

## HOUSE BILL No. 2591

By Committee on Veterans, Military and Homeland Security

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1 ACT concerning firearms; relating to the personal and family protection  
2 act; relating to licensure of active duty military personnel; amending  
3 K.S.A. 2015 Supp. 75-7c04 and 75-7c05 and repealing the existing  
4 sections.  
5

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

7 Section 1. K.S.A. 2015 Supp. 75-7c04 is hereby amended to read as  
8 follows: 75-7c04. (a) The attorney general shall not issue a license  
9 pursuant to this act if the applicant:

10 (1) Is not a resident of the county where application for licensure is  
11 made or is not a resident of the state;

12 (2) is prohibited from shipping, transporting, possessing or receiving  
13 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments  
14 thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2015 Supp. 21-  
15 6301(a)(10) through (a)(13) or K.S.A. 2015 Supp. 21-6304(a)(1) through  
16 (a)(3), and amendments thereto; or

17 (3) is less than 21 years of age.

18 (b) (1) The attorney general shall adopt rules and regulations  
19 establishing procedures and standards as authorized by this act for an  
20 eight-hour handgun safety and training course required by this section.  
21 Such standards shall include: (A) A requirement that trainees receive  
22 training in the safe storage of handguns, actual firing of handguns and  
23 instruction in the laws of this state governing the carrying of concealed  
24 handguns and the use of deadly force; (B) general guidelines for courses  
25 which are compatible with the industry standard for basic handgun training  
26 for civilians; (C) qualifications of instructors; and (D) a requirement that  
27 the course be: (i) A handgun course certified or sponsored by the attorney  
28 general; or (ii) a handgun course certified or sponsored by the national  
29 rifle association or by a law enforcement agency, college, private or public  
30 institution or organization or handgun training school, if the attorney  
31 general determines that such course meets or exceeds the standards  
32 required by rules and regulations adopted by the attorney general and is  
33 taught by instructors certified by the attorney general or by the national  
34 rifle association, if the attorney general determines that the requirements  
35 for certification of instructors by such association meet or exceed the  
36 standards required by rules and regulations adopted by the attorney

1 general. Any person wanting to be certified by the attorney general as an  
2 instructor shall submit to the attorney general an application in the form  
3 required by the attorney general and a fee not to exceed \$150.

4 (2) The cost of the handgun safety and training course required by  
5 this section shall be paid by the applicant. The following shall constitute  
6 satisfactory evidence of satisfactory completion of an approved handgun  
7 safety and training course:

8 (A) Evidence of completion of ~~the~~ *a course that satisfies the*  
9 *requirements of subsection (b)(1)*, in the form provided by rules and  
10 regulations adopted by the attorney general;

11 (B) an affidavit from the instructor, school, club, organization or  
12 group that conducted or taught such course attesting to the completion of  
13 the course by the applicant; ~~or~~

14 (C) *evidence of completion of a course offered in another jurisdiction*  
15 *which is determined by the attorney general to have training requirements*  
16 *that are equal to or greater than those required by this act; or*

17 (D) a determination by the attorney general pursuant to subsection  
18 (c).

19 (c) The attorney general may:

20 (1) Create a list of concealed carry handgun licenses or permits issued  
21 by other jurisdictions which the attorney general finds have training  
22 requirements that are equal to or greater than those of this state; and

23 (2) review each application received pursuant to K.S.A. 2015 Supp.  
24 75-7c05, and amendments thereto, to determine if the applicant's previous  
25 training qualifications were equal to or greater than those of this state.

26 (d) For the purposes of this section:

27 (1) "Equal to or greater than" means the applicant's prior training  
28 meets or exceeds the training established in this section by having  
29 required, at a minimum, the applicant to: (A) Receive instruction on the  
30 laws of self-defense; and (B) demonstrate training and competency in the  
31 safe handling, storage and actual firing of handguns.

32 (2) "Jurisdiction" means another state or the District of Columbia.

33 (3) "License or permit" means a concealed carry handgun license or  
34 permit from another jurisdiction which has not expired and, except for any  
35 residency requirement of the issuing jurisdiction, is currently in good  
36 standing.

