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**Testimony to the House Committee on Federal and State Affairs
In Support of HB2406
February 21, 2023**

Chairman Carpenter and Committee Members:

Our associations strongly support passage of HB2406 which would prohibit persons in charge of a building from requiring off-duty or retired law enforcement officers carrying a concealed handgun to provide personal identifying information or being forced to wear anything that would identify such persons as a law enforcement officer or as being armed.

This committee passed this bill favorably last year as HB2677. However, it was never brought above the line.

Since passage of the Kansas Personal and Family Protection Act, off-duty law enforcement officers who elect to carry a concealed handgun to locations or events have been forced to submit personal identifying information. In some locations the off-duty officers are required to wear wrist bands to designate that the off-duty officer is carrying a concealed handgun. Objecting to the demand for information results in being denied entry or being asked to leave.

Here are two examples.

In Wichita, at Riverfront Stadium, I went to one of the opening season baseball games. I parked and went to the northwest entrance. I provided my identification and advised the unarmed gate keeper that was checking persons entering the venue. I was stopped and an off-duty contracted police officer working at the venue was called over. I was escorted to the south side of the venue to a different entrance.

Once at the second entrance, I was required to provide my identification, which is not a problem. I was then required to fill out a document that consisted of my personal identifying information. The gate worker then took a photo of my identification. After filling out the "entry questionnaire", the gate worker pulled out a florescent wristband and advised that I was required to wear it. Only then was I allowed back into the venue, with the off-duty contracted police officer escorting me to my seat. I would have left at this point, but I had friends waiting for me.

In a second situation, one of my officers was escorted from Via Christi, St. Joseph Hospital in Wichita.

One of my officers was working when a friend called him. The friend was going through a mental crisis and asked for help. My officer took time off and went to the friend and took him to the hospital for a mental examination and treatment for this acute event. They arrived and went to the non-secure public waiting room area.

When informed by hospital staff that the off-duty officer's friend was going to be admitted, a nurse asked the off-duty officer if he wanted to see his friend before they took him upstairs. My officer told the staff member that he shouldn't go back to the secure area and explained that he

was an off-duty police officer and had his off-duty weapon with him. The staff member walked away.

Moments after the staff member left, two armed security guards trotted toward my officer and demanded to know if he was armed. He explained that he was and offered to show his identification. He wanted to get permission to get his departmental ID from his pocket. He was told by both armed security guards that they did not care who he was and that he couldn't have a weapon in the hospital. He was given the option of taking his off-duty weapon to his vehicle and returning inside or just leaving. He decided that since he had no lockable area in his truck, he would just leave. He was escorted from the hospital.

These are two examples from two people. There are hundreds of officers in our state exposed to similar procedures. In speaking with our organization's members, these are not isolated incidents. This type of treatment occurs at many locations and venues across our state.

The first example is a matter of public policy by a governing entity while the second example is a private business that was not informed of the Kansas Personal and Family Protection Act.

The first example, and similar occurrences at government owned venues are troubling. The processes seems to have been developed as a way to circumvent the intent of 75-7c22 and dissuade off-duty officers from concealed carry.

We would direct your attention to 75-7c17 where the legislature directed specific language at cities, counties and other political subdivisions not to regulate, restrict, or prohibit the carrying of concealed handguns except as provided in other parts of the Act. These restrictions are not specifically for law enforcement officers.

But, one would infer from 75-7c17 that the legislature did not want cities, counties, and other political subdivisions from unduly putting roadblocks in the way of otherwise legal carry of a firearm.

In 75-7c22, the legislature addressed law enforcement.

75-7c22. Off-duty or retired law enforcement officers; carrying a concealed handgun, when. (a) An off-duty law enforcement officer may carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun regardless of whether the requirements of K.S.A. 2014 Supp. 75-7c10 or 75-7c20, and amendments thereto, for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided:

- (1) Such officer is in compliance with the firearms policies of such officer's law enforcement agency; and
- (2) such officer possesses identification required by such officer's law enforcement agency and presents such identification when requested by another law enforcement officer or by a person of authority for the building where the carrying of concealed handguns is otherwise prohibited.

We would offer that by requiring personal identifying information and placing a wristband on someone covered by 75-7c22 before that person is admitted to a venue or as a requirement to be admitted into the venue is akin to creating a regulation or rule to restrict, or if not prohibit, to dissuade the carrying of concealed handguns by off-duty or retired law enforcement officers. We don't believe that was the original intent of the legislature when the Kansas Personal and Family Protection Act was passed.

In our opinion, HB2406 would resolve the issues we are experiencing and mesh with the original intent of the statute K.S.A.75-7c01 et seq.

Thank you for your consideration.

Darrell Atteberry, Chief of Police
Kansas Association of Chiefs of Police, Legislative Chair