

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 306**

As Agreed to April 30, 2010

**Brief\***

House Sub. for SB 306 would amend the Personal and Family Protection Act, which established the concealed carry law. The proposed amendments would remove a number of current provisions, modify other current provisions, adjust various fees associated with licensure, add several new provisions, and make technical amendments. The bill would:

- Change the term “weapon” to “handgun” in the Act.
- Delete a number of current requirements that must be determined prior to licensure in order to qualify to carry a concealed handgun after compliance with the application and training requirements.
- Maintain the requirements to be determined prior to obtaining a concealed carry license that a person cannot obtain a license if prohibited from possessing a firearm either by federal or state law, is at least 21 years of age, and is a resident of the state and county where application for licensure is made.
- Add a provision that would allow a person to carry a concealed handgun while the application is pending if the individual meets certain criteria enumerated in a new provision.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Modify the process of re-qualification for license renewal by eliminating certain current requirements.
- Modify the driver license requirement for dependents of certain military personnel relative to the license application process.
- Reduce the current fees associated with licensure for concealed carry and also reduce fees for renewals.
- Eliminate the requirement for fingerprinting of applicants for renewal of a concealed carry license and add a requirement for a name-based national criminal records check for renewals.
- Add a provision that extends the term of a license for 90 days after a person is no longer a resident of the state.
- Modify the provisions which govern the public and private places a licensee may not carry a concealed handgun and provide new language for violations, with a first offense a \$50 fine, a second offense a \$100 fine, and the third or subsequent offense a class B misdemeanor.
- Exclude parking lots and garages from being included in any public or private facility where a concealed handgun is prohibited.
- Revise the dimensions, locations, and other features of signs prohibiting the concealed carry of handguns, subject to rules and regulations adopted by the Attorney General.
- Amend the current provisions governing the crime of carrying a concealed handgun while under the influence or alcohol or drugs.
- Delete implied consent for testing for alcohol or drugs under most circumstances, except in cases of death or serious injury caused by the license holder for concealed carry of a handgun.

- Add an additional exception to the general criminal prohibition of firearms possession for individuals who possess a license to carry a concealed handgun.
- Conform additional sections of law previously amended by other bills with the changes adopted in this legislation.

### **Conference Committee Action**

The Conference Committee agreed to the House Substitute version of the bill, as amended by the House Committee of the Whole, then made a number of modifications to the provisions in the bill to adjust the fees authorized and the method of payments acceptable, to add references to certification statutes regarding testing for alcohol and drug use, and to include technical amendments as suggested by the Revisor's of Statutes Office, principally adding "handgun" instead of "weapon" to other statutes originally not included in the legislation and amending other statutes modified by other bills to conform with provisions in this legislation.

### **Background**

The House Committee deleted the contents of SB 306 which originally had amended the Kansas Fireworks Act. The House Committee inserted the contents of SB 504 that amends the Personal and Family Protection Act. SB 504 remained in the Senate Judiciary Committee at the end of the 2010 Session.

There were no proponents or opponents who testified in the House Committee on SB 504. A balloon of the proposed amendments to the provisions of the current concealed carry law was presented by a member of the House Committee. The House Committee adopted the suggested changes in the balloon amendments for SB 504 that would modify the Personal and Family Protection Act. The approved revisions and content of SB 504 were incorporated into House Sub. for SB 306.

According to the Office of the Attorney General, passage of the original SB 504 would decrease the agency's revenues in the Concealed Weapon Licensure Fund by approximately \$505,225 in FY 2011. The bill would reduce the initial application fee by \$50 and the renewal application fee by \$25. The agency estimates it will receive 6,500 new applications and 7,209 renewal applications in FY 2011. Under current law, the agency will receive \$715,000 (6,500 X \$110) for new application fees and \$360,450 (7,209 X \$50) for renewal applications. Under SB 504 the agency would receive \$390,000 (6,500 X \$60) for new application fees and \$180,225 (7,209 X \$25) for renewal applications for a total of only \$570,225 in FY 2011 for all application fees. The agency also estimates expenditures for the Concealed Carry Unit will be \$741,320 in FY 2011. While the revenues generated from fees would be \$171,095 less than the Unit's estimated expenditures, the balance in the Concealed Weapon Licensure Fund would supplement the difference in FY 2011. In future years, this Unit would need funds from another source to administer the provisions of the Personal and Family Protection Act. The agency estimates the shortfall in funds for FY 2012 would be \$173,310 and FY 2013 would be \$398,065.

No fiscal note was available for House Sub. for SB 306.

SB 306 as originally passed by the Senate would have created the Fireworks and Explosives Fund within the State Fire Marshal, and would have amended existing law to direct license fees received under the Kansas Fireworks Act to be deposited into this newly created fund.

Proponents of SB 306 as passed by the Senate included a representative of the Kansas State Fire Marshal's Office.

Personal and Family Protection Act; concealed carry