

Written Testimony to the  
Senate Committee on Federal and State Affairs  
In support of SB 108  
by Tammy Owens, City Attorney  
February 8, 2017

The City of Overland Park respectfully submits this testimony in support of SB 108.

In 2016, the Kansas Legislature passed HB 2502 restricting public employers from prohibiting an employee from carrying a concealed handgun while engaged in employment duties. With the exception of police personnel, no City of Overland Park employee carries a weapon in the scope of his or her employment. The City understands the necessity of and accepts the risk associated with the carrying of firearms by law enforcement personnel. To mitigate that risk, police receive extensive training in the use of their service weapons and qualify on the range annually, at a minimum.

Employees (excluding law enforcement) carrying concealed weapons while engaged in their employment exposes the public employer to unacceptable risk. The City has no way of controlling the employee's level of competence with the weapon; there is no benefit to the City of such activity; the activity is clearly outside the scope of the employment and the City should not be required to accept any risk associated with that activity. If, for example, a codes enforcement officer elects to carry a weapon while performing his or her duties and injures a citizen by way of accidental discharge or any other act, the risk associated with that activity should be solely that of the employee. Public employers should be clearly exempt from liability related to any act or omission of an employee related to his or her decision to carry or use a handgun while performing his or her duties.

For the stated reasons, the City of Overland Park respectfully requests that the Committee advance SB 108. Thank you for your consideration.