

HOUSE BILL No. 2058

By Committee on Federal and State Affairs

1-13

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; recognition of licenses issued by other jurisdictions;
3 **{creating a provisional license for persons under the age of 21;}**
4 **authorizing the issuance of alternative license during a ~~declared~~**
5 **~~state of disaster emergency~~ {certain circumstances}; amending**
6 **K.S.A. {75-7c02,} 75-7c03 ~~and~~{, 75-7c04,} 75-7c05{, 75-7c08 and**
7 **75-7c21} and K.S.A. 2020 Supp. {21-5914, 21-6301,} 21-6302{, 21-**
8 **6309 and 32-1002} and repealing the existing sections.**
9

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

11 **{Section 1. K.S.A. 2020 Supp. 21-5914 is hereby amended to read**
12 **as follows: 21-5914. (a) Traffic in contraband in a correctional**
13 **institution or care and treatment facility is, without the consent of the**
14 **administrator of the correctional institution or care and treatment**
15 **facility:**

16 **(1) Introducing or attempting to introduce any item into or upon**
17 **the grounds of any correctional institution or care and treatment**
18 **facility;**

19 **(2) taking, sending, attempting to take or attempting to send any**
20 **item from any correctional institution or care and treatment facility;**

21 **(3) any unauthorized possession of any item while in any**
22 **correctional institution or care and treatment facility;**

23 **(4) distributing any item within any correctional institution or**
24 **care and treatment facility;**

25 **(5) supplying to another who is in lawful custody any object or**
26 **thing adapted or designed for use in making an escape; or**

27 **(6) introducing into an institution in which a person is confined**
28 **any object or thing adapted or designed for use in making any escape.**

29 **(b) Traffic in contraband in a correctional institution or care and**
30 **treatment facility is a:**

31 **(1) Severity level 6, nonperson felony, except as provided in**
32 **subsection (b)(2) or (b)(3);**

33 **(2) severity level 5, nonperson felony if such items are:**

34 **(A) Firearms, ammunition, explosives or a controlled substance**

1 ~~which~~ *that* is defined in K.S.A. 2020 Supp. 21-5701, and amendments
2 thereto, except as provided in subsection (b)(3);

3 (B) defined as contraband by rules and regulations adopted by
4 the secretary of corrections, in a state correctional institution or
5 facility by an employee of a state correctional institution or facility,
6 except as provided in subsection (b)(3);

7 (C) defined as contraband by rules and regulations adopted by
8 the secretary for aging and disability services, in a care and treatment
9 facility by an employee of a care and treatment facility, except as
10 provided in subsection (b)(3); or

11 (D) defined as contraband by rules and regulations adopted by
12 the commissioner of the juvenile justice authority, in a juvenile
13 correctional facility by an employee of a juvenile correctional facility,
14 except as provided by subsection (b)(3); and

15 (3) severity level 4, nonperson felony if:

16 (A) Such items are firearms, ammunition or explosives, in a
17 correctional institution by an employee of a correctional institution or
18 in a care and treatment facility by an employee of a care and
19 treatment facility; or

20 (B) a violation of subsection (a)(5) or (a)(6) by an employee or
21 volunteer of the department of corrections, or the employee or
22 volunteer of a contractor who is under contract to provide services to
23 the department of corrections.

24 (c) The provisions of subsection (b)(2)(A) shall not apply to the
25 possession of a firearm or ammunition in a parking lot open to the
26 public if the firearm or ammunition is carried on the person while in a
27 vehicle or while securing the firearm or ammunition in the vehicle, or
28 stored out of plain view in a locked but unoccupied vehicle, *and such*
29 *person is either: (1) 21 years of age or older; or (2) possesses a valid*
30 *provisional license issued pursuant to K.S.A. 75-7c03, and amendments*
31 *thereto, or a valid license to carry a concealed handgun issued by another*
32 *jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and*
33 *amendments thereto.*

34 (d) As used in this section:

35 (1) "Correctional institution" means any state correctional
36 institution or facility, conservation camp, state security hospital,
37 juvenile correctional facility, community correction center or facility
38 for detention or confinement, juvenile detention facility or jail;

39 (2) "care and treatment facility" means the state security hospital
40 provided for under K.S.A. 76-1305 et seq., and amendments thereto,
41 and a facility operated by the Kansas department for aging and
42 disability services for the purposes provided for under K.S.A. 59-
43 29a02 et seq., and amendments thereto; and

1 (3) "lawful custody" means the same as in K.S.A. 2020 Supp. 21-
2 5912, and amendments thereto.

3 Sec. 2. K.S.A. 2020 Supp. 21-6301 is hereby amended to read as
4 follows: 21-6301. (a) Criminal use of weapons is knowingly:

5 (1) Selling, manufacturing, purchasing or possessing any
6 bludgeon, sand club or metal knuckles;

7 (2) possessing with intent to use the same unlawfully against
8 another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife,
9 straight-edged razor, throwing star, stiletto or any other dangerous or
10 deadly weapon or instrument of like character;

11 (3) setting a spring gun;

12 (4) possessing any device or attachment of any kind designed,
13 used or intended for use in suppressing the report of any firearm;

14 (5) selling, manufacturing, purchasing or possessing a shotgun
15 with a barrel less than 18 inches in length, or any firearm designed to
16 discharge or capable of discharging automatically more than once by
17 a single function of the trigger, whether the person knows or has
18 reason to know the length of the barrel or that the firearm is designed
19 or capable of discharging automatically;

20 (6) possessing, manufacturing, causing to be manufactured,
21 selling, offering for sale, lending, purchasing or giving away any
22 cartridge which can be fired by a handgun and which has a plastic-
23 coated bullet that has a core of less than 60% lead by weight, whether
24 the person knows or has reason to know that the plastic-coated bullet
25 has a core of less than 60% lead by weight;

26 (7) selling, giving or otherwise transferring any firearm with a
27 barrel less than 12 inches long to any person under 18 years of age
28 whether the person knows or has reason to know the length of the
29 barrel;

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

33 (9) selling, giving or otherwise transferring any firearm to any
34 person who is or has been a mentally ill person subject to involuntary
35 commitment for care and treatment, as defined in K.S.A. 59-2946, and
36 amendments thereto, or a person with an alcohol or substance abuse
37 problem subject to involuntary commitment for care and treatment as
38 defined in K.S.A. 59-29b46, and amendments thereto;

39 (10) possessing any firearm by a person who is both addicted to
40 and an unlawful user of a controlled substance;

41 (11) possessing any firearm by any person, other than a law
42 enforcement officer, in or on any school property or grounds upon
43 which is located a building or structure used by a unified school

1 district or an accredited nonpublic school for student instruction or
2 attendance or extracurricular activities of pupils enrolled in
3 kindergarten or any of the grades one through 12 or at any regularly
4 scheduled school sponsored activity or event whether the person
5 knows or has reason to know that such person was in or on any such
6 property or grounds;

7 (12) refusing to surrender or immediately remove from school
8 property or grounds or at any regularly scheduled school sponsored
9 activity or event any firearm in the possession of any person, other
10 than a law enforcement officer, when so requested or directed by any
11 duly authorized school employee or any law enforcement officer;

12 (13) possessing any firearm by a person who is or has been a
13 mentally ill person subject to involuntary commitment for care and
14 treatment, as defined in K.S.A. 59-2946, and amendments thereto, or
15 persons with an alcohol or substance abuse problