

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2058

By Committee on Federal and State Affairs

1-13

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; recognition of licenses issued by other jurisdictions;
3 **authorizing the issuance of alternative license during a declared**
4 **state of disaster emergency;** amending K.S.A. 75-7c03 **and 75-7c05**
5 and K.S.A. 2020 Supp. 21-6302 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 21-6302 is hereby amended to read as
9 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
10 carrying:

- 11 (1) Any bludgeon, sandclub, metal knuckles or throwing star;
12 (2) concealed on one's person, a billy, blackjack, slungshot or any
13 other dangerous or deadly weapon or instrument of like character;
14 (3) on one's person or in any land, water or air vehicle, with intent to
15 use the same unlawfully, a tear gas or smoke bomb or projector or any
16 object containing a noxious liquid, gas or substance; ~~or~~
17 (4) any pistol, revolver or other firearm concealed on one's person if
18 such person is under 21 years of age, except when on such person's land or
19 in such person's abode or fixed place of business; or
20 (5) a shotgun with a barrel less than 18 inches in length or any other
21 firearm designed to discharge or capable of discharging automatically
22 more than once by a single function of the trigger whether the person
23 knows or has reason to know the length of the barrel or that the firearm is
24 designed or capable of discharging automatically.

25 (b) Criminal carrying of a weapon as defined in:

26 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson
27 misdemeanor; and

28 (2) subsection (a)(5) is a severity level 9, nonperson felony.

29 (c) Subsection (a) shall not apply to:

30 (1) Law enforcement officers, or any person summoned by any such
31 officers to assist in making arrests or preserving the peace while actually
32 engaged in assisting such officer;

33 (2) wardens, superintendents, directors, security personnel and
34 keepers of prisons, penitentiaries, jails and other institutions for the
35 detention of persons accused or convicted of crime, while acting within the
36 scope of their authority;

1 (3) members of the armed services or reserve forces of the United
2 States or the Kansas national guard while in the performance of their
3 official duty; or

4 (4) the manufacture of, transportation to, or sale of weapons to a
5 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
6 such weapons.

7 (d) *Subsection (a)(4) shall not apply to any person who possesses a*
8 *valid license or permit to carry a concealed firearm that was issued by*
9 *another jurisdiction and is recognized in this state pursuant to K.S.A. 75-*
10 *7c03, and amendments thereto.*

11 ~~(d)(e)~~ Subsection (a)(5) shall not apply to:

12 (1) Any person who sells, purchases, possesses or carries a firearm,
13 device or attachment which has been rendered unserviceable by steel weld
14 in the chamber and marriage weld of the barrel to the receiver and which
15 has been registered in the national firearms registration and transfer record
16 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
17 and, if such person transfers such firearm, device or attachment to another
18 person, has been so registered in the transferee's name by the transferor;

19 (2) any person employed by a laboratory which is certified by the
20 United States department of justice, national institute of justice, while
21 actually engaged in the duties of their employment and on the premises of
22 such certified laboratory. Subsection (a)(5) shall not affect the manufacture
23 of, transportation to or sale of weapons to such certified laboratory; or

24 (3) any person or entity in compliance with the national firearms act,
25 26 U.S.C. § 5801 et seq.

26 ~~(e)(f)~~ As used in this section, "throwing star" means the same as
27 prescribed by K.S.A. 2020 Supp. 21-6301, and amendments thereto.

28 Sec. 2. K.S.A. 75-7c03 is hereby amended to read as follows: 75-
29 7c03. (a) The attorney general shall issue licenses to carry concealed
30 handguns to persons who comply with the application and training
31 requirements of this act and who are not disqualified under K.S.A. 75-
32 7c04, and amendments thereto. Such licenses shall be valid throughout the
33 state for a period of four years from the date of issuance. The availability
34 of licenses to carry concealed handguns under this act shall not be
35 construed to impose a general prohibition on the carrying of handguns
36 without such license, whether carried openly or concealed, or loaded or
37 unloaded.

38 (b) **Except as otherwise provided in subsection (d)**, the license
39 shall be a separate card, in a form prescribed by the attorney general, that
40 is approximately the size of a Kansas driver's license and shall bear the
41 licensee's signature, name, address, date of birth and driver's license
42 number or nondriver's identification card number except that the attorney
43 general shall assign a unique number for military applicants or their

1 dependents described in K.S.A. 75-7c05(a)(1)(B), and amendments
2 thereto.

