

SESSION OF 2008

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2811**

As Amended by House Committee on  
Elections and Governmental Organization

**Brief\***

HB 2811 would prohibit officials, during a declared state of emergency, from seizing firearms not otherwise prohibited by law, or from requiring registration of firearms not required to be registered under state law. An individual aggrieved by a violation of this bill could bring action in court seeking redress against a person for deprivation of rights provided by the bill, and for return of a firearm seized in violation of the bill. Reasonable attorney's fees would be awarded if the individual prevailed in court. The bill also would amend existing law by removing the Governor's specific authority to suspend or limit the sale, dispensing or transportation of firearms during a declared state of disaster emergency.

**Background**

Proponents of the bill included Representative Candy Ruff, the National Rifle Association, the Kansas State Rifle Association, the Kansas Sportsman Alliance, and two citizens from Greensburg. Opponents included the Kansas Association of Chiefs of Police, the Pratt County Sheriff, and the Kansas Bureau of Investigation.

The House Committee amended the bill to add a definition of seizure to clarify that, in the context of this bill, seizure involves forcibly dispossessing an owner of property.

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\*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>

The fiscal note prepared by the Division of the Budget indicates passage of the bill could increase litigation because of new violations created by the bill, but notes that any fiscal effect on the court system likely could be accommodated within existing resources.