

Memorandum

City of Lawrence

City Attorney's Office

TO: David L. Corliss, City Manager
FROM: Maria Kaminska
DATE: June 19, 2014
CC: Toni Wheeler, City Attorney
RE: House Bill No. 2578 & Ordinance 9013

Background

On [May 20, 2014](#), the City Commission considered what affect House Bill No. 2578 will have on two existing City laws once it becomes state law on July 1. Highly summarized, the Bill in part prohibits municipalities from enacting or enforcing laws relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife making components. It also preempts the field of knives regulation by prohibiting cities from adopting or enforcing ordinances governing the purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunitions.

Staff reviewed the two City Code provisions affected -- City of Lawrence, Kan., Code § [14-406](#) (July 1, 2013) (carrying concealed weapons) and City of Lawrence, Kan., Code § [14-408](#) (July 1, 2013) (carrying weapons near a bar), and recommended repealing both to be in compliance with state law. Commissioners voted to defer the matter so that they could have additional time to consider the issue.

Surrounding Cities

Staff was directed to study how local governing bodies in surrounding cities are reacting to the new legislation. The Kansas League of Municipalities advises that it knows of no other city – except for Lawrence – considering protesting the legislation by leaving the conflicting ordinances on the books. While the City may leave its conflicting laws on the books, the League advises that it is not recommended and that the laws should be repealed. The following chart summarizes the specific findings from four nearby cities:

City Name	Action taken
Leawood	None; the city plans to update its ordinances when the Uniform Public Offense Code (UPOC) update is released this fall. Any firearms violations will be written under state statute and referred to the district attorney
Overland Park	City Council repealed ten conflicting ordinances related to firearms/knives; adopted a criminal carrying of weapons ordinance prohibiting other types of weapons
Wichita	Council repealed all local firearms laws in June 2014; repealed all knives laws in June 2013

Shawnee	No action taken; none anticipated
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Staff Recommendation

Based upon the clear statutory language, staff recommends repealing City of Lawrence, Kan., Code § 14-406 (July 1, 2013) (carrying concealed weapons) and City of Lawrence, Kan., Code § 14-408 (July 1, 2013) (carrying weapons near a bar).

Action Requested

Adopt on first reading Ordinance 9013, repealing City of Lawrence, Kan., Code §§ 14-406 and 14-408.