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**Testimony in Support of House Bill 2042
As Amended by the House Committee of the Whole**

**Presented to the Senate Committee on Federal and State Affairs
By Assistant Attorney General C.W. Klebe**

February 13, 2018

Mr. Chairman and members of the Committee, thank you for allowing me to provide testimony with regard to portions of House Bill 2042, as amended by the House Committee of the Whole (HCW). I am Director and Assistant Attorney General designated to the Concealed Carry Licensing Unit (CCLU) of the Attorney General's Office (OAG). I supervise a staff of six persons and provide legal counsel for the CCLU in its administrative and regulatory functions of the licensing provisions found in the Kansas Personal and Family Protection Act (KPFPA).

2018 Amendments

HB2042 was originally submitted in 2017 by the OAG. There we sought amendments, under Sections 1 and 2, to clarify a couple of matters relating to how the KPFPA should be applied. These two sections were not substantively amended by the 2018 HCW. I am here today offering our support for the underlying bill and I provide further explanation of those Sections below.

The HCW did add new Sections 3 through 7 to HB2042. Those amendments, in short, seek to: (1) lower the age of persons who can qualify for a Kansas CCH license (Sections 3 through 6); and (2) allow "postsecondary educational institutions" some flexibility in terms of restricting unlicensed concealed carry within their campus buildings (Section 7). The OAG does not take a position on the amendments made in Sections 3 through 7.

Recognition Language: 75-7c03

During the 2013 legislative session, in order to help broaden the list of states that honored the Kansas CCH, Attorney General Schmidt helped amend the KPFPA so that all valid licenses issued by another jurisdiction were honored in Kansas so long as the holder of the license was not a Kansas resident. With that 2013 amendment, Kansas added eight other states' licenses to the list of states that honor the Kansas license.

With the passage of unlicensed concealed carry in 2015, that mandatory recognition language was stricken from K.S.A. 75-7c03. While that all-inclusive recognition language was theoretically no longer necessary in order for a qualifying, non-resident to carry concealed handguns in Kansas, that language did

carry some legal weight with respect to Kansans being able to reciprocally carry concealed in other jurisdictions.

Fortunately, while an actual example has not reared its head as of yet, the removal of that recognition language from K.S.A. 75-7c03 *could* have the unintended consequence of Kansas losing *recognition of our license* in states which require true reciprocity (i.e., Kansas *must* honor State A's license before State A may/shall honor Kansas' license). In short, we would hate for a state, on their own interpretation, to find no authority for their CCH license to be honored by Kansas and, consequently, notify the OAG that the Kansas CCH can, again, not be recognized by that state.

The bill before you today would largely restore the 2013 language, while recognizing that state law now allows for the carrying of a concealed handgun without a license.

Confidentiality Protections

The language proposed by Section 2 is a proactive attempt to make sure that any person from a state or municipal agency (or contractors of those agencies) who becomes privy to information about a concealed carry applicant or licensee shall keep that information confidential or be subject to criminal penalty.

Currently, only the OAG is specified under the language of K.S.A. 75-7c06. As part of the licensing process, however, the KPFPA sets out several scenarios where the OAG must consult other state and municipal agencies regarding incidents or CCH status in general.

For example, the Kansas Department of Revenue issues the actual CCH. Their database also provides 24-hour access to law enforcement officers who may need to verify CCH status (via driver's license or state identification card number). To accomplish that, KDOR, to some degree, maintains a record of every applicant/licensee's current status. Another example, among others, would be where Kansas law *requires* the OAG to disclose license status to a record holder when the OAG is reviewing an expunged record.

It has always been the interpretation of the OAG that, generally, *any* public agency's disclosure of CCH status and/or their identifying information to the public was to be prevented by 75-7c06. Committee members may recall the 2012 disclosures made in a New York publication that revealed locations of over 40,000 permittees in a New York county. Whether done via open records request or otherwise, to avoid issues like those or similar events in Kansas, these amendments will make clear that *any* person operating within a state or municipal agency is subject to the limitations and allowances of K.S.A. 75-7c06.

Again, I appreciate the Committee's time and attention to this testimony.