3 *(c) (1) Subject to the provisions of subsection (c)(2), a valid license*
4 *or permit to carry a concealed firearm issued by another jurisdiction shall*
5 *be recognized in this state, but only while the holder is not a resident of*
6 *Kansas.*

7 *(2) A valid license or permit that is recognized pursuant to this*
8 *subsection shall only entitle the lawful holder thereof to carry concealed*
9 *handguns, as defined by K.S.A. 75-7c02, and amendments thereto, in this*
10 *state, and the holder thereof shall otherwise act in accordance with the*
11 *laws of this state while such holder is present in this state. The recognition*
12 *of a license or permit pursuant to this subsection shall not be construed to*
13 *impose a general prohibition on the carrying of handguns without such*
14 *license, whether carried openly or concealed, or loaded or unloaded.*

15 *(3) As used in this subsection, the terms "jurisdiction" and "license or*
16 *permit" shall have the same meanings as provided in K.S.A. 75-7c04, and*
17 *amendments thereto.*

18 **(d) If at any time it becomes impractical for the division of**
19 **vehicles of the department of revenue to issue physical cards**
20 **consistent with the requirements of this act and the attorney general**
21 **determines that the conditions for such impracticality have existed for**
22 **at least 30 days, the attorney general shall issue an authorization**
23 **document to each licensee that authorizes the licensee to exercise the**
24 **rights and privileges to carry a concealed handgun as set forth in this**
25 **act. Such document shall include the licensee information required**
26 **under subsection (b) and state that the document is proof that the**
27 **licensee holds a valid license to carry concealed handguns. All such**
28 **documents issued during any such period that it is impractical for the**
29 **division of vehicles of the department of revenue to issue a physical**
30 **card shall expire 90 days after such conditions have ceased and it is**
31 **practical for the division of vehicles to resume issuing physical cards.**

32 **Sec. 3. K.S.A. 75-7c05 is hereby amended to read as follows: 75-**
33 **7c05. (a) The application for a license pursuant to this act shall be**
34 **completed, under oath, on a form prescribed by the attorney general**
35 **and shall only include:**

36 **(1) (A) Subject to the provisions of subsection (a)(1)(B), the name,**
37 **address, social security number, Kansas driver's license number or**
38 **Kansas nondriver's license identification number, place and date of**
39 **birth, a photocopy of the applicant's driver's license or nondriver's**
40 **identification card and a photocopy of the applicant's certificate of**
41 **training course completion; (B) in the case of an applicant who**
42 **presents proof that such person is on active duty with any branch of**
43 **the armed forces of the United States, or is the dependent of such a**

1 person, and who does not possess a Kansas driver's license or Kansas
2 nondriver's license identification, the number of such license or
3 identification shall not be required;

4 (2) a statement that the applicant is in compliance with criteria
5 contained within K.S.A. 75-7c04, and amendments thereto;

6 (3) a statement that the applicant has been furnished a copy of
7 this act and is knowledgeable of its provisions;

8 (4) a conspicuous warning that the application is executed under
9 oath and that a false answer to any question, or the submission of any
10 false document by the applicant, subjects the applicant to criminal
11 prosecution under K.S.A. 2020 Supp. 21-5903, and amendments
12 thereto; and

13 (5) a statement that the applicant desires a concealed handgun
14 license as a means of lawful self-defense.

15 (b) Except as otherwise provided in subsection (i), the applicant
16 shall submit to the sheriff of the county where the applicant resides,
17 during any normal business hours:

18 (1) A completed application described in subsection (a);

19 (2) a nonrefundable license fee of \$132.50, if the applicant has not
20 previously been issued a statewide license or if the applicant's license
21 has permanently expired, which fee shall be in the form of two
22 cashier's checks, personal checks or money orders of \$32.50 payable to
23 the sheriff of the county where the applicant resides and \$100 payable
24 to the attorney general;

25 (3) if applicable, a photocopy of the proof of training required by
26 K.S.A. 75-7c04(b)(1), and amendments thereto; and

27 (4) a full frontal view photograph of the applicant taken within
28 the preceding 30 days.

29 (c) (1) Except as otherwise provided in subsection (i), the sheriff,
30 upon receipt of the items listed in subsection (b), shall provide for the
31 full set of fingerprints of the applicant to be taken and forwarded to
32 the attorney general for purposes of a criminal history records check
33 as provided by subsection (d). In addition, the sheriff shall forward to
34 the attorney general the application and the portion of the original
35 license fee which is payable to the attorney general. The cost of taking
36 such fingerprints shall be included in the portion of the fee retained by
37 the sheriff. Notwithstanding anything in this section to the contrary,
38 an applicant shall not be required to submit fingerprints for a renewal
39 application under K.S.A. 75-7c08, and amendments thereto.

40 (2) The sheriff of the applicant's county of residence or the chief
41 law enforcement officer of any law enforcement agency, at the sheriff's
42 or chief law enforcement officer's discretion, may participate in the
43 process by submitting a voluntary report to the attorney general

1 containing readily discoverable information, corroborated through
2 public records, which, when combined with another enumerated
3 factor, establishes that the applicant poses a significantly greater
4 threat to law enforcement or the public at large than the average
5 citizen. Any such voluntary reporting shall be made within 45 days
6 after the date the sheriff receives the application. Any sheriff or chief
7 law enforcement officer submitting a voluntary report shall not incur
8 any civil or criminal liability as the result of the good faith submission
9 of such report.

