

HOUSE Substitute for SENATE BILL No. 513

By Committee on Appropriations

5-2

9 AN ACT concerning the personal and family protection act; amending
10 K.S.A. 21-4218, 59-104, 59-2948, 59-2966, 59-2974, 59-29b48, 59-
11 29b66 and 59-29b74 and K.S.A. 2005 Supp. 21-4203 and 21-4204 and
12 sections 3, 4, 5, 6, 7, 8, 10, 11 and 12 of 2006 Senate Bill No. 418 and
13 repealing the existing sections.
14

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

16 Section 1. Section 3 of 2006 Senate Bill No. 418 is hereby amended
17 to read as follows: Sec. 3. (a) On and after January 1, 2007, the attorney
18 general shall issue licenses to carry concealed weapons to persons quali-
19 fied as provided by this act. Such licenses shall be valid throughout the
20 state for a period of four years from the date of issuance.

21 (b) The license, at the option of the licensee: (1) Shall be a separate
22 card, in a form prescribed by the attorney general, that is approximately
23 the size of a Kansas driver's license and shall bear the licensee's signature,
24 name, address, date of birth and driver's license number or nondriver's
25 identification card number; or (2) shall be noted on the licensee's valid
26 Kansas driver's license or valid Kansas nondriver's identification license
27 or card. At all times when the licensee is in actual possession of a con-
28 cealed weapon, the licensee shall carry the license to carry concealed
29 weapons or a valid Kansas driver's license or Kansas nondriver's identi-
30 fication card with the license to carry a concealed weapon noted thereon,
31 which shall constitute the license to carry a concealed weapon. On de-
32 mand of a law enforcement officer, the licensee shall display the license
33 to carry a concealed weapon and proper identification ~~unless or, if~~ such
34 license is noted on the person's driver's license or nondriver's identifi-
35 cation card, *shall display such driver's license or nondriver's identification*
36 *card.* Verification by a law enforcement officer that a person holds a valid
37 license to carry a concealed weapon may be accomplished by a record
38 check using the person's ~~vehicle tag and~~ driver's license information.

39 ~~Violation of the provisions of this subsection shall constitute a class B~~
40 ~~nonperson misdemeanor.~~

41 *The license of any person who violates the provisions of this subsection*
42 *shall be suspended for not less than 30 days upon the first violation and*
43 *shall be revoked for not less than five years upon the second or a subse-*

1 *quent violation.*

2 (c) A valid license, issued by any other state or the District of Colum-
3 bia, to carry concealed weapons shall be recognized as valid in this state,
4 but only while the holder is not a resident of Kansas, if the attorney
5 general determines that standards for issuance of such license or permit
6 by such state or district are equal to or greater than the standards imposed
7 by this act. The attorney general shall maintain and publish a list of such
8 states and district which the attorney general determines have standards
9 equal to or greater than the standards imposed by this act.

10 The provisions of this subsection shall take effect and be in force from
11 and after January 1, 2007.

12 Sec. 2. (a) Section 4 of 2006 Senate Bill No. 418 is hereby amended
13 to read as follows: On and after January 1, 2007, the attorney general shall
14 issue a license pursuant to this act if the applicant:

15 (1) Is a resident of the county where application for licensure is made
16 and has been a resident of the state for six months or more immediately
17 preceding the filing of the application, *residency to be determined in*
18 *accordance with K.S.A. 77-201, and amendments thereto;*

19 (2) is 21 years or more of age;

20 (3) does not suffer from a physical infirmity which prevents the safe
21 handling of a weapon;

22 (4) has never been convicted or placed on diversion, in this or any
23 other jurisdiction, for an act that constitutes a felony under the laws of
24 this state or adjudicated, in this or any other jurisdiction, of committing
25 as a juvenile an act that would be a felony under the laws of this state if
26 committed by an adult;

27 (5) has not been, during the five years immediately preceding the
28 date the application is submitted: (A) ~~A mentally ill person or involuntary~~
29 ~~patient, as defined in K.S.A. 59-2946, and amendments thereto;~~ (B) ~~com-~~
30 ~~mitted for the abuse of a controlled substance;~~ (C) Convicted or placed
31 on diversion, in this or any other jurisdiction, for an act that constitutes
32 a ~~felony or~~ misdemeanor under the provisions of the uniform controlled
33 substances act or adjudicated, in this or any other jurisdiction, of com-
34 mitting as a juvenile an act that would be a misdemeanor under such act
35 if committed by an adult; (D) ~~committed for the abuse of alcohol;~~ (E) (B)
36 convicted or placed on diversion, in this or any other jurisdiction, two or
37 more times for an act that constitutes a violation of K.S.A. 8-1567, and
38 amendments thereto; (F) (C) convicted or placed on diversion, in this or
39 any other jurisdiction, for an act that constitutes a domestic violence mis-
40 demeanor under any municipal ordinance or article 34 or 35 of chapter
41 21 of the Kansas Statutes Annotated or adjudicated, in this or any other
42 jurisdiction, of committing as a juvenile an act that would be a domestic
43 violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas

1 Statutes Annotated if committed by an adult; or ~~(G)~~ (D) convicted or
2 placed on diversion, in this or any other jurisdiction, for an act that con-
3 stitutes a violation of section 12 of 2006 Senate Bill No. 418, and amend-
4 ments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and
5 amendments thereto, or adjudicated, in this or any other jurisdiction, of
6 committing as a juvenile an act that would be a violation of section 12 of
7 2006 Senate Bill No. 418, and amendments thereto, or a violation of sub-
8 section (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed
9 by an adult;

10 (6) *has not been ordered by a court to receive treatment for mental*
11 *illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an*
12 *alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and*
13 *amendments thereto, or, if a court has ordered such treatment, has not*
14 *been issued a certificate of restoration pursuant to section 12, and amend-*
15 *ments thereto, not less than five years before the date of the application;*

16 (7) desires a legal means to carry a concealed weapon for lawful self-
17 defense;

18 ~~(7)~~ (8) except as provided by subsection ~~(f)~~ (g) of section 5 of 2006
19 Senate Bill No. 418, and amendments thereto, presents evidence satis-
20 factory to the attorney general that the applicant has satisfactorily com-
21 pleted a weapons safety and training course approved by the attorney
22 general pursuant to subsection (b);

23 ~~(8)~~ (9) has not been adjudged a disabled person under the act for
24 obtaining a guardian or conservator, or both, or under a similar law of
25 another state or the District of Columbia, unless the applicant was or-
26 dered restored to capacity three or more years before the date on which
27 the application is submitted;

28 ~~(9)~~ (10) has not been dishonorably discharged from military service;

29 ~~(10)~~ (11) is a citizen of the United States;

30 ~~(11)~~ (12) is not subject to a restraining order issued under the pro-
31 tection from abuse act, under the protection from stalking act or pursuant
32 to K.S.A. 60-1607, 38-1542, 38-1543 or 38-1563, and amendments
33 thereto, or any equivalent order entered in another state or jurisdiction
34 which is entitled to full faith and credit in Kansas; ~~and~~

35 ~~(12)~~ (13) is not in contempt of court in a child support proceeding;
36 *and*

37 ~~(13)~~ (14) *is not listed on the terrorist watch list maintained by the*
38 *federal government.*

39 (b) (1) The attorney general shall adopt rules and regulations estab-
40 lishing procedures and standards as authorized by this act for an eight-
41 hour weapons safety and training course required by this section. Such
42 standards shall include: (A) A requirement that trainees receive training
43 in the safe storage of weapons, actual firing of weapons and instruction

1 in the laws of this state governing the carrying of a concealed weapon and
2 the use of deadly force; (B) general guidelines for courses which are
3 compatible with the industry standard for basic firearms training for ci-
4 vilians; (C) qualifications of instructors; and (D) a requirement that the
5 course be: (i) A weapons course certified or sponsored by the attorney
6 general; or (ii) a weapons course certified or sponsored by the national
7 rifle association or by a law enforcement agency, college, private or public
8 institution or organization or weapons training school, if the attorney gen-
9 eral determines that such course meets or exceeds the standards required
10 by rules and regulations adopted by the attorney general and is taught by
11 instructors certified by the attorney general or by the national rifle asso-
12 ciation, if the attorney general determines that the requirements for cer-
13 tification of instructors by such association meet or exceed the standards
14 required by rules and regulations adopted by the attorney general. *Any*
15 *person wanting to be certified by the attorney general as an instructor*
16 *shall submit to the attorney general an application in the form required*
17 *by the attorney general and a fee not to exceed \$150.*

18 (2) The cost of the weapons safety and training course required by
19 this section shall be paid by the applicant. The following shall constitute
20 satisfactory evidence of satisfactory completion of an approved weapons
21 safety and training course: (A) Evidence of completion of the course, in
22 the form provided by rules and regulations adopted by the attorney gen-
23 eral; or (B) an affidavit from the instructor, school, club, organization or
24 group that conducted or taught such course attesting to the completion
25 of the course by the applicant.

26 (c) In addition to the requirements of subsection (a), a person holding
27 a license pursuant to this act, prior to renewal of the license provided
28 herein, shall submit evidence satisfactory to the attorney general that the
29 licensee has requalified by completion of an approved course given by an
30 instructor of an approved weapons safety and training course under sub-
31 section (b).

32 Sec. 3. Section 5 of 2006 Senate Bill No. 418 is hereby amended to
33 read as follows: Sec. 5. (a) The application for a license pursuant to this
34 act shall be completed, under oath, on a form prescribed by the attorney
35 general and shall only include:

36 (1) The name, address, social security number, *Kansas driver's license*
37 *number or Kansas nondriver's license identification number*, place and
38 date of birth, and occupation of the applicant;

39 (2) a statement that the applicant is in compliance with criteria con-
40 tained within section 4 of 2006 Senate Bill No. 418, and amendments
41 thereto;

42 (3) a waiver of the confidentiality of such mental health and medical
43 records as necessary to determine the applicant's qualifications under

- 1 subsection (a)~~(5)~~ (6) of section 4 of *2006 Senate Bill No. 418*, and amend-
2 ments thereto;
- 3 (4) a statement that the applicant has been furnished a copy of this
4 act and is knowledgeable of its provisions;
- 5 (5) a conspicuous warning that the application is executed under oath
6 and that a false answer to any question, or the submission of any false
7 document by the applicant, subjects the applicant to criminal prosecution
8 under K.S.A. 21-3805, and amendments thereto; and
- 9 (6) a statement that the applicant desires a concealed weapon license
10 as a means of lawful self-defense.
- 11 (b) The applicant shall submit to the sheriff of the county where the
12 applicant resides, during any normal business hours:
- 13 (1) A completed application described in subsection (a);
- 14 (2) except as provided by subsection ~~(f)~~ (g), a nonrefundable license
15 fee ~~not to exceed~~ of \$150, if the applicant has not previously been issued
16 a statewide license or if the applicant's license has permanently expired,
17 *which fee shall be in the form of two cashier checks or money orders of*
18 *\$40 payable to the sheriff of the county where the applicant resides and*
19 *\$110 payable to the attorney general;*
- 20 (3) a photocopy of a certificate or an affidavit or document as de-
21 scribed in subsection (b) of section 4 of *2006 Senate Bill No. 418*, and
22 amendments thereto; and
- 23 (4) a full frontal view photograph of the applicant taken within the
24 preceding 30 days.
- 25 (c) (1) The sheriff, upon receipt of the items listed in subsection (b)
26 of this section or subsection (a) of section 8 of *2006 Senate Bill No. 418*,
27 and amendments thereto, shall provide for the full set of fingerprints of
28 the applicant to be taken and forwarded to the attorney general for pur-
29 poses of a criminal history records check as provided by subsection (d).
30 In addition, the sheriff shall forward *to the attorney general* a copy of the
31 application and ~~\$110 of the original license fee, or \$50 of the renewal~~
32 ~~license fee;~~ *the portion of the original or renewal license fee which is*
33 *payable* to the attorney general. The cost of taking such fingerprints shall
34 be included in the portion of the fee retained by the sheriff.
- 35 (2) The sheriff of the applicant's county of residence, at the sheriff's
36 discretion, may participate in the process by submitting a voluntary report
37 to the attorney general containing readily discoverable information, cor-
38 roborated through public records, which, when combined with another
39 enumerated factor, establishes that the applicant poses a significantly
40 greater threat to law enforcement or the public at large than the average
41 citizen. Any such voluntary reporting shall be made within 45 days after
42 the date the sheriff receives the application. Any sheriff or law enforce-
43 ment officer submitting a voluntary report shall not incur any civil or

1 criminal liability as the result of the good faith submission of such report.

2 (3) All funds retained by the sheriff pursuant to the provisions of this
3 section shall be ~~deposited in the general fund of the county and shall be~~
4 ~~budgeted to the use~~ *credited to a special fund of the sheriff's office which*
5 *shall be used solely for law enforcement and criminal prosecution pur-*
6 *poses and which shall not be used as a source of revenue to meet normal*
7 *operating expenses of the sheriff's office.*

8 (d) Each applicant shall be subject to a state and national criminal
9 history records check which conforms to applicable federal standards for
10 the purpose of verifying the identity of the applicant and whether the
11 applicant has been convicted of any crime that would disqualify the ap-
12 plicant from holding a license under this act. The attorney general is
13 authorized to use the information obtained from the national criminal
14 history record check to determine the applicant's eligibility for such
15 license.

