

HOUSE BILL No. 2325

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; age requirement for licensure; recognition of licenses
3 issued by other jurisdictions; amending K.S.A. 2018 Supp. 21-6302,
4 75-7c03 and 75-7c04 and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 21-6302 is hereby amended to read as
8 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
9 carrying:

10 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

11 (2) concealed on one's person, a billy, blackjack, slungshot or any
12 other dangerous or deadly weapon or instrument of like character;

13 (3) on one's person or in any land, water or air vehicle, with intent to
14 use the same unlawfully, a tear gas or smoke bomb or projector or any
15 object containing a noxious liquid, gas or substance; or

16 (4) any pistol, revolver or other firearm concealed on one's person if
17 such person is under 21 years of age, except when on such person's land or
18 in such person's abode or fixed place of business; or

19 (5) a shotgun with a barrel less than 18 inches in length or any other
20 firearm designed to discharge or capable of discharging automatically
21 more than once by a single function of the trigger whether the person
22 knows or has reason to know the length of the barrel or that the firearm is
23 designed or capable of discharging automatically.

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

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

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

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

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

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

36 (3) members of the armed services or reserve forces of the United

1 States or the Kansas national guard while in the performance of their
2 official duty; or

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

6 (d) *Subsection (a)(4) shall not apply to any person who possesses a*
7 *valid license or permit to carry a concealed firearm that was issued*
8 *pursuant to K.S.A. 2018 Supp. 75-7c01 et seq., and amendments thereto,*
9 *or by another jurisdiction and is recognized in this state pursuant to*
10 *K.S.A. 2018 Supp. 75-7c03, and amendments thereto.*

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

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

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

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

26 ~~(e)~~(f) As used in this section, "throwing star" means the same as
27 prescribed by K.S.A. 2018 Supp. 21-6301, and amendments thereto.

28 Sec. 2. K.S.A. 2018 Supp. 75-7c03 is hereby amended to read as
29 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
30 concealed handguns to persons who comply with the application and
31 training requirements of this act and who are not disqualified under K.S.A.
32 2018 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
33 throughout the state for a period of four years from the date of issuance.
34 The availability of licenses to carry concealed handguns under this act
35 shall not be construed to impose a general prohibition on the carrying of
36 handguns without such license, whether carried openly or concealed, or
37 loaded or unloaded.

38 (b) The license shall be a separate card, in a form prescribed by the
39 attorney general, that is approximately the size of a Kansas driver's license
40 and shall bear the licensee's signature, name, address, date of birth and
41 driver's license number or nondriver's identification card number except
42 that the attorney general shall assign a unique number for military
43 applicants or their dependents described in K.S.A. 2018 Supp. 75-7c05(a)

1 (1)(B), and amendments thereto.

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

6 (2) *A valid license or permit that is recognized pursuant to this*
7 *subsection shall only entitle the lawful holder thereof to carry concealed*
8 *handguns, as defined by K.S.A. 2018 Supp. 75-7c02, and amendments*
9 *thereto, in this state, and the holder thereof shall otherwise act in*
10 *accordance with the laws of this state, while such holder is present in this*
11 *state. The recognition of a license or permit pursuant to this subsection*
12 *shall not be construed to impose a general prohibition on the carrying of*
13 *handguns without such license, whether carried openly or concealed, or*
14 *loaded or unloaded.*

15 (3) *As used in this subsection, the terms "jurisdiction" and "license or*
16 *permit" shall have the same meanings as provided in K.S.A. 2018 Supp.*
17 *75-7c04, and amendments thereto.*

18 Sec. 3. K.S.A. 2018 Supp. 75-7c04 is hereby amended to read as
19 follows: 75-7c04. (a) The attorney general shall not issue a license
20 pursuant to this act if the applicant:

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

23 (2) is prohibited from shipping, transporting, possessing or receiving
24 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
25 thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2018 Supp. 21-
26 6301(a)(10) through (a)(13) or K.S.A. 2018 Supp. 21-6304(a)(1) through
27 (a)(3), and amendments thereto; or

28 (3) is less than ~~21~~ 18 years of age.

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

1 taught by instructors certified by the attorney general or by the national
2 rifle association, if the attorney general determines that the requirements
3 for certification of instructors by such association meet or exceed the
4 standards required by rules and regulations adopted by the attorney
5 general. Any person wanting to be certified by the attorney general as an
6 instructor shall submit to the attorney general an application in the form
7 required by the attorney general and a fee not to exceed \$150.

8 (2) The cost of the handgun safety and training course required by
9 this section shall be paid by the applicant. The following shall constitute
10 satisfactory evidence of satisfactory completion of an approved handgun
11 safety and training course:

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

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

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

21 (D) a determination by the attorney general pursuant to subsection
22 (c).

23 (c) The attorney general may:

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

27 (2) review each application received pursuant to K.S.A. 2018 Supp.
28 75-7c05, and amendments thereto, to determine if the applicant's previous
29 training qualifications were equal to or greater than those of this state.

30 (d) For the purposes of this section:

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

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

37 (3) "License or permit" means a concealed carry handgun license or
38 permit from another jurisdiction ~~which~~ that has not expired and, except for
39 any residency requirement of the issuing jurisdiction, is currently in good
40 standing.

41 Sec. 4. K.S.A. 2018 Supp. 21-6302, 75-7c03 and 75-7c04 are hereby
42 repealed.

43 Sec. 5. This act shall take effect and be in force from and after its

- 1 publication in the statute book.