

HOUSE BILL No. 2052

By Committee on Federal and State Affairs

Requested by Representative Howell

1-22

1 AN ACT concerning firearms; relating to the possession thereof; updating
2 cross references in the personal and family protection act regarding the
3 eligibility requirements to obtain a license to carry a concealed
4 handgun; requiring a license be surrendered to the attorney general
5 upon suspension or revocation of such license; providing for a
6 transition from a provisional license to a standard license; prohibiting
7 the collection of personal information of an off-duty law enforcement
8 officer entering buildings while armed or requiring such officer to wear
9 any item identifying such person as a law enforcement officer or being
10 armed; amending K.S.A. 75-7c07 and 75-7c22 and K.S.A. 2024 Supp.
11 75-7c04, 75-7c05 and 75-7c08 and repealing the existing sections.
12

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

14 Section 1. K.S.A. 2024 Supp. 75-7c04 is hereby amended to read as
15 follows: 75-7c04. (a) The attorney general shall not issue a license
16 pursuant to this act if the applicant:

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

19 (2) is prohibited from shipping, transporting, possessing or receiving
20 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
21 thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 21-6301(a)(10)
22 ~~through~~, (a)(13) or (a)(15) through (a)(18) or K.S.A. 21-6304(a)(1)
23 through ~~(a)(3)~~ (a)(4), and amendments thereto; or

24 (3) (A) For a provisional license, is less than 18 years of age; or

25 (B) for a standard license, is less than 21 years of age.

26 (b) (1) The attorney general shall adopt rules and regulations
27 establishing procedures and standards as authorized by this act for an
28 eight-hour handgun safety and training course required by this section.
29 Such standards shall include:

30 (A) A requirement that trainees receive training in the safe storage of
31 handguns, actual firing of handguns and instruction in the laws of this state
32 governing the carrying of concealed handguns and the use of deadly force;

33 (B) general guidelines for courses which are compatible with the

1 industry standard for basic handgun training for civilians;

2 (C) qualifications of instructors; and

3 (D) a requirement that the course be:

4 (i) A handgun course certified or sponsored by the attorney general;
5 or

6 (ii) a handgun course certified or sponsored by the national rifle
7 association or by a law enforcement agency, college, private or public
8 institution or organization or handgun training school, if the attorney
9 general determines that such course meets or exceeds the standards
10 required by rules and regulations adopted by the attorney general and is
11 taught by instructors certified by the attorney general or by the national
12 rifle association, if the attorney general determines that the requirements
13 for certification of instructors by such association meet or exceed the
14 standards required by rules and regulations adopted by the attorney
15 general.

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

19 (2)(3) The cost of the handgun safety and training course required by
20 this section shall be paid by the applicant. The following shall constitute
21 satisfactory evidence of satisfactory completion of an approved handgun
22 safety and training course:

23 (A) Evidence of completion of a course that satisfies the requirements
24 of subsection (b)(1), in the form provided by rules and regulations adopted
25 by the attorney general;

26 (B) an affidavit from the instructor, school, club, organization or
27 group that conducted or taught such course attesting to the completion of
28 the course by the applicant;

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

32 (D) a determination by the attorney general pursuant to subsection
33 (c).

34 (c)(1) The attorney general may:

35 (A) Create a list of concealed carry handgun licenses or permits
36 issued by other jurisdictions that the attorney general finds have training
37 requirements that are equal to or greater than those of this state; and

38 (B) review each application received pursuant to K.S.A. 75-7c05, and
39 amendments thereto, to determine if the applicant's previous training
40 qualifications were equal to or greater than those of this state.

41 (2) For the purposes of this subsection:

42 (A) "Equal to or greater than" means the applicant's prior training
43 meets or exceeds the training established in this section by having

1 required, at a minimum, the applicant to:

2 (i) Receive instruction on the laws of self-defense; and

3 (ii) demonstrate training and competency in the safe handling, storage
4 and actual firing of handguns.

5 (B) "Jurisdiction" means another state or the District of Columbia.

6 (C) "License or permit" means a concealed carry handgun license or
7 permit from another jurisdiction that has not expired and, except for any
8 residency requirement of the issuing jurisdiction, is currently in good
9 standing.