16 (e) Within 180 days after the date of receipt of the items listed in
17 subsection (b), for applications received before July 1, 2007, and within
18 90 days after the date of receipt of the items listed in subsection (b), for
19 applications received on or after July 1, 2007, the attorney general shall:

20 (1) Issue the license *and certify the issuance to the department of*
21 *revenue; or*

22 (2) deny the application based solely on: (A) The report submitted
23 by the sheriff under subsection (c)(2) for good cause shown therein; or
24 (B) the ground that the applicant fails to qualify under the criteria listed
25 in section 4 of 2006 Senate Bill No. 418, and amendments thereto. If the
26 attorney general denies the application, the attorney general shall notify
27 the applicant in writing, stating the ground for denial and informing the
28 applicant ~~of any right to the opportunity for~~ a hearing pursuant to the
29 Kansas administrative procedure act.

30 (f) *Each person issued a license shall pay to the department of revenue*
31 *fees for the cost of the license and the photograph to be placed on the*
32 *license, which shall be in amounts equal to the fees required pursuant to*
33 *K.S.A. 8-243 and 8-246, and amendments thereto, for a driver's license*
34 *photograph and replacement of a driver's license.*

35 (g) A person who is a retired law enforcement officer, as defined in
36 K.S.A. 21-3110, and amendments thereto, shall be: (1) ~~Exempt from the~~
37 *Required to pay an original license fee of \$100, which fee shall be in the*
38 *form of two cashier checks or money orders, \$40 payable to the sheriff of*
39 *the county where the applicant resides and \$60 payable to the attorney*
40 *general, to be forwarded by the sheriff to the attorney general; (2) exempt*
41 *from the required completion of a weapons safety and training course if*
42 *such person was certified by the Kansas law enforcement training com-*
43 *mission not more than eight years prior to submission of the application;*

1 (3) required to pay the license renewal fee; ~~and~~ (4) *required to pay to the*
2 *department of revenue the fees required by subsection (f); and* (5) required
3 to comply with the criminal history records check requirement of this
4 section.

5 Sec. 4. Section 6 of 2006 Senate Bill No. 418 is hereby amended to
6 read as follows: Sec. 6. (a) *The attorney general shall be the official*
7 *custodian of all records relating to licenses issued pursuant to the personal*
8 *and family protection act.*

9 (b) *Except as provided by subsections (c) and (d), records relating to*
10 *persons issued licenses pursuant to this act, persons applying for licenses*
11 *pursuant to this act or persons who have had a license denied pursuant*
12 *to this act shall be confidential and shall not be disclosed in a manner*
13 *which enables identification of any such person. Any disclosure of a record*
14 *in violation of this subsection is a class A misdemeanor.*

15 (c) *Records of a person whose license has been suspended or revoked*
16 *pursuant to this act shall be subject to public inspection in accordance*
17 *with the open records act.*

18 (d) The attorney general shall maintain an automated listing of license
19 holders and pertinent information, and such information shall be availa-
20 ble, upon request, at all times to all law enforcement agencies in this
21 state, other states and the District of Columbia.

22 ~~(b)~~ (e) Within 30 days after the changing of a permanent address, or
23 within 30 days after having a license lost or destroyed, the licensee shall
24 notify the attorney general of such change, loss or destruction. The at-
25 torney general, upon notice and *opportunity for hearing in accordance*
26 *with the provisions of the Kansas administrative procedure act*, may order
27 a licensee to pay a fine of not more than \$100, or may suspend the li-
28 censee's license for not more than 180 days, for failure to notify the at-
29 torney general pursuant to the provisions of this subsection.

30 ~~(c)~~ (f) In the event that a concealed weapon license is lost or de-
31 stroyed, the license shall be automatically invalid, and the person to whom
32 the license was issued, upon payment of \$15 to the attorney general, may
33 obtain a duplicate, or substitute thereof, upon furnishing a notarized
34 statement to the attorney general that such license has been lost or
35 destroyed.

36 Sec. 5. Section 7 of 2006 Senate Bill No. 418 is hereby amended to
37 read as follows: Sec. 7. (a) *In accordance with the provisions of the*
38 *Kansas administrative procedure act*, the attorney general shall deny a
39 license to any applicant for license who is ineligible under section 4 of
40 2006 Senate Bill No. 418, and amendments thereto, and shall ~~suspend or~~
41 revoke at any time the license of any person who would be ineligible
42 under section 4 of 2006 Senate Bill No. 418, and amendments thereto, if
43 submitting an application for a license at such time or who fails to submit

1 evidence of completion of a weapons safety and training course as re-
2 quired by subsection (c) of section 4 of 2006 Senate Bill No. 418, and
3 amendments thereto. ~~The suspension or revocation shall be subject to~~
4 *Any* review by the district court in accordance with the act for judicial
5 review and civil enforcement of agency actions *shall be in Shawnee*
6 *county*. The ~~suspension or~~ revocation shall remain in effect pending any
7 appeal and shall not be stayed by the court.

8 (b) The sheriff of the county where a restraining order is issued that
9 would prohibit issuance of a license under subsection (a)~~(11)~~ (12) of sec-
10 tion 4 of 2006 Senate Bill No. 418, and amendments thereto, shall notify
11 the attorney general immediately upon receipt of such order. If the per-
12 son subject to the restraining order holds a license issued pursuant to this
13 act, the attorney general immediately shall revoke such license upon re-
14 ceipt of notice of the issuance of such order. The attorney general shall
15 adopt rules and regulations establishing procedures which allow for 24-
16 hour notification and revocation of a license under the circumstances
17 described in this subsection.

18 Sec. 6. Section 8 of 2006 Senate Bill No. 418 is hereby amended to
19 read as follows: Sec. 8. (a) Not less than 90 days prior to the expiration
20 date of the license, the attorney general shall mail to the licensee a written
21 notice of the expiration and a renewal form prescribed by the attorney
22 general. The licensee shall renew the license on or before the expiration
23 date by filing with the sheriff of the applicant's county of residence the
24 renewal form, a notarized affidavit stating that the licensee remains qual-
25 ified pursuant to the criteria specified in section 4 of 2006 Senate Bill No.
26 418, and amendments thereto, a full frontal view photograph of the ap-
27 plicant taken within the preceding 30 days and a nonrefundable license
28 renewal fee ~~not to exceed~~ of \$100 *which fee shall be in the form of two*
29 *cashier checks or money orders, one of \$50 payable to the sheriff of the*
30 *county where the applicant resides and one of \$50 payable to the attorney*
31 *general*. The license shall be renewed upon receipt of the completed
32 renewal application and appropriate payment of fees. A licensee who fails
33 to file a renewal application on or before the expiration date of the license
34 must pay an additional late fee of \$15.

35 (b) If the licensee is qualified as provided by this act, the license shall
36 be renewed upon receipt by the attorney general of the items listed in
37 subsection (a).

38 (c) No license shall be renewed six months or more after the expi-
39 ration date of the license, and such license shall be deemed to be per-
40 manently expired. A person whose license has been permanently expired
41 may reapply for licensure but an application for licensure and fees pur-
42 suant to section 5 of 2006 Senate Bill No. 418, and amendments thereto,
43 shall be submitted, and a background investigation shall be conducted

1 pursuant to the provisions of that section.

2 Sec. 7. Section 10 of 2006 Senate Bill No. 418 is hereby amended to
3 read as follows: Sec. 10. (a) No license issued pursuant to this act shall
4 authorize the licensee to carry a concealed weapon into:

5 (1) Any place where an activity declared a common nuisance by
6 K.S.A. 22-3901, and amendments thereto, is maintained;

7 (2) any police, sheriff or highway patrol station;

8 (3) any detention facility, prison or jail;

9 (4) any courthouse;

10 (5) any courtroom, except that nothing in this section would preclude
11 a judge from carrying a concealed weapon or determining who will carry
12 a concealed weapon in the judge's courtroom;

13 (6) any polling place on the day an election is held;

14 (7) any meeting of the governing body of a county, city or other po-
15 litical or taxing subdivision of the state, or any committee or subcommit-
16 tee thereof;

17 (8) on the state fairgrounds;

18 (9) any state office building;

19 (10) any athletic event not related to or involving firearms which is
20 sponsored by a private or public elementary or secondary school or any
21 private or public institution of postsecondary education;

22 (11) any professional athletic event not related to or involving
23 firearms;

24 (12) any portion of a drinking establishment as defined by K.S.A. 41-
25 2601, and amendments thereto, except that this provision shall not apply
26 to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;

27 (13) any elementary or secondary school building or structure used
28 for student instruction or attendance;

29 (14) any community college, college or university facility;

30 (15) any place where the carrying of firearms is prohibited by federal
31 or state law;

32 (16) any child exchange and visitation center provided for in K.S.A.
33 75-720, and amendments thereto;

34 (17) any community mental health center organized pursuant to
35 K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic
36 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto;
37 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments
38 thereto; or state psychiatric hospital, as follows: Larned state hospital,
39 Osawatomie state hospital or Rainbow mental health facility;

40 (18) any city hall;

41 (19) any public library operated by the state or by a political subdi-
42 vision of the state;

43 (20) any day care home or group day care home, as defined in Kansas

1 administrative regulation 28-4-113, or any preschool or childcare center,
2 as defined in Kansas administrative regulation 28-4-420; ~~or~~

3 (21) any church or temple; *or*

4 (22) *any place in violation of K.S.A. 21-4218, and amendments*
5 *thereto.*

6 (b) Violation of this section is a class A misdemeanor.

7 Sec. 8. Section 11 of 2006 Senate Bill No. 418 is hereby amended to
8 read as follows: Sec. 11. (a) Nothing in this act shall be construed to
9 prevent:

10 (1) Any public or private employer from restricting or prohibiting in
11 any manner persons licensed under this act from carrying a concealed
12 weapon while on the premises of the employer's business or while en-
13 gaged in the duties of the person's employment by the employer; or

14 (2) any entity owning or operating business premises open to the
15 public from restricting or prohibiting in any manner persons licensed
16 under this act from carrying a concealed weapon while on such premises,
17 provided that the premises are posted, ~~in a manner reasonably likely to~~
18 ~~come to the attention of persons entering the premises in accordance~~
19 ~~with rules and regulations adopted by the attorney general pursuant to~~
20 ~~this section,~~ as premises where carrying a concealed weapon is prohibited;
21 or

22 (3) a property owner from restricting or prohibiting in any manner
23 persons licensed under this act from carrying a concealed weapon while
24 on such property, provided that the premises are posted, ~~in a manner~~
25 ~~reasonably likely to come to the attention of persons entering the property~~
26 ~~in accordance with rules and regulations adopted by the attorney general~~
27 ~~pursuant to this section,~~ as premises where carrying a concealed weapon
28 is prohibited.

29 (b) Carrying a concealed weapon on premises in violation of any re-
30 striction or prohibition allowed by subsection (a) (1), or in violation of any
31 restriction or prohibition allowed by subsection ~~(b) or (c)~~ (a)(2) or (a)(3)
32 if the premises are posted as required by such subsection, is a class B
33 misdemeanor.

34 (c) *The attorney general shall adopt rules and regulations prescribing*
35 *the location, content, size and other characteristics of signs to be posted*
36 *on premises pursuant to subsections (a)(2) and (a)(3).*

37 Sec. 9. Section 12 of 2006 Senate Bill No. 418 is hereby amended to
38 read as follows: Sec. 12. (a) It is a class A nonperson misdemeanor for
39 a person licensed pursuant to this act to carry a concealed weapon while
40 under the influence of alcohol or drugs, or both.

41 (b) *In any criminal prosecution for carrying a concealed weapon*
42 *while under the influence of alcohol or drugs, or both, evidence of the*
43 *concentration of alcohol or drugs in the defendant's blood, urine, breath*

- 1 *or other bodily substance may be admitted and shall give rise to the*
2 *following:*
- 3 (1) *If the alcohol concentration is less than .08, that fact may be con-*
4 *sidered with other competent evidence to determine if the defendant was*
5 *under the influence of alcohol, or both alcohol and drugs.*
- 6 (2) *If the alcohol concentration is .08 or more, it shall be prima facie*
7 *evidence that the defendant was under the influence of alcohol.*
- 8 (3) *If there was present in the defendant's bodily substance any nar-*
9 *cotic, hypnotic, somnifacient, stimulating or other drug which has the*
10 *capacity to render the defendant incapacitated, that fact may be consid-*
11 *ered to determine if the defendant was under the influence of drugs, or*
12 *both alcohol and drugs.*
- 13 (c) *The provisions of subsection (b) shall not be construed as limiting*
14 *the introduction of any other competent evidence bearing upon the ques-*
15 *tion of whether or not the defendant was under the influence of alcohol*
16 *or drugs, or both.*
- 17 (d) *Any person licensed pursuant to this act is deemed to have given*
18 *consent to submit to one or more tests of the person's blood, breath, urine*
19 *or other bodily substance to determine the presence of alcohol or drugs.*
20 *The testing deemed consented to under this subsection shall include all*
21 *quantitative and qualitative tests for alcohol and drugs. A law enforcement*
22 *officer shall request a person to submit to a test or tests deemed consented*
23 *to under this subsection if such person is arrested or otherwise taken into*
24 *custody for any offense involving carrying of a concealed weapon while*
25 *under the influence of alcohol or drugs, or both, in violation of this section*
26 *and the arresting officer has reasonable grounds to believe that prior to*
27 *arrest the person was carrying a concealed weapon under the influence*
28 *of alcohol or drugs, or both. The test or tests shall be administered in the*
29 *manner provided by for administration of tests for alcohol or drugs pur-*
30 *suant to K.S.A. 8-1001, and amendments thereto, and the person per-*
31 *forming or assisting in the performance of any such test and the law*
32 *enforcement officer requesting any such test shall be immune from civil*
33 *and criminal liability to the same extent as in the case of tests performed*
34 *pursuant to that statute.*
- 35 (e) *Before a test or tests are administered under this section, the per-*
36 *son shall be given oral and written notice that:*
- 37 (1) *Kansas law requires the person to submit to and complete one or*
38 *more tests of breath, blood or urine to determine if the person is under*
39 *the influence of alcohol or drugs, or both;*
- 40 (2) *the opportunity to consent to or refuse a test is not a constitutional*
41 *right;*
- 42 (3) *there is no constitutional right to consult with an attorney re-*
43 *garding whether to submit to testing;*

