

SESSION OF 2009

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2308

As Amended by Senate Committee on
Federal and State Affairs

Brief*

HB 2308 would allow members of the active duty military to obtain a concealed carry license number if they do not have a Kansas driver's license or a Kansas nondriver's license identification card. The Attorney General would have to assign a unique concealed carry license number to military applicants. Upon completing all other requirements for a concealed carry permit, members of the armed forces could be granted a license under the Personal and Family Protection Act.

Under the bill, the Attorney General would not be required to issue a concealed carry license if any applicant has:

- Attempted to commit suicide in the five years immediately preceding the application; or
- Has been adjudicated as a mental defective or committed to a mental institution.

The bill would define, "adjudicated as a mental defective" to mean a determination of the court, board or commission or other lawful authority that a person as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease:

- Is a danger to himself or others; or
- Lacks the mental capacity to contract or manage such person's own affairs.

*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>

“Adjudicated as a mental defective” would include a finding of insanity by a court in a criminal case, and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to Articles 50a and 72b of the United States Uniform Code of Military Justice.

The bill also would define “committed to a mental institution” to mean a formal commitment of a person to a mental institution by a court, board or commission or other lawful authority. “Committed to a mental institution” also would include a commitment to a mental institution involuntarily, commitment for mental defectiveness or mental illness and commitments for other reasons such as drug use. “Committed to a mental institution” would not include a person in a mental institution for observation or a voluntary admission to a mental institution.

Background

Proponents of the original bill included Representative Melanie Meier; Larry Noell, Fort Leavenworth Rod and Gun Club; and Jordan Austin, National Rifle Association. A spokesperson from the Kansas Bureau of Investigation indicated that provisions in the bill could be implemented by his agency in cooperation with the Department of Revenue which would create a K-number for members of the military who are not required to have valid Kansas drivers’ licenses under this amendment.

The Senate Committee amended the bill to eliminate references to a Kansas driver’s license or Kansas identification card that could have contained the concealed carry license number as it applied to military personnel.

The Senate Committee also amended the bill to prohibit a concealed carry license be issued to a person who has attempted suicide within five years immediately preceding the

application or has been “adjudicated as a mental defective” or has been “committed to a mental institution.”

In the Division of Budget fiscal note, the Office of Attorney General and the Department of Revenue stated the original bill would have no fiscal effect.