10 Sec. 2. K.S.A. 2024 Supp. 75-7c05 is hereby amended to read as
11 follows: 75-7c05. (a) The application for a license pursuant to this act shall
12 be completed, under oath, on a form prescribed by the attorney general and
13 shall only include:

14 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,
15 address, social security number, Kansas driver's license number or Kansas
16 nondriver's license identification number, place and date of birth, a
17 photocopy of the applicant's driver's license or nondriver's identification
18 card and a photocopy of the applicant's certificate of training course
19 completion; *or*

20 (B) in the case of an applicant who presents proof that such person is
21 on active duty with any branch of the armed forces of the United States, or
22 is the dependent of such a person, and who does not possess a Kansas
23 driver's license or Kansas nondriver's license identification, the number of
24 such license or identification shall not be required;

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

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

29 (4) a conspicuous warning that the application is executed under oath
30 and that a false answer to any question, or the submission of any false
31 document by the applicant, subjects the applicant to criminal prosecution
32 under K.S.A. 21-5903, and amendments thereto; and

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

35 (b) Except as otherwise provided in subsection ~~(i)~~ (j), the applicant
36 shall submit to the sheriff of the county where the applicant resides, during
37 any normal business hours:

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

39 (2) an amount of \$32.50 payable to the sheriff of the county where
40 the applicant resides for the purpose of covering the cost of taking
41 fingerprints pursuant to subsection (c);

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

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

3 (c) (1) Except as otherwise provided in subsection ~~(i)~~ (j), the sheriff,
4 upon receipt of the items listed in subsection (b), shall provide for the full
5 set of fingerprints of the applicant to be taken and forwarded to the
6 attorney general for purposes of a criminal history records check as
7 provided by subsection (d). In addition, the sheriff shall forward the
8 application to the attorney general. Notwithstanding any provision in this
9 section to the contrary, an applicant shall not be required to submit
10 fingerprints for a renewal application under K.S.A. 75-7c08, and
11 amendments thereto.

12 (2) The sheriff of the applicant's county of residence or the chief law
13 enforcement officer of any law enforcement agency, at the sheriff's or chief
14 law enforcement officer's discretion, may participate in the process by
15 submitting a voluntary report to the attorney general containing readily
16 discoverable information, corroborated through public records, which,
17 when combined with another enumerated factor, establishes that the
18 applicant poses a significantly greater threat to law enforcement or the
19 public at large than the average citizen. Any such voluntary reporting shall
20 be made within 45 days after the date the sheriff receives the application.
21 Any sheriff or chief law enforcement officer submitting a voluntary report
22 shall not incur any civil or criminal liability as the result of the good faith
23 submission of such report.

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

27 (d) Each applicant shall be subject to a state and national criminal
28 history records check, ***including an inquiry of the national instant***
29 ***criminal background check system***, in accordance with K.S.A. 2024
30 Supp. 22-4714, and amendments thereto.

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

33 (1) (A) Issue the license and certify the issuance to the department of
34 revenue; and

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

41 (2) deny the application based solely on: (A) The report submitted by
42 the sheriff or other chief law enforcement officer under subsection (c)(2)
43 for good cause shown therein; or (B) the ground that the applicant is

1 disqualified under the criteria listed in K.S.A. 75-7c04, and amendments
2 thereto. If the attorney general denies the application, the attorney general
3 shall notify the applicant in writing, stating the ground for denial and
4 informing the applicant the opportunity for a hearing pursuant to the
5 Kansas administrative procedure act.

6 (f) **{(1)}** *Any person who holds a provisional license issued pursuant*
7 *to this act may, on reaching the age of 21 years, submit a request to the*
8 *attorney general to have a standard license issued to such person. Upon*
9 *confirmation that such person is at least 21 years of age, the attorney*
10 *general shall issue a standard license to such person in accordance with*
11 *this act. The term of such standard license shall be for the remaining*
12 *unexpired portion of the term of such person's provisional license.*

13 **{(2) The attorney general shall notify ~~by letter~~ each person**
14 **holding a provisional license at least 60 days prior to such person's 21st**
15 **birthday that such person may apply for a standard license to be**
16 **issued on the person's 21st birthday.}**

17 (g) No person who is issued a license or has such license renewed
18 shall be required to pay a fee for the cost of the license or renewal except
19 as otherwise provided in subsection (b) for the purpose of covering the
20 cost of taking fingerprints.

21 ~~(g)~~(h) (1) A person who is a retired law enforcement officer, as
22 defined in K.S.A. 21-5111, and amendments thereto, shall be:

23 (A) Exempt from the required completion of a handgun safety and
24 training course if such person was certified by the Kansas commission on
25 peace officer's standards and training, or similar body from another
26 jurisdiction, not more than eight years prior to submission of the
27 application; and

28 (B) required to comply with the criminal history records check
29 requirement of this section.

30 (2) Proof of retirement as a law enforcement officer shall be required
31 and provided to the attorney general in the form of a letter from the agency
32 head, or their designee, of the officer's retiring agency that attests to the
33 officer having retired in good standing from that agency as a law
34 enforcement officer for reasons other than mental instability and that the
35 officer has a nonforfeitable right to benefits under a retirement plan of the
36 agency.

