

HOUSE BILL No. 2234

By Representative Ousley

2-11

1 AN ACT concerning firearms; relating to protective orders; enacting the
2 voluntary gun safety act.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Sections 1 through 8, and amendments thereto, shall be
6 known and may be cited as the voluntary gun safety act.

7 (b) As used in the voluntary gun safety act:

8 (1) "Gun safety protective order" means an order issued by a court
9 pursuant to section 3, and amendments thereto, prohibiting the petitioner
10 from purchasing any firearms.

11 (2) "Petitioner" means an individual who files a petition pursuant to
12 section 2, and amendments thereto, seeking a gun safety protective order
13 against such individual.

14 Sec. 2. (a) A petitioner may seek a gun safety protective order by
15 filing a petition in the district court of the county where the petitioner
16 resides.

17 (b) The petition shall set forth the grounds for issuance of the order.
18 The petition shall also state whether there is any current or prior protective
19 order issued against the petitioner. The clerk of the court shall verify the
20 terms of any current court order affecting the petitioner.

21 (c) All health records and other health information provided in a
22 petition or considered as evidence in a proceeding under this act shall be
23 protected from public disclosure to the extent such records identify the
24 petitioner, except that such information may be provided to law
25 enforcement agencies as set forth in section 5, and amendments thereto.

26 (d) Upon the filing of the petition, the court shall set a date for a
27 hearing within 14 days. Notice of the hearing shall be personally served on
28 the petitioner by a law enforcement officer, or if personal service by a law
29 enforcement officer is not possible, in accordance with K.S.A. 60-301 et
30 seq., and amendments thereto.

31 Sec. 3. (a) A petitioner requesting a gun safety protective order shall
32 include in the petition detailed allegations based on personal knowledge
33 that the petitioner poses a significant danger of causing personal injury to
34 self or others by purchasing a firearm.

35 (b) In determining whether to issue a gun safety protective order, the
36 court shall consider all relevant evidence presented by the petitioner, and

1 may also consider other relevant evidence, including, but not limited to:

2 (1) Act or threat of violence against self or another, whether or not
3 such act or threat involves a firearm;

4 (2) violation of any protective order included in K.S.A. 2018 Supp.
5 21-5924, and amendments thereto; or

6 (3) abuse of controlled substances or alcohol or any criminal offense
7 that involves controlled substances or alcohol.

8 (c) If the court finds by a preponderance of the evidence at the
9 hearing that the petitioner poses a significant danger of personal injury to
10 self or others by purchasing a firearm, the court shall issue a gun safety
11 protective order.

12 (d) A gun safety protective order shall include all of the following:

13 (1) A statement that the petitioner may not purchase, or attempt to
14 purchase a firearm while the order is in effect;

15 (2) a statement that any license to carry a concealed handgun issued
16 to the petitioner pursuant to K.S.A. 2018 Supp. 75-7c03, and amendments
17 thereto, shall be invalid while the order is in effect and shall be
18 surrendered to the court immediately;

19 (3) a statement of the grounds supporting the issuance of the order;

20 (4) the address of the court that issued the order;

21 (5) a statement that the petitioner shall have the right to request a
22 hearing to terminate the order at any time while such order is in effect,
23 except no such request may be filed until one year after the date of
24 issuance of such order; and

25 (6) a statement that the person may seek the advice of an attorney as
26 to any matter connected with the order.

27 Sec. 4. (a) A petitioner subject to a gun safety protective order may
28 submit a written request at any time during the effective period of the
29 order for a hearing to terminate the order, except no such request may be
30 filed until one year after the date of issuance of such order.

31 (b) Upon receipt of the request for termination, the court shall set a
32 date for a hearing. The hearing shall occur no sooner than 14 days from the
33 date the request is filed.

34 (c) The petitioner seeking termination of the order shall have the
35 burden of proving by a preponderance of the evidence that the petitioner
36 does not pose a significant danger of causing personal injury to self or
37 others by purchasing a firearm.

38 (d) If the court finds after the hearing that the petitioner has met the
39 petitioner's burden, the court shall terminate the order.

40 Sec. 5. (a) The court shall notify the Kansas bureau of investigation
41 no later than one day after issuing or terminating a gun safety protective
42 order.

43 (b) The information required to be submitted to the Kansas bureau of

1 investigation shall include identifying information about the petitioner and
2 the date the order was issued or terminated.

3 (c) Within one business day of service, a law enforcement officer who
4 serves a gun safety protective order or the clerk of the court shall submit
5 the proof of service to the Kansas bureau of investigation, including the
6 name of the person submitting the proof of service and the law
7 enforcement agency employing such person, if any.

8 (d) The information to be submitted to the Kansas bureau of
9 investigation pursuant to this section shall be submitted in an electronic
10 format, in a manner prescribed by the director of the Kansas bureau of
11 investigation. The Kansas bureau of investigation shall maintain a
12 searchable database of this information, which shall be made available to
13 law enforcement agencies upon request.

14 (e) The Kansas bureau of investigation shall immediately make
15 information about a gun safety protective order issued or terminated
16 pursuant to the provisions of this act available to the national instant
17 criminal background check system for the purposes of firearm purchaser
18 background checks.

19 (f) If the order results in the invalidation of a license to carry a
20 concealed handgun, the court shall notify the attorney general no later than
21 one day after issuing or terminating a gun safety protective order.

22 Sec. 6. The provisions of this act shall not affect the ability of a law
23 enforcement officer to remove firearms from any person pursuant to other
24 lawful authority.

25 Sec. 7. The provisions of this act shall not be construed to impose
26 criminal or civil liability on any person who chooses not to seek a gun
27 safety protective order pursuant to the provisions of this act.

28 Sec. 8. Except as otherwise provided in this act, any proceedings
29 under this act shall be in accordance with chapter 60 of the Kansas Statutes
30 Annotated, and amendments thereto, and shall be in addition to any other
31 available civil or criminal remedies.

32 Sec. 9. This act shall take effect and be in force from and after its
33 publication in the statute book.