10 (3) All funds retained by the sheriff pursuant to the provisions of
11 this section shall be credited to a special fund of the sheriff's office
12 which shall be used solely for the purpose of administering this act.

13 (d) Each applicant shall be subject to a state and national
14 criminal history records check which conforms to applicable federal
15 standards, including an inquiry of the national instant criminal
16 background check system for the purpose of verifying the identity of
17 the applicant and whether the applicant has been convicted of any
18 crime or has been the subject of any restraining order or any mental
19 health related finding that would disqualify the applicant from
20 holding a license under this act. The attorney general is authorized to
21 use the information obtained from the state or national criminal
22 history record check to determine the applicant's eligibility for such
23 license.

24 (e) Within 90 days after the date of receipt of the items listed in
25 subsection (b), the attorney general shall:

26 (1) (A) Issue the license and certify the issuance to the department
27 of revenue; and

28 (B) *if it is impractical for the division of vehicles of the department of*
29 *revenue to issue physical cards consistent with the requirements of this act*
30 *and the attorney general has determined that the conditions for such*
31 *impracticality have existed for at least 30 days, the attorney general shall*
32 *issue an authorization document in accordance with K.S.A. 75-7c03(d),*
33 *and amendments thereto; or*

34 (2) deny the application based solely on: (A) The report
35 submitted by the sheriff or other chief law enforcement officer under
36 subsection (c)(2) for good cause shown therein; or (B) the ground that
37 the applicant is disqualified under the criteria listed in K.S.A. 75-7c04,
38 and amendments thereto. If the attorney general denies the
39 application, the attorney general shall notify the applicant in writing,
40 stating the ground for denial and informing the applicant the
41 opportunity for a hearing pursuant to the Kansas administrative
42 procedure act.

43 (f) Each person issued a license shall pay to the department of

1 revenue a fee for the cost of the license which shall be in amounts
2 equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and
3 amendments thereto, for replacement of a driver's license.

4 (g) (1) A person who is a retired law enforcement officer, as
5 defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, shall
6 be: (A) Required to pay an original license fee as provided in
7 subsection (b)(2), to be forwarded by the sheriff to the attorney
8 general; (B) exempt from the required completion of a handgun safety
9 and training course if such person was certified by the Kansas
10 commission on peace officer's standards and training, or similar body
11 from another jurisdiction, not more than eight years prior to
12 submission of the application; (C) required to pay the license renewal
13 fee; (D) required to pay to the department of revenue the fees required
14 by subsection (f); and (E) required to comply with the criminal history
15 records check requirement of this section.

16 (2) Proof of retirement as a law enforcement officer shall be
17 required and provided to the attorney general in the form of a letter
18 from the agency head, or their designee, of the officer's retiring agency
19 that attests to the officer having retired in good standing from that
20 agency as a law enforcement officer for reasons other than mental
21 instability and that the officer has a nonforfeitable right to benefits
22 under a retirement plan of the agency.

23 (h) A person who is a corrections officer, a parole officer or a
24 corrections officer employed by the federal bureau of prisons, as
25 defined by K.S.A. 75-5202, and amendments thereto, shall be: (1)
26 Required to pay an original license fee as provided in subsection (b)
27 (2); (2) exempt from the required completion of a handgun safety and
28 training course if such person was issued a certificate of firearms
29 training by the department of corrections or the federal bureau of
30 prisons or similar body not more than one year prior to submission of
31 the application; (3) required to pay the license renewal fee; (4)
32 required to pay to the department of revenue the fees required by
33 subsection (f); and (5) required to comply with the criminal history
34 records check requirement of this section.

35 (i) A person who presents proof that such person is on active duty
36 with any branch of the armed forces of the United States and is
37 stationed at a United States military installation located outside this
38 state, may submit by mail an application described in subsection (a)
39 and the other materials required by subsection (b) to the sheriff of the
40 county where the applicant resides. Provided the applicant is
41 fingerprinted at a United States military installation, the applicant
42 may submit a full set of fingerprints of such applicant along with the
43 application. Upon receipt of such items, the sheriff shall forward to

1 **the attorney general the application and the portion of the original**
2 **license fee which is payable to the attorney general.**

3 ~~Sec.-3.~~ **4.** K.S.A. 75-7c03 **and 75-7c05** and K.S.A. 2020 Supp. 21-
4 6302 are hereby repealed.

5 ~~Sec.-4.~~ **5.** This act shall take effect and be in force from and after its
6 publication in the statute book.