

## HOUSE BILL No. 2578

By Committee on Federal and State Affairs

2-7

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1 AN ACT concerning firearms; relating to certification by a chief law  
2 enforcement officer for the transfer of a firearm.

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

5 Section 1. (a) When the transfer of a firearm requires certification by  
6 a chief law enforcement officer in accordance with 27 C.F.R. § 479.85, in  
7 effect on January 24, 2003, a person may apply for such certification to a  
8 chief law enforcement officer. Within 15 days of receipt of a request for  
9 certification, the chief law enforcement officer shall provide such  
10 certification and approve the transfer unless: (1) The applicant is  
11 prohibited by state or federal law from receiving the firearm; or (2) there is  
12 a pending legal or administrative proceeding against the applicant which  
13 could result in such applicant being prohibited by state or federal law from  
14 receiving the firearm. If the applicant is prohibited by state or federal law  
15 from receiving the firearm, or there is a pending legal or administrative  
16 proceeding against the applicant which could result in such prohibition, the  
17 chief law enforcement officer, or such officer's designee, shall provide  
18 written notification to the applicant stating that the application for  
19 certification is denied and the reason for such denial.

20 (b) Any applicant whose request for certification is denied pursuant  
21 to subsection (a), may appeal such denial to the district court of the county  
22 in which the applicant resides. The district court shall review any denial of  
23 certification de novo. If the district court finds that the applicant is not  
24 prohibited by state or federal law from receiving the firearm and that there  
25 is no pending legal or administrative proceeding against the applicant  
26 which could result in such prohibition, the district court shall order the  
27 chief law enforcement officer to issue the certification. In addition to such  
28 other relief as may be ordered, the district court may award the applicant  
29 court costs and reasonable attorney's fees.

30 (c) Any chief law enforcement officer who certifies and approves the  
31 transfer of a firearm pursuant to this section shall not be held liable in any  
32 civil or criminal action for any act committed by another person with such  
33 firearm following such transfer.

34 (d) For purposes of this section:

35 (1) "Certification" means the written certificate required under 27  
36 C.F.R. § 479.85, in effect on January 24, 2003, to be completed by a chief

1 law enforcement officer for the approval of an application to transfer a  
2 firearm.

3 (2) "Chief law enforcement officer" means a person holding any of  
4 the offices described in 27 C.F.R. § 479.85, in effect on January 24, 2003,  
5 as eligible to provide the required certification for the transfer of a firearm.

6 (3) "Firearm" shall have the same meaning as provided in the federal  
7 national firearms act, 26 U.S.C. § 5845, in effect as of the effective date of  
8 this act.

9 Sec. 2. This act shall take effect and be in force from and after its  
10 publication in the statute book.