

HOUSE BILL No. 2379

By Committee on Federal and State Affairs

Requested by Representative Ousley

2-11

1 AN ACT concerning firearms; relating to the Kansas bureau of
2 investigation; enacting the Kansas voluntary do-not-sell firearms list
3 act; requiring the Kansas bureau of investigation to establish the
4 Kansas voluntary do-not-sell firearms list; permitting a person to
5 submit a request form to a healthcare provider to add such person to the
6 list; establishing a civil fine of not to exceed \$500 or up to five hours of
7 community service for violations of such act.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. Sections 1 through 5, and amendments thereto, shall be
11 known and may be cited as the Kansas voluntary do-not-sell firearms list
12 act.

13 Sec. 2. As used in the Kansas voluntary do-not-sell firearms list act:

14 (a) "Act" means sections 1 through 5, and amendments thereto.

15 (b) "Healthcare provider" means a person who provides healthcare or
16 professional services related to healthcare and is acting within the scope of
17 the person's license, certification, practice, education or training.

18 (c) "List" means the Kansas voluntary do-not-sell firearms list
19 established by section 3, and amendments thereto.

20 Sec. 3. (a) The Kansas bureau of investigation shall establish the
21 Kansas voluntary do-not-sell firearms list to prevent the purchase of
22 firearms by any person who voluntarily registers to be placed on the list.
23 The Kansas bureau of investigation shall maintain and update the list, and
24 the list shall be used in accordance with 18 U.S.C. § 922 to advise a dealer
25 licensed under 18 U.S.C. § 923 if the Kansas bureau of investigation's
26 records indicate that a buyer of firearms is prohibited from purchasing a
27 firearm. The Kansas bureau of investigation shall adopt any rules and
28 regulations and develop any policies that are necessary for the
29 implementation of the list.

30 (b) The Kansas bureau of investigation shall withhold from public
31 disclosure all information regarding a request to be placed on or removed
32 from the list and any other personally identifiable information contained in
33 or related to the list, except that such information may be disclosed to a
34 law enforcement officer acting in the performance of such officer's official
35 duties or the applicant with respect to such applicant's own information.

1 The provisions of this subsection shall expire on July 1, 2030, unless the
2 legislature reviews and acts to continue such provisions pursuant to K.S.A.
3 45-229, and amendments thereto, prior to July 1, 2030.

4 Sec. 4. (a) (1) Any person 18 years of age or older may apply in
5 writing to the Kansas bureau of investigation to request voluntary
6 placement on the list and, after being placed on such list, may apply in
7 writing to the Kansas bureau of investigation to request removal from such
8 list. The application for placement on or removal from the list shall be on
9 forms prescribed by the Kansas bureau of investigation. The Kansas
10 bureau of investigation shall make the forms available on the Kansas
11 bureau of investigation's website.

12 (2) In addition to the provisions of paragraph (1), a person may
13 submit to any healthcare provider a form requesting for such person to be
14 added to the list. The healthcare provider shall verify the person's identity
15 before accepting the form and may not accept a form from someone other
16 than the person named on the form. By the end of the business day on
17 which the form was received, the provider shall electronically deliver the
18 person's completed form to the Kansas bureau of investigation.

19 (b) Any person requesting placement on or removal from such list
20 shall submit a photocopy of one valid form of photo identification issued
21 by a governmental agency of the applicant's state of residency or by the
22 United States department of defense or the United States department of
23 state to be included with the placement and removal form. Such request for
24 placement on or removal from the list may be submitted to the Kansas
25 bureau of investigation by mail or in person at any publicly accessible
26 Kansas bureau of investigation office.

27 (c) Upon placing a person on the list, the Kansas bureau of
28 investigation shall immediately forward a person's eligibility to purchase a
29 firearm to the national instant criminal background check system created
30 by the federal Brady handgun violence prevention act, public law 103-159,
31 or any successor system. The Kansas bureau of investigation shall also
32 notify such person by mail that such person has been placed on the list.

33 (d) The Kansas bureau of investigation shall remove any person from
34 the list after receipt of such person's removal request. Upon removal of a
35 person's name from the list, the Kansas bureau of investigation shall
36 update such person's eligibility to purchase a firearm in the national instant
37 criminal background check system and destroy all records of such person's
38 placement on and request for removal from the list within 72 hours
39 thereafter.

40 Sec. 5. (a) It shall be unlawful for any person to inquire as to whether
41 another person has been placed on the list for any purpose other than to
42 determine such person's eligibility to purchase a firearm.

43 (b) It shall be unlawful for any person to knowingly give any false

1 information or to make any false statement with the intent of placing or
2 removing any other person on or from the list.

3 (c) It shall be unlawful for any person to discriminate against a
4 person with respect to healthcare services, employment, education,
5 housing, insurance, governmental benefits or contracting because that
6 person is not on the list, is on the list or has previously been on the list.

7 (d) It shall be unlawful for any dealer licensed under 18 U.S.C. § 923
8 to knowingly transfer a firearm to a person who is on the list.

9 (e) Any person who violates this act shall be assessed a civil penalty
10 of not more than \$500 or up to five hours of community service. This
11 subsection shall not apply to a person who has requested to be, is or has
12 been placed on the list if any such violation relates directly to such
13 person's request or placement.

14 Sec. 6. This act shall take effect and be in force from and after its
15 publication in the statute book.