of another state;

(B) has satisfactorily completed a national rifle association firearms safety or training course;

(C) has satisfactorily completed a firearms safety or training course or class available to the general public and offered by a law enforcement agency, community college, college, university, private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or criminal justice standards and training commission;

(D) has satisfactorily completed a law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies or any division or subdivision of

law enforcement or security enforcement;

(E) presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

(F) is licensed or has been licensed to carry a firearm in this state or a county or city of this state, unless such license has been revoked for cause; or

(G) has satisfactorily completed a firearms training or safety course or class conducted by a state certified or national rifle association certified firearms instructor;

(9) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted; and

(10) has not been an involuntary patient pursuant to the treatment act for mentally ill persons, or pursuant to a similar law of another state or the District of Columbia, unless the applicant possesses a certificate from a psychiatrist licensed to practice medicine and surgery in this state that the applicant has not suffered from disability for three or more years immediately preceding the date on which the application is submitted.

(b) The bureau may deny a license if the applicant has been found guilty of one or more crimes of violence within the three-year period immediately preceding the date on which the application is submitted or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three years.

(c) A photocopy of a certificate of completion of any of the courses or classes, an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant or a copy of any document which shows completion of the course or class or evidences participation in firearms

competition shall constitute satisfactory evidence of qualification under subsection (a)(8).

New Sec. 4. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the bureau and shall include:

(1) The name, address, place and date of birth, race and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within section 3;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 21-3805 and amendments thereto; and

(5) a statement that the applicant desires a concealed weapon or firearm license as a means of lawful self defense.

(b) The applicant shall submit to the bureau:

(1) A completed application as described in subsection (a);

(2) a nonrefundable license fee not to exceed \$125, if the applicant has not previously been issued a statewide license, or a nonrefundable license fee not to exceed \$100, for renewal of a statewide license;

(3) a full set of fingerprints of the applicant administered by a law enforcement agency of this state; and

(4) a photocopy of a certificate or an affidavit or document as described in subsection (c) of section 3.

(c) (1) The bureau, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be processed for any criminal justice information and shall forward a copy of the application and \$20 of the original license fee or \$10 of the renewal license fee to the sheriff of the applicant's county of residence. The cost of processing such fingerprints shall be paid by the applicant at

the time of submission of the application.

(2) The sheriff of the applicant's county of residence, at the sheriff's discretion, may participate in the process by submitting a voluntary report to the bureau containing any readily discoverable prior information that the sheriff feels may be pertinent to the licensing of any applicant. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the copy of the application. If the sheriff chooses, the sheriff may notify the bureau in writing, that the sheriff does not wish to receive copies of the application and the fee described in subsection (c)(1).

(3) The sheriff's office shall provide fingerprinting service at no charge to the applicant if requested by the applicant to do so.

(4) All funds received by the sheriff pursuant to the provisions of this section shall be deposited in the general fund of the county and shall be budgeted to the use of the sheriff's office.

(d) The bureau, within 90 days after the date of receipt of the items listed in subsection (b), shall:

(1) Issue the license; or

(2) deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in section 3. If the bureau denies the application, the bureau shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to the Kansas administrative procedure act.

(e) Any law enforcement officer, as defined by K.S.A. 21-3110 and amendments thereto, shall be exempt from the fees and background investigation required by this section for a period of one year subsequent to the date of retirement of such officer as a law enforcement officer.

New Sec. 5. (a) The bureau shall maintain an automated listing of licenseholders and pertinent information, and such information shall be available, upon request, at all times to all

law enforcement agencies in this state.

(b) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the bureau of such change, loss or destruction. Failure to notify the bureau pursuant to the provisions of this subsection shall constitute a class C misdemeanor.

(c) In the event that a concealed weapon or firearm license is lost or destroyed, the license shall be automatically invalid, and the person to whom the license was issued, upon payment of \$15 to the bureau, may obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the bureau that such license has been lost or destroyed.

New Sec. 6. The bureau shall suspend or revoke at any time, after notice and an opportunity for hearing in accordance with the Kansas administrative procedure act, the license of any person who would be ineligible under section 2 if submitting an application for a license at such time.