37 ~~(h)~~(i) A person who is a corrections officer, a parole officer or a
38 corrections officer employed by the federal bureau of prisons, as defined
39 by K.S.A. 75-5202, and amendments thereto, shall be:

40 (1) Exempt from the required completion of a handgun safety and
41 training course if such person was issued a certificate of firearms training
42 by the department of corrections or the federal bureau of prisons or similar
43 body not more than one year prior to submission of the application; and

(2) required to comply with the criminal history records check requirement of this section.

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

Sec. 3. K.S.A. 75-7c07 is hereby amended to read as follows: 75-7c07. (a) In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny a license *or the renewal thereof* to any applicant ~~for license~~ who is ineligible *for such license* under K.S.A. 75-7c04, and amendments thereto, and, except as provided by subsection (b), shall revoke at any time the license of any person who ~~would be becomes~~ *becomes* ineligible *for such license* under K.S.A. 75-7c04, and amendments thereto, ~~if submitting an application for a license at such time~~. Review by the district court in accordance with the Kansas judicial review act shall be, at the option of the party seeking review, in Shawnee county or the county in which the petitioner resides. The revocation shall remain in effect pending any appeal and shall not be stayed by the court.

(b) The license of a person who is charged for an offense or is subject to a proceeding that could render the person ineligible pursuant to ~~subsection (a) of~~ K.S.A. 75-7c04(a), and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge or outcome of the proceeding as long as the arrest or proceeding does not result in a disqualifying conviction, commitment, finding or order.

(c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under ~~subsection (a)(2) of~~ K.S.A. 75-7c04(a)(2), and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall suspend such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and suspension of a license under the circumstances described in this subsection. The attorney general shall immediately reinstate the license, if it has not otherwise expired, upon proof of the cancellation of the order.

(d) *Upon the suspension or revocation of a license issued pursuant to this act, the licensee shall surrender the physical license card or*

1 authorization document issued pursuant to K.S.A. 75-7c03(d), and
2 amendments thereto, to the ~~attorney general. If suspended division of~~
3 **motor vehicles. Upon receipt by the division, such physical license card**
4 **or authorization document shall be returned to the licensee at destroyed.**
5 **Upon the conclusion of such suspension, the attorney general shall issue**
6 **an authorization document for the license to be reissued for the**
7 **remaining unexpired portion of the term of such person's license.** ~~The~~
8 ~~attorney general may impose a fee in an amount not to exceed \$250 on~~
9 ~~any licensee who fails to surrender a license within 30 days after written~~
10 ~~notification has been sent to such licensee that such license is suspended~~
11 ~~or revoked. All fees collected by the attorney general pursuant to this~~
12 ~~subsection shall be remitted to the state treasurer who shall deposit the~~
13 ~~entire amount in the state treasury and credit such amount to the~~
14 ~~concealed handgun licensure fund.~~

15 (e) (1) If the provisions of paragraph (2) are met, a license issued
16 pursuant to this act shall not be revoked until 90 days after the person
17 issued such license is no longer a resident of this state, if being a
18 nonresident of this state is the only grounds for revocation.

19 (2) A license issued pursuant to this act shall be considered valid for
20 90 days after a licensee is no longer a resident of Kansas, provided that:

21 (A) Prior to the change in residency, the licensee notified the attorney
22 general in writing of the pending change; and

23 (B) the licensee's new state of residence, or any other state or
24 jurisdiction that such licensee travels to during the 90-day period, would
25 recognize such license as valid.

26 (e)(f) A person who has been issued a license pursuant to this act and
27 who gave up residency in this state, but has returned to reside in this state
28 shall be eligible to have their license reinstated as valid provided that:

29 (1) The license has not expired; and

30 (2) (A) the licensee notified the attorney general in writing of both the
31 residency departure and relocation back to this state; or

32 (B) if such licensee failed to comply with the notification
33 requirements of this subsection, the penalty provisions of ~~subsection (e) of~~
34 K.S.A. 75-7c06(e), and amendments thereto, have been satisfied.

35 Sec. 4. K.S.A. 2024 Supp. 75-7c08 is hereby amended to read as
36 follows: 75-7c08. (a) Not less than 90 days prior to the expiration date of
37 the license, the attorney general shall mail to the licensee a written notice
38 of the expiration and a renewal form prescribed by the attorney general.
39 The licensee shall renew the license on or before the expiration date by
40 filing with the attorney general the renewal form, a notarized affidavit,
41 either in person or by certified mail, stating that the licensee remains
42 qualified pursuant to the criteria specified in K.S.A. 75-7c04, and
43 amendments thereto, and a full frontal view photograph of the applicant

1 taken within the preceding 30 days to the attorney general. The attorney
2 general shall complete a name-based background check, including a search
3 of the national instant criminal background check system database. A
4 renewal application is considered filed on the date the renewal form and
5 affidavit are delivered in person to the attorney general's office or on the
6 date a certified mailing to the attorney general's office containing these
7 items is postmarked.

