

SENATE BILL No. 6

By Senator Faust-Goudeau

1-5

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to possession of firearms; law enforcement policies and procedures.

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

5 Section 1. (a) All law enforcement agencies in this state shall adopt a
6 detailed, written policy relating to the procedures to be employed when
7 inquiring about the possession of firearms by an individual during an
8 enforcement action.

9 (b) Policies adopted pursuant to this section shall be implemented by
10 all Kansas law enforcement agencies within two years after the effective
11 date of this act. Such policies shall be made available to all officers of such
12 agency and shall be available for public inspection during normal business
13 hours.

14 (c) The policies adopted pursuant to this section shall include, but not
15 be limited to, identifying those enforcement actions during which inquiries
16 about firearm possession are to be made, and when such inquiries are to be
17 waived due to exigent circumstances. The procedures shall include:

18 (1) Use of the following inquiries to ascertain the presence and
19 location of any firearms:

20 (A) Whether the individual who is the subject of the enforcement
21 action, or any other individual within close proximity to the enforcement
22 action, is in possession of a firearm, whether concealed or openly carried;

23 (B) whether the individual who is the subject of the enforcement
24 action, or any other individual within close proximity to the enforcement
25 action, has a license to carry a concealed handgun issued by the attorney
26 general or by the appropriate authority of a foreign jurisdiction; and

27 (C) where the firearms, if any, are located; and

28 (2) instructions to the individual who is the subject of the
29 enforcement action, or any other individual within close proximity to the
30 enforcement action, regarding the handling of any firearms for the duration
31 of the enforcement action.

32 (d) As used in this section, the term "enforcement action" means:

33 (1) Determining the existence of probable cause to take into custody
34 or to arrest an individual;

35 (2) investigating a reasonable and articulable suspicion that an
36 offense has been or is being committed so as to justify the detention of an

- 1 individual or the investigatory stop of a vehicle; or
- 2 (3) determining the existence of probable cause to conduct a search of
- 3 an individual or a conveyance.
- 4 Sec. 2. This act shall take effect and be in force from and after its
- 5 publication in the statute book.