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House Federal and State Affairs Committee
HB 2422

Assistant Attorney General Charles W. Klebe
January 24, 2012

Mr. Chairman and members of the committee, thank you for allowing me to provide neutral, written testimony concerning HB 2422 on behalf of Attorney General Derek Schmidt. I am the Assistant Attorney General responsible for the Concealed Carry Unit of the Attorney General's office and I am available for questions should the need present. With this submission, I simply wish to highlight some technical areas of consideration that were also submitted with the Attorney General's fiscal impact response to HB 2422.

Technical/Mechanical Defects:

1. Under subsection (b)(2), there should be language which references new subsection (h) – i.e., “except as provided by subsections (g) *and* (h), . . .”
2. Subsections (g)(1) and new (h) should both allow applicants to submit their payments via “two cashier checks, *personal checks* or money orders, . . .” The KPFPA was amended in 2010 to allow payment of application fees via personal checks;
3. Under new subsection (h), it should be noted that “corrections officer” is defined under K.S.A. 75-5202;
4. The Unit would recommend amending new subsection (h) into “(h)(1)” and adding a ‘proof of certification’ paragraph as “(h)(2)” [the same as found under subsection (g)(2) but with language specific to ‘corrections officers’];
5. To remain consistent with previous amendments to the KPFPA, subsections (g)(1)(B) and new (h)(1)(B) should be amended to read that the applicant is “exempt from the required completion of a *handgun* safety and training course. . .”; and
6. It should be noted under new subsection (h) that, according to Kansas Dept. of Corrections staff, there are very few “corrections officers” who have been certified to carry firearms through the Kansas commission on peace officer’s standards and training (“CPOST”). The vast majority of corrections officers are certified through the KDOC. This brings up an intent issue with the new provision: if the intent was to only allow “corrections officers” who are *also* CPOST certified to be eligible for these exceptions, then the reference to CPOST is fine. If, however, the intent was to allow any KDOC-certified “corrections officer” to be eligible then the language would need to be modified to reflect the certifying KDOC program;

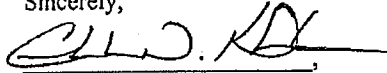
Fiscal Impact:

The bill asks for a reduction of application fees to the Attorney General, specifically asking for a reduction from \$100 to \$50. The Attorney General pays the KBI a \$50 fee per application to conduct the required state and national background check and for continued criminal history updates known as “rapback” notifications. The net effect of this fee reduction is a loss of monies for the Attorney General to administer the applications on our end. Based on current numbers, KDOC believes there are approximately 1840 corrections officers that might be eligible for a potential loss of \$92,000. This number is obviously fluid as the years progress and the fiscal

impact on the Attorney General could be negligible so long as the corrections officer applications are spread out over time and the fee fund balance is sufficient to cover the budget.

Again, the Attorney General and the CCU have no opinion as to the policy considerations of this bill. The above noted areas, however, are important to highlight in the event that the provisions of this bill eventually become law.

Sincerely,

A handwritten signature in black ink, appearing to read "C. W. Klebe", with a horizontal line underneath it.

Charles W. Klebe
Assistant Attorney General