1 (4) *if the person refuses to submit to and complete any test of breath,*
2 *blood or urine hereafter requested by a law enforcement officer, the per-*
3 *son's license to carry a concealed weapon will be revoked for a minimum*
4 *of three years; and*

5 (5) *after the completion of the testing, the person has the right to*
6 *consult with an attorney and may secure additional testing, which, if*
7 *desired, should be done as soon as possible and is customarily available*
8 *from medical care facilities and physicians.*

9 (f) *After giving the foregoing information, a law enforcement officer*
10 *shall request the person to submit to testing. The selection of the test or*
11 *tests shall be made by the officer. If the person refuses to submit to and*
12 *complete a test as requested pursuant to this section, additional testing*
13 *shall not be given unless the law enforcement officer has probable cause*
14 *to believe that the person while under the influence of alcohol or drugs,*
15 *or both, was carrying a concealed weapon used in killing or seriously*
16 *injuring another person. If the test results show a blood or breath alcohol*
17 *concentration of .08 or greater, the person's license to carry a concealed*
18 *weapon shall be subject to suspension or revocation pursuant to this act.*

19 (g) *The person's refusal shall be admissible in evidence against the*
20 *person at any trial on a charge arising out of carrying a concealed weapon*
21 *while under the influence of alcohol or drugs, or both.*

22 (h) *Failure of a person to provide an adequate breath sample or sam-*
23 *ples as directed shall constitute a refusal unless the person shows that the*
24 *failure was due to physical inability caused by a medical condition un-*
25 *related to any ingested alcohol or drugs.*

26 (i) (1) *If the person refuses to submit to testing when requested pur-*
27 *suant to this section, the person's weapon and license shall be seized by*
28 *the law enforcement officer and the person's license shall be forwarded to*
29 *the attorney general, together with the officer's certification of the follow-*
30 *ing: (A) There existed reasonable grounds to believe the person was car-*
31 *rying a concealed weapon while under the influence of alcohol or drugs,*
32 *or both, and a statement of such grounds; (B) the person had been placed*
33 *under arrest or was in custody; (C) a law enforcement officer had pre-*
34 *sented the person with the oral and written notice required by this section;*
35 *and (D) the person refused to submit to and complete a test as requested*
36 *by a law enforcement officer.*

37 (2) *If the person fails a test administered pursuant to this section, the*
38 *person's weapon and license shall be seized by the law enforcement officer*
39 *and the person's license shall be forwarded to the attorney general, to-*
40 *gether with the officer's certification of the following: (A) There existed*
41 *reasonable grounds to believe the person was carrying a concealed*
42 *weapon while under the influence of alcohol or drugs, or both; (B) the*
43 *person had been placed under arrest or was in custody; (C) a law en-*

1 *forcement officer had presented the person with the oral and written*
2 *notice required by K.S.A. 8-1001, and amendments thereto; and (D) the*
3 *result of the test showed that the person had an alcohol concentration of*
4 *.08 or greater in such person's blood or breath.*

5 (3) *With regard to failure of a breath test, in addition to those matters*
6 *required to be certified under subsection (h)(2), the law enforcement of-*
7 *ficer shall certify that: (A) The testing equipment used was certified by*
8 *the Kansas department of health and environment; (B) the testing pro-*
9 *cedures used were in accordance with the requirements set out by the*
10 *Kansas department of health and environment; and (C) the person who*
11 *operated the testing equipment was certified by the Kansas department*
12 *of health and environment to operate such equipment.*

13 (4) *For purposes of this subsection, certification shall be complete*
14 *upon signing, and no additional acts of oath, affirmation, acknowledgment*
15 *or proof of execution shall be required. The signed certification or a copy*
16 *or photostatic reproduction thereof shall be admissible in evidence in all*
17 *proceedings brought pursuant to this act, and receipt of any such certi-*
18 *fication, copy or reproduction shall accord the department authority to*
19 *proceed as set forth herein. Any person who signs a certification submitted*
20 *to the attorney general knowing it contains a false statement is guilty of*
21 *a class B nonperson misdemeanor.*

22 (5) *Upon receipt of a certification in accordance with this section, the*
23 *attorney general shall revoke the person's license for three years.*

24 (j) *It shall not be a defense that the person did not understand the*
25 *written or oral notice required by this section.*

26 (k) *No test results shall be suppressed because of technical irregular-*
27 *ities in the consent or notice required pursuant to this act.*

28 (l) *Nothing in this section shall be construed to limit the admissibility*
29 *at any trial of alcohol or drug concentration testing results obtained pur-*
30 *suant to a search warrant.*

31 (m) *Upon the request of any person submitting to testing under this*
32 *section, a report of the results of the testing shall be made available to*
33 *such person.*

34 Sec. 10. K.S.A. 21-4218 is hereby amended to read as follows: 21-
35 4218. (a) Possession of a firearm on the grounds of or in the state capitol
36 building, within the governor's residence, on the grounds of or in any
37 building on the grounds of the governor's residence, within the state
38 office building at 915 Harrison known as the Docking state office build-
39 ing, within the state office building at 900 Jackson known as the Landon
40 state office building, within the Kansas judicial center at 301 West 10th,
41 within any other state-owned or leased building if the secretary of ad-
42 ministration has so designated by rules and regulations and conspicuously
43 placed signs clearly stating that firearms are prohibited within such build-

1 ing, and within any county courthouse, unless, by county resolution, the
2 board of county commissioners authorize the possession of a firearm
3 within such courthouse, is possession of a firearm by a person other than
4 a commissioned law enforcement officer, a full-time salaried law enforce-
5 ment officer of another state or the federal government who is carrying
6 out official duties while in this state, any person summoned by any such
7 officer to assist in making arrests or preserving the peace while actually
8 engaged in assisting such officer or a member of the military of this state
9 or the United States engaged in the performance of duties who brings a
10 firearm into, or possesses a firearm within, the state capitol building, any
11 state legislative office, any office of the governor or office of other state
12 government elected official, any hearing room in which any committee
13 of the state legislature or either house thereof is conducting a hearing,
14 the governor's residence, on the grounds of or in any building on the
15 grounds of the governor's residence or the Landon state office building,
16 Docking state office building, Kansas judicial center, county courthouses
17 unless otherwise allowed, or any other state-owned or leased building, so
18 designated.

19 (b) It is not a violation of this section for the governor, the governor's
20 immediate family, or specifically authorized guests of the governor to
21 possess a firearm within the governor's residence or on the grounds of or
22 in any building on the grounds of the governor's residence.

23 (c) Violation of subsection (a) is a class ~~B nonperson select misde-~~
24 ~~meanor~~ *A misdemeanor*.

25 (d) This section shall be part of and supplemental to the Kansas crim-
26 inal code.

27 New Sec. 11. (a) On or before September 1, 2006, every district
28 court shall review all files dated on or after July 1, 1998, concerning
29 mentally ill persons subject to involuntary commitment for care and treat-
30 ment as defined in K.S.A. 59-2946, and amendments thereto, or persons
31 with an alcohol or substance abuse problem subject to involuntary com-
32 mitment for care and treatment as defined in K.S.A. 59-29b46, and
33 amendments thereto.

34 (b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-
35 29b66, and amendments thereto, the clerk of the court shall report such
36 order to the Kansas bureau of investigation.

37 (c) A copy of such orders shall be delivered by the clerk of the court
38 to the Kansas bureau of investigation on or before September 1, 2006.
39 The Kansas bureau of investigation shall immediately enter the order into
40 the national criminal information center and other appropriate databases.

41 (d) The Kansas bureau of investigation shall ensure the accuracy of
42 the entries and the court shall ensure the validity of the orders.

43 (e) Upon a finding that the mentally ill person is a danger to self or

1 others, the court shall notify the mentally ill person subject to involuntary
2 commitment for care and treatment that it is a violation of the law to
3 possess a firearm. Upon a finding that a proposed patient is a person with
4 an alcohol or substance abuse problem subject to involuntary commit-
5 ment for care and treatment, the court shall notify the person that it is a
6 violation of the law to possess a firearm. Upon release, the state hospital
7 shall notify the patient that it is a violation of the law for the patient to
8 possess a firearm and provide information to the patient regarding the
9 restoration procedure.

10 New Sec. 12. On and after July 1, 2007, (a) a person who has been
11 discharged pursuant to K.S.A. 59-2973 or 59-29b73, and amendments
12 thereto, may file a petition in the court where treatment was ordered
13 pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, for
14 the restoration of the ability to legally possess a firearm.

15 (b) Notice of the filing of such petition shall be served on the peti-
16 tioner who originally filed the action pursuant to K.S.A. 59-2952, 59-2957,
17 59-29b52 or 59-29b57, and amendments thereto, or the petitioner's at-
18 torney and the county or district attorney as appropriate.

19 (c) If the court finds the person is no longer likely to cause harm to
20 such person's self or others, the court shall issue a certificate of restoration
21 to the person. Such restoration shall have the effect of restoring the per-
22 son's ability to legally possess a firearm, and the certification of restoration
23 shall so state.

24 (d) The certificate of registration issued pursuant to this section shall
25 only apply to the possession of a firearm for the purposes of an alleged
26 violation of subsection (a)(7) of K.S.A. 21-4204, and amendments thereto.

27 Sec. 13. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203 is
28 hereby amended to read as follows: 21-4203. (a) Criminal disposal of
29 firearms is knowingly:

30 (1) Selling, giving or otherwise transferring any firearm with a barrel
31 less than 12 inches long to any person under 18 years of age;

32 (2) selling, giving or otherwise transferring any firearms to any person
33 who is both addicted to and an unlawful user of a controlled substance;

34 (3) selling, giving or otherwise transferring any firearm to any person
35 who, within the preceding five years, has been convicted of a felony, other
36 than those specified in subsection (b), under the laws of this or any other
37 jurisdiction or has been released from imprisonment for a felony and was
38 found not to have been in possession of a firearm at the time of the
39 commission of the offense;

40 (4) selling, giving or otherwise transferring any firearm to any person
41 who, within the preceding 10 years, has been convicted of a felony to
42 which this subsection applies, but was not found to have been in the
43 possession of a firearm at the time of the commission of the offense, or

1 has been released from imprisonment for such a crime, and has not had
2 the conviction of such crime expunged or been pardoned for such crime;

3 ~~or~~

4 (5) selling, giving or otherwise transferring any firearm to any person
5 who has been convicted of a felony under the laws of this or any other
6 jurisdiction and was found to have been in possession of a firearm at the
7 time of the commission of the offense; or

8 (6) *selling, giving or otherwise transferring any firearm to any person*
9 *who is or has been a mentally ill person subject to involuntary commit-*
10 *ment for care and treatment, as defined in K.S.A. 59-2946, and amend-*
11 *ments thereto, or a person with an alcohol or substance abuse problem*
12 *subject to involuntary commitment for care and treatment as defined in*
13 *K.S.A. 59-29b46, and amendments thereto, and such person has not re-*
14 *ceived a certificate of restoration pursuant to section 12, and amendments*
15 *thereto.*

16 (b) Subsection (a)(4) shall apply to a felony under K.S.A. 21-3401,
17 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-
18 3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716,
19 65-4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp.
20 21-3442, and amendments thereto, or a crime under a law of another
21 jurisdiction which is substantially the same as such felony.

22 (c) Criminal disposal of firearms is a class A nonperson misdemeanor.
23 Sec. 14. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4204 is
24 hereby amended to read as follows: 21-4204. (a) Criminal possession of
25 a firearm is:

26 (1) Possession of any firearm by a person who is both addicted to and
27 an unlawful user of a controlled substance;

28 (2) possession of any firearm by a person who has been convicted of
29 a person felony or a violation of any provision of the uniform controlled
30 substances act under the laws of Kansas or a crime under a law of another
31 jurisdiction which is substantially the same as such felony or violation, or
32 was adjudicated a juvenile offender because of the commission of an act
33 which if done by an adult would constitute the commission of a person
34 felony or a violation of any provision of the uniform controlled substances
35 act, and was found to have been in possession of a firearm at the time of
36 the commission of the offense;

37 (3) possession of any firearm by a person who, within the preceding
38 five years has been convicted of a felony, other than those specified in
39 subsection (a)(4)(A), under the laws of Kansas or a crime under a law of
40 another jurisdiction which is substantially the same as such felony, has
41 been released from imprisonment for a felony or was adjudicated as a
42 juvenile offender because of the commission of an act which if done by
43 an adult would constitute the commission of a felony, and was found not

1 to have been in possession of a firearm at the time of the commission of
2 the offense;

3 (4) possession of any firearm by a person who, within the preceding
4 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-
5 3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419,
6 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-
7 4127a or 65-4127b, or 65-4160 through 65-4164 or K.S.A. 2005 Supp.
8 21-3442, and amendments thereto, or a crime under a law of another
9 jurisdiction which is substantially the same as such felony, has been re-
10 leased from imprisonment for such felony, or was adjudicated as a juvenile
11 offender because of the commission of an act which if done by an adult
12 would constitute the commission of such felony, was found not to have
13 been in possession of a firearm at the time of the commission of the
14 offense, and has not had the conviction of such crime expunged or been
15 pardoned for such crime; or (B) a nonperson felony under the laws of
16 Kansas or a crime under the laws of another jurisdiction which is sub-
17 stantially the same as such nonperson felony, has been released from
18 imprisonment for such nonperson felony or was adjudicated as a juvenile
19 offender because of the commission of an act which if done by an adult
20 would constitute the commission of a nonperson felony, and was found
21 to have been in possession of a firearm at the time of the commission of
22 the offense;

