

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 41

As Recommended by Senate Committee on
Judiciary

Brief*

SB 41 would change the standard of care from strict liability to ordinary care if negligence in the storage of a firearm is at issue in a personal injury or wrongful death action.

Background

The proponent of the bill was Senator Phil Journey, sponsor of the bill. He testified that the bill is intended to clarify the holding in Kansas Supreme Court Case *Wood v. Groh*, 269 Kan. 420, 7 P.3d 1163 (2000). In *Groh*, the Court concluded that "firearms are inherently dangerous instrumentalities and commensurate with the dangerous character of such instrumentalities, the reasonable care required was the highest degree of care."

Senator Journey testified that the appropriate burden of duty is the ordinary standard of care.

There was no testimony in opposition to the bill.

The fiscal note from the Division of Budget states that passage of the bill would have no fiscal effect.

*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>