

SESSION OF 2007

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2528

As Amended by Senate Committee on
Federal and State Affairs

Brief*

HB 2528 would delete the authority of cities and counties to regulate firearms licenses by zoning measures; repeal the ability of public entities from restricting or prohibiting concealed weapons on public premises; repeal the ability of property owners from restricting or prohibiting concealed weapons; and require posting of signage at the areas that are in law as not allowing concealed weapons on the premises. The changes would be as follows:

- The bill would prohibit cities, counties, or other political subdivisions from establishing ordinances, rules, regulations or resolutions that regulate, restrict, or prohibit carrying concealed weapons, except that public or private employers could prohibit employees from carrying concealed weapons on the employers' property. In addition, any business open to the public could prohibit the carrying of a concealed weapon if the premises are posted. Any existing or future law or regulatory directive contrary to this would be null and void.
- The bill would allow any public or private employer to restrict or prohibit carrying a concealed weapon within a building or buildings of such business by the adoption of personnel policies; however, the restrictions or prohibitions do not apply to the parking facilities.
- The bill would allow the Kansas Bureau of Investigation (KBI) to obtain district court and treatment facility records

*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>

to determine eligibility to purchase and possess firearms under the Act.

- The bill would prohibit the Attorney General from issuing a concealed weapons license if an applicant has been convicted of a misdemeanor crime of domestic violence in any jurisdiction.
- The bill would require that signs be posted on all premises where carrying a concealed weapon is prohibited in law.
- The bill, under the concealed firearms statutes, would eliminate the property owner right from restricting or prohibiting a concealed firearm on the premises; however, the restriction or prohibition would remain under the trespassing statutes.
- The bill would prohibit a concealed carry weapon to be carried on any property other than a parking lot which is enclosed or permanently enclosed and has one or more controlled access points through which the public must enter.
- The bill, as amended, under the city and county firearms and ammunition limitations statute, would provide that nothing in this section would:
 - Prohibit a law enforcement officer from acting within the scope of such officer's duties;
 - Prohibit a city or county from regulating the manner of openly carrying a loaded firearm on one's person; or in the immediate control of a person, not licensed under the Act while on property open to the public;
 - Prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or

- Prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land, or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms, provided the ordinance, resolution or regulation would not apply to persons licensed under the Act.

The city and county firearms and ammunition limitations statute would provide that no person could be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if that person is storing or transporting the firearm without violating any provision of the Kansas Criminal Code or is otherwise transporting the firearm in a lawful manner. Persons transporting or storing a firearm would be subject to existing Kansas law.

Finally, prosecution of persons in violation of the concealed carry laws would be through the district court.

Background

Proponents for the original bill included Senator Phillip Journey, a representative of the Kansas State Rifle Association, and a representative of the Kansas Association of Chiefs of Police. Appearing in opposition to the bill was a representative of League of Kansas Municipalities, and the City of Overland Park.

The House Committee made several amendments to the bill to address the concerns of the League of Kansas Municipalities, Kansas Association of Chiefs of Police, and the Kansas Bureau of Investigation.

The House Committee of the Whole amended the bill to prohibit a city or county from regulating the open carrying of a loaded firearm. The House Committee of the Whole also

amended the bill to allow employers to restrict employees from carrying a concealed weapon. Finally, the Committee amended the bill to delete the provision that prohibited concealed carry at youth athletic events not involving firearms and on public property excluding parking lots.

The Senate Committee amended the bill to prohibit concealed carry on property that is fenced and has access at one point where the public may enter. Other amendments were technical.

The fiscal note on the bill indicates that enactment would not have a fiscal effect.