37 Sec. 2. K.S.A. 2015 Supp. 75-7c05 is hereby amended to read as  
38 follows: 75-7c05. (a) The application for a license pursuant to this act shall  
39 be completed, under oath, on a form prescribed by the attorney general and  
40 shall only include:

41 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,  
42 address, social security number, Kansas driver's license number or Kansas  
43 nondriver's license identification number, place and date of birth, a

1 photocopy of the applicant's driver's license or nondriver's identification  
2 card and a photocopy of the applicant's certificate of training course  
3 completion; (B) in the case of an applicant who presents proof that such  
4 person is on active duty with any branch of the armed forces of the United  
5 States, or is the dependent of such a person, and who does not possess a  
6 Kansas driver's license or Kansas nondriver's license identification, the  
7 number of such license or identification shall not be required;

8 (2) a statement that the applicant is in compliance with criteria  
9 contained within K.S.A. 2015 Supp. 75-7c04, and amendments thereto;

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

12 (4) a conspicuous warning that the application is executed under oath  
13 and that a false answer to any question, or the submission of any false  
14 document by the applicant, subjects the applicant to criminal prosecution  
15 under K.S.A. 2015 Supp. 21-5903, and amendments thereto; and

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

18 (b) *Except as otherwise provided in subsection (i)*, the applicant shall  
19 submit to the sheriff of the county where the applicant resides, during any  
20 normal business hours:

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

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

28 (3) if applicable, a photocopy of the proof of training required by  
29 K.S.A. 2015 Supp. 75-7c04(b)(1), and amendments thereto; and

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

32 (c) (1) *Except as otherwise provided in subsection (i)*, the sheriff,  
33 upon receipt of the items listed in subsection (b), shall provide for the full  
34 set of fingerprints of the applicant to be taken and forwarded to the  
35 attorney general for purposes of a criminal history records check as  
36 provided by subsection (d). In addition, the sheriff shall forward to the  
37 attorney general the application and the portion of the original license fee  
38 which is payable to the attorney general. The cost of taking such  
39 fingerprints shall be included in the portion of the fee retained by the  
40 sheriff. Notwithstanding anything in this section to the contrary, an  
41 applicant shall not be required to submit fingerprints for a renewal  
42 application under K.S.A. 2015 Supp. 75-7c08, and amendments thereto.

43 (2) The sheriff of the applicant's county of residence or the chief law

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

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

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

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

27 (1) Issue the license and certify the issuance to the department of  
28 revenue; or

29 (2) deny the application based solely on: (A) The report submitted by  
30 the sheriff or other chief law enforcement officer under subsection (c)(2)  
31 for good cause shown therein; or (B) the ground that the applicant is  
32 disqualified under the criteria listed in K.S.A. 2015 Supp. 75-7c04, and  
33 amendments thereto. If the attorney general denies the application, the  
34 attorney general shall notify the applicant in writing, stating the ground for  
35 denial and informing the applicant the opportunity for a hearing pursuant  
36 to the Kansas administrative procedure act.

37 (f) Each person issued a license shall pay to the department of  
38 revenue a fee for the cost of the license which shall be in amounts equal to  
39 the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments  
40 thereto, for replacement of a driver's license.

41 (g) (1) A person who is a retired law enforcement officer, as defined  
42 in K.S.A. 2015 Supp. 21-5111, and amendments thereto, shall be: (A)  
43 Required to pay an original license fee as provided in subsection (b)(2), to

1 be forwarded by the sheriff to the attorney general; (B) exempt from the  
2 required completion of a handgun safety and training course if such person  
3 was certified by the Kansas commission on peace officer's standards and  
4 training, or similar body from another jurisdiction, not more than eight  
5 years prior to submission of the application; (C) required to pay the license  
6 renewal fee; (D) required to pay to the department of revenue the fees  
7 required by subsection (f); and (E) required to comply with the criminal  
8 history records check requirement of this section.

9 (2) Proof of retirement as a law enforcement officer shall be required  
10 and provided to the attorney general in the form of a letter from the agency  
11 head, or their designee, of the officer's retiring agency that attests to the  
12 officer having retired in good standing from that agency as a law  
13 enforcement officer for reasons other than mental instability and that the  
14 officer has a nonforfeitable right to benefits under a retirement plan of the  
15 agency.

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

27 (i) *A person who presents proof that such person is on active duty*  
28 *with any branch of the armed forces of the United States and is stationed*  
29 *at a United States military installation located outside this state, may*  
30 *submit by mail an application described in subsection (a) and the other*  
31 *materials required by subsection (b) to the sheriff of the county where the*  
32 *applicant resides. Provided the applicant is fingerprinted at a United*  
33 *States military installation, the applicant may submit a full set of*  
34 *fingerprints of such applicant along with the application. Upon receipt of*  
35 *such items, the sheriff shall forward to the attorney general the*  
36 *application and the portion of the original license fee which is payable to*  
37 *the attorney general.*

38 Sec. 3. K.S.A. 2015 Supp. 75-7c04 and 75-7c05 are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.