8 (b) Upon receipt of a renewal application as specified in subsection
9 (a), a background check in accordance with K.S.A. 75-7c05(d), and
10 amendments thereto, shall be completed. Fingerprints shall not be required
11 for renewal applications. If the licensee is not disqualified as provided by
12 this act, the license shall be renewed upon receipt by the attorney general
13 of the items listed in subsection (a) and the completion of the background
14 check. If the licensee holds a valid provisional license at the time the
15 renewal application is submitted *and has not been issued a standard*
16 *license pursuant to K.S.A. 75-7c05(f), and amendments thereto*, then the
17 attorney general shall issue a standard license to the licensee if the licensee
18 is not disqualified as provided by this act.

19 (c) No license shall be renewed if the renewal application is filed six
20 months or more after the expiration date of the license, and such license
21 shall be deemed to be permanently expired. A person whose license has
22 been permanently expired may reapply for licensure but an application for
23 licensure pursuant to K.S.A. 75-7c05, and amendments thereto, shall be
24 submitted, and a background investigation including the submission of
25 fingerprints, shall be conducted pursuant to the provisions of that section.

26 Sec. 5. K.S.A. 75-7c22 is hereby amended to read as follows: 75-
27 7c22. (a) (1) An off-duty law enforcement officer may carry a concealed
28 handgun in any building where an on-duty law enforcement officer would
29 be authorized to carry a concealed handgun regardless of whether the
30 requirements of K.S.A. 75-7c10 or 75-7c20, and amendments thereto, for
31 prohibiting the carrying of a concealed handgun in such building have
32 been satisfied, provided:

33 ~~(1)~~(A) Such officer is in compliance with the firearms policies of such
34 officer's law enforcement agency; and

35 ~~(2)~~(B) such officer possesses identification required by such officer's
36 law enforcement agency and presents such identification when requested
37 by another law enforcement officer or by a person of authority for the
38 building where the carrying of concealed handguns is otherwise
39 prohibited.

40 (2) *No person of authority for a building shall require, request or*
41 *record personal information of any off-duty law enforcement officer*
42 *entering such building in accordance with this section, including, but not*
43 *limited to, such officer's email address, home phone number or home*

1 *address, nor shall such officer be required to wear any item identifying*
2 *such officer as a law enforcement officer or as being armed.*

3 (b) A law enforcement officer from another state or a retired law
4 enforcement officer meeting the requirements of the federal law
5 enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, may carry a
6 concealed handgun in any building where an on-duty law enforcement
7 officer would be authorized to carry a concealed handgun regardless of
8 whether the requirements of K.S.A. 75-7c10 or 75-7c20, and amendments
9 thereto, for prohibiting the carrying of a concealed handgun in such
10 building have been satisfied, provided, such officer possesses
11 identification required by the federal law enforcement officers safety act
12 and presents such identification when requested by another law
13 enforcement officer or by a person of authority for the building where the
14 carrying of concealed handguns is otherwise prohibited.

15 (c) Any law enforcement officer or retired law enforcement officer
16 who is issued a license to carry a concealed handgun under the personal
17 and family protection act shall be subject to the provisions of that act,
18 except that for any such law enforcement officer or retired law
19 enforcement officer who satisfies the requirements of either subsection (a)
20 or (b) the provisions of this section shall control with respect to where a
21 concealed handgun may be carried.

22 (d) The provisions of this section shall not apply to any building
23 where the possession of firearms is prohibited or restricted by an order of
24 the chief judge of a judicial district, or by federal law or regulation.

25 (e) The provisions of this section shall not apply to any law
26 enforcement officer or retired law enforcement officer who has been
27 denied a license to carry a concealed handgun pursuant to K.S.A. 75-7c04,
28 and amendments thereto, or whose license to carry a concealed handgun
29 has been suspended or revoked in accordance with the provisions of the
30 personal and family protection act.

31 (f) As used in this section:

32 (1) "Law enforcement officer" means:

33 (A) Any person employed by a law enforcement agency, who is in
34 good standing and is certified under the Kansas law enforcement training
35 act;

36 (B) a law enforcement officer who has obtained a similar designation
37 in a jurisdiction outside the state of Kansas but within the United States; or

38 (C) a federal law enforcement officer who as part of such officer's
39 duties is permitted to make arrests and to be armed.

40 (2) "Person of authority" means any person who is tasked with
41 screening persons entering the building, or who otherwise has the authority
42 to determine whether a person may enter or remain in the building.

43 (g) This section shall be a part of and supplemental to the personal

1 and family protection act.

2 Sec. 6. K.S.A. 75-7c07 and 75-7c22 and K.S.A. 2024 Supp. 75-7c04,
3 75-7c05 and 75-7c08 are hereby repealed.

4 Sec. 7. This act shall take effect and be in force from and after its
5 publication in the statute book.