New Sec. 7. (a) Not less than 90 days prior to the expiration date of the license, the bureau shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the bureau. The licensee must renew the license on or before the expiration date by filing with the bureau the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in section 3, a completed fingerprint card, and the required renewal fee and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal application, fingerprint card and appropriate payment of fees. A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15.

(b) No license shall be renewed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application

for licensure and fees pursuant to section 4 must be submitted, and a background investigation shall be conducted pursuant to the provisions of that section.

(c) A person who knowingly files false information pursuant to this section shall be subject to criminal prosecution under K.S.A. 21-3805 and amendments thereto.

New Sec. 8. No license issued pursuant to this section shall authorize the licensee to carry a concealed weapon into:

(a) Any place where an activity declared a common nuisance by K.S.A. 22-3901 and amendments thereto is maintained;

(b) any police, sheriff or highway patrol station;

(c) any detention facility, prison or jail;

(d) any courthouse;

(e) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;

(f) any polling place;

(g) any meeting of the governing body of a county, city or other subdivision;

(h) any meeting of the legislature or a committee thereof;

(i) any school, community college, college, university or professional athletic event not related to firearms;

(j) any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

(k) any elementary or secondary school facility;

(l) any community college, college or university facility unless the licensee is a registered student, employee or faculty member of such community college, college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile; or

(m) any place where the carrying of firearms is prohibited by federal law.

New Sec. 9. (a) All moneys collected pursuant to this section shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the concealed weapon licensure fund, which is hereby created in the state treasury.

(b) Moneys in the concealed weapon licensure fund shall be used only to pay the expenses of administering this act, including payments to be made to sheriffs under section 4.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the concealed weapon licensure fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the concealed weapon licensure fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the concealed weapon licensure fund during the preceding month as certified to the board by the director of accounts and reports and (2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the concealed weapon licensure fund during the preceding month.

(d) All expenditures from the concealed weapon licensure fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the bureau for the purposes set forth in this section.

New Sec. 10. (a) The director of the bureau shall adopt such

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rules and regulations as necessary to administer the provisions of this act.

(b) On or before January 1 of each year, the director of the bureau shall submit a statistical report to the governor, president of the senate, the senate leader, the speaker of the house of representatives and the house minority leader indicating the number of licenses issued, revoked, suspended and denied during the preceding fiscal year.

New Sec. 11. The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed weapons for self-defense and finds it necessary to occupy the field of requisition of the bearing of concealed weapons for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this section is subjectively or arbitrarily denied the person's rights. The legislature does not delegate to the bureau the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions contained in this act. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited. This act shall be liberally construed to carry out the constitutional right to bear arms for self-defense. This section is supplemental and additional to existing rights to bear arms and nothing in this section shall impair or diminish such rights.

New Sec. 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

Sec. 13. K.S.A. 21-4201 is hereby amended to read as

follows: 21-4201. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(b) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(c) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(d) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(e) setting a spring gun;

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger;

(h) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a

plastic-coated bullet that has a core of less than 60% lead by weight.

(2) Subsections (1)(a), (b), (c), (d) and (g) shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(c) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(d) manufacture of, transportation to, or sale of weapons to a person authorized under (a) through (c) of this subsection to possess such weapons.

(3) Subsection (1)(d) shall not apply to or affect the following:

(a) Watchmen, while actually engaged in the performance of the duties of their employment;

(b) licensed hunters or fishermen, while engaged in hunting or fishing;

(c) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(d) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment; or

(e) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157

and amendments thereto.

(4) Subsections (1)(a), (f) and (g) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(5) Subsection (1)(h) shall not apply to a governmental laboratory or solid plastic bullets.

(6) Subsections (1)(b) and (1)(d) shall not apply if the person holds a current valid license, issued pursuant to sections 1 through 12, to carry a concealed weapon.

(7) It shall be a defense that the defendant is within an exemption.

~~(7)~~ (8) Violation of subsections (1)(a) through (1)(f) is a class B misdemeanor. Violation of subsection (1)(g) or (h) is a class E felony.

~~(8)~~ (9) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 14. K.S.A. 21-4201 is hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Att. 3
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