23 (5) possession of any firearm by any person, other than a law enforce-
24 ment officer, in or on any school property or grounds upon which is
25 located a building or structure used by a unified school district or an
26 accredited nonpublic school for student instruction or attendance or ex-
27 tracurricular activities of pupils enrolled in kindergarten or any of the
28 grades 1 through 12 or at any regularly scheduled school sponsored ac-
29 tivity or event; ~~or~~

30 (6) refusal to surrender or immediately remove from school property
31 or grounds or at any regularly scheduled school sponsored activity or
32 event any firearm in the possession of any person, other than a law en-
33 forcement officer, when so requested or directed by any duly authorized
34 school employee or any law enforcement officer; *or*

35 (7) *possession of any firearm by a person who is or has been a men-*
36 *tally ill person subject to involuntary commitment for care and treatment,*
37 *as defined in K.S.A. 59-2946, and amendments thereto, or persons with*
38 *an alcohol or substance abuse problem subject to involuntary commitment*
39 *for care and treatment as defined in K.S.A. 59-29b46, and amendments*
40 *thereto.*

41 (b) Subsection (a)(5) shall not apply to:

42 (1) Possession of any firearm in connection with a firearms safety
43 course of instruction or firearms education course approved and author-

1 ized by the school;

2 (2) any possession of any firearm specifically authorized in writing by
3 the superintendent of any unified school district or the chief administrator
4 of any accredited nonpublic school;

5 (3) possession of a firearm secured in a motor vehicle by a parent,
6 guardian, custodian or someone authorized to act in such person's behalf
7 who is delivering or collecting a student; or

8 (4) possession of a firearm secured in a motor vehicle by a registered
9 voter who is on the school grounds, which contain a polling place for the
10 purpose of voting during polling hours on an election day.

11 (c) *Subsection (a)(7) shall not apply to a person who has received a*
12 *certificate of restoration pursuant to section 12, and amendments thereto.*

13 (d) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select
14 misdemeanor; violation of subsection (a)(2), (a)(3) ~~or~~, (a)(4) or (a)(7) is a
15 severity level 8, nonperson felony; violation of subsection (a)(6) is a class
16 A nonperson misdemeanor.

17 Sec. 15 On and after July 1, 2007, K.S.A. 59-2948 is hereby amended
18 to read as follows: 59-2948. (a) The fact that a person may have voluntarily
19 accepted any form of psychiatric treatment, or become subject to a court
20 order entered under authority of this act, shall not be construed to mean
21 that such person shall have lost any civil right they otherwise would have
22 as a resident or citizen, any property right or their legal capacity, except
23 as may be specified within any court order or as otherwise limited by the
24 provisions of this act or the reasonable rules and regulations which the
25 head of a treatment facility may for good cause find necessary to make
26 for the orderly operations of that facility. No person held in custody under
27 the provisions of this act shall be denied the right to apply for a writ of
28 habeas corpus.

29 (b) There shall be no implication or presumption that a patient within
30 the terms of this act is for that reason alone a person in need of a guardian
31 or a conservator as provided for in K.S.A. 59-3050 through 59-3095, and
32 amendments thereto.

33 (c) *A person who is a mentally ill person subject to involuntary com-*
34 *mitment for care and treatment as defined in K.S.A. 59-2946, and amend-*
35 *ments thereto, or a person with an alcohol or substance abuse problem*
36 *subject to involuntary commitment for care and treatment as defined in*
37 *K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-*
38 *4204, and amendments thereto.*

39 Sec. 16. On and after July 1, 2007, K.S.A. 59-2966 is hereby
40 amended to read as follows: 59-2966. (a) Upon the completion of the
41 trial, if the court or jury finds by clear and convincing evidence that the
42 proposed patient is a mentally ill person subject to involuntary commit-
43 ment for care and treatment under this act, the court shall order treat-

1 ment for such person for a specified period of time not to exceed three
2 months from the date of the trial at a treatment facility, except that the
3 court shall not order treatment at a state psychiatric hospital, unless a
4 written statement from a qualified mental health professional authorizing
5 such treatment at a state psychiatric hospital has been filed with the court.
6 *Whenever an involuntary patient is ordered to receive treatment, the clerk*
7 *of the district court shall send a copy of the order to the Kansas bureau*
8 *of investigation within five days after receipt of the order. The Kansas*
9 *bureau of investigation shall immediately enter the order into the national*
10 *criminal information center and other appropriate databases.* An order
11 for treatment in a treatment facility other than a state psychiatric hospital
12 shall be conditioned upon the consent of the head of that treatment fa-
13 cility to accepting the patient. In the event no other appropriate treatment
14 facility has agreed to provide treatment for the patient, and no qualified
15 mental health professional has authorized treatment at a state psychiatric
16 hospital, the participating mental health center for the county in which
17 the patient resides shall be given responsibility for providing or securing
18 treatment for the patient or if no county of residence can be determined
19 for the patient, then the participating mental health center for the county
20 in which the patient was taken into custody or in which the petition was
21 filed shall be given responsibility for providing or securing treatment for
22 the patient.

23 (b) A copy of the order for treatment shall be provided to the head
24 of the treatment facility.

25 (c) When the court orders treatment, it shall retain jurisdiction to
26 modify, change or terminate such order, unless venue has been changed
27 pursuant to K.S.A. 59-2971 and amendments thereto and then the re-
28 ceiving court shall have continuing jurisdiction.

29 (d) If the court finds from the evidence that the proposed patient has
30 not been shown to be a mentally ill person subject to involuntary com-
31 mitment for care and treatment under this act the court shall release the
32 person and terminate the proceedings.

33 Sec. 17. On and after July 1, 2007, K.S.A. 59-2974 is hereby
34 amended to read as follows: 59-2974. The head of the treatment facility
35 shall notify, in writing, the patient, the patient's attorney, the petitioner
36 or the petitioner's attorney, the county or district attorney as appropriate,
37 and the district court which has jurisdiction over the patient of the pa-
38 tient's discharge pursuant to K.S.A. 59-2973 and amendments thereto.
39 When a notice of discharge is received, the court shall file the same which
40 shall terminate the proceedings, unless there has been issued a supersed-
41 ing inpatient or outpatient treatment order not being discharged by the
42 notice. *Whenever a person who is involuntarily committed to a state psy-*
43 *chiatric hospital is released by order of the court or termination of the*

1 *case, the court shall review the case upon request of the patient, and may*
2 *order the issuance of the certificate of restoration pursuant to section 12,*
3 *and amendments thereto. If the court issues such release or termination*
4 *and certificate, the court shall order the clerk of the district court to report*
5 *the release or termination of the case and the certificate of restoration to*
6 *the Kansas bureau of investigation within five days after the order.*

7 Sec. 18. On and after July 1, 2007, K.S.A. 59-104 is hereby amended
8 to read as follows: 59-104. (a) *Docket fee.* Except as otherwise provided
9 by law, no case shall be filed or docketed in the district court under the
10 provisions of chapter 59 of the Kansas Statutes Annotated or of articles
11 40 and 52 of chapter 65 of the Kansas Statutes Annotated without pay-
12 ment of an appropriate docket fee as follows:

13	Treatment of mentally ill	\$25.50 50.00
14	Treatment of alcoholism or drug abuse.....	25.50
15	Determination of descent of property	40.50
16	Termination of life estate.....	39.50
17	Termination of joint tenancy	39.50
18	Refusal to grant letters of administration	39.50
19	Adoption.....	39.50
20	Filing a will and affidavit under K.S.A. 59-618a.....	39.50
21	Guardianship	60.50
22	Conservatorship	60.50
23	Trusteeship	60.50
24	Combined guardianship and conservatorship.....	60.50
25	Certified probate proceedings under K.S.A. 59-213, and amendments	
26	thereto	14.50
27	Decrees in probate from another state	99.50
28	Probate of an estate or of a will.....	100.50
29	Civil commitment under K.S.A. 59-29a01 et seq.....	24.50

30 (b) *Poverty affidavit in lieu of docket fee and exemptions.* The pro-
31 visions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and
32 amendments thereto, shall apply to probate docket fees prescribed by
33 this section.

34 (c) *Disposition of docket fee.* Statutory charges for the law library and
35 for the prosecuting attorneys' training fund shall be paid from the docket
36 fee. The remainder of the docket fee shall be paid to the state treasurer
37 in accordance with K.S.A. 20-362, and amendments thereto.

38 (d) *Additional court costs.* Other fees and expenses to be assessed as
39 additional court costs shall be approved by the court, unless specifically
40 fixed by statute. Other fees shall include, but not be limited to, witness
41 fees, appraiser fees, fees for service of process outside the state, fees for
42 depositions, transcripts and publication of legal notice, executor or ad-
43 ministrator fees, attorney fees, court costs from other courts and any other

1 fees and expenses required by statute. All additional court costs shall be
2 taxed and billed against the parties or estate as directed by the court. No
3 sheriff in this state shall charge any district court in this state a fee or
4 mileage for serving any paper or process.

5 Sec. 19. On and after July 1, 2007, K.S.A. 59-29b48 is hereby
6 amended to read as follows: 59-29b48. (a) The fact that a person may
7 have voluntarily accepted any form of treatment for an alcohol or sub-
8 stance abuse problem, or become subject to a court order entered under
9 authority of this act, shall not be construed to mean that such person shall
10 have lost any civil right they otherwise would have as a resident or citizen,
11 any property right or their legal capacity, except as may be specified
12 within any court order or as otherwise limited by the provisions of this
13 act or the reasonable rules and regulations which the head of a treatment
14 facility may for good cause find necessary to make for the orderly oper-
15 ations of that facility. No person held in custody under the provisions of
16 this act shall be denied the right to apply for a writ of habeas corpus.

17 (b) There shall be no implication or presumption that a patient within
18 the terms of this act is for that reason alone a person in need of a guardian
19 or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095,
20 and amendments thereto.

21 (c) *A person who is a mentally ill person subject to involuntary com-*
22 *mitment for care and treatment as defined in K.S.A. 59-2946, and amend-*
23 *ments thereto, or a person with an alcohol or substance abuse problem*
24 *subject to involuntary commitment for care and treatment as defined in*
25 *K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-*
26 *4204, and amendment thereto.*

27 Sec. 20. On and after July 1, 2007, K.S.A. 59-29b66 is hereby
28 amended to read as follows: 59-29b66. (a) Upon the completion of the
29 trial, if the court or jury finds by clear and convincing evidence that the
30 proposed patient is a person with an alcohol or substance abuse problem
31 subject to involuntary commitment for care and treatment under this act,
32 the court shall order treatment for such person for a specified period of
33 time not to exceed three months from the date of the trial at a treatment
34 facility. *Whenever an involuntary patient is ordered to receive treatment,*
35 *the clerk of the district court shall send a copy of the order to the Kansas*
36 *bureau of investigation within five days after receipt of the order. The*
37 *Kansas bureau of investigation shall immediately enter the order into the*
38 *national criminal information center and other appropriate databases.* An
39 order for treatment in a treatment facility shall be conditioned upon the
40 consent of the head of that treatment facility to accepting the patient. In
41 the event no appropriate treatment facility has agreed to provide treat-
42 ment for the patient, then the secretary of social and rehabilitation serv-
43 ices shall be given responsibility for providing or securing treatment for

1 the patient.

2 (b) A copy of the order for treatment shall be provided to the head
3 of the treatment facility.

4 (c) When the court orders treatment, it shall retain jurisdiction to
5 modify, change or terminate such order, unless venue has been changed
6 pursuant to K.S.A. 59-29b71 and amendments thereto and then the re-
7 ceiving court shall have continuing jurisdiction.

8 (d) If the court finds from the evidence that the proposed patient has
9 not been shown to be a person with an alcohol or substance abuse prob-
10 lem subject to involuntary commitment for care and treatment under this
11 act, the court shall release the person and terminate the proceedings.

12 Sec. 21. On and after July 1, 2007, K.S.A. 59-29b74 is hereby
13 amended to read as follows: 59-29b74. The head of the treatment facility
14 shall notify, in writing, the patient, the patient's attorney, the petitioner
15 or the petitioner's attorney, the county or district attorney as appropriate,
16 and the district court which has jurisdiction over the patient of the pa-
17 tient's discharge pursuant to K.S.A. 59-29b73 and amendments thereto.
18 When a notice of discharge is received, the court shall file the same which
19 shall terminate the proceedings, unless there has been issued a supersed-
20 ing inpatient or outpatient treatment order not being discharged by the
21 notice. *Whenever a person who is involuntarily committed to a state psy-*
22 *chiatric hospital is released by order of the court of termination of the*
23 *case, the court shall review the case upon request of the patient, and may*
24 *order the issuance of the certificate of restoration pursuant to section 12,*
25 *and amendments thereto. If the court issues such release or termination*
26 *and certificate, the court shall order the clerk of the district court to report*
27 *the release or termination of the case and the certificate of restoration to*
28 *the Kansas bureau of investigation within five days after the order*

29 Sec. 22. K.S.A. 21-4218, and sections 3, 4, 5, 6, 7, 8, 10, 11 and 12
30 of 2006 Senate Bill No. 418 are hereby repealed.

31 Sec. 23. On and after January 1, 2007, K.S.A. 2005 Supp. 21-4203
32 and 21-4204 are hereby repealed.

33 Sec. 24. On and after July 1, 2007, K.S.A. 59-104, 59-2948, 59-2966,
34 59-2974, 59-29b48, 59-29b66 and 59-29b74 are hereby repealed.

35 Sec. 25. This act shall take effect and be in force from and after its
36 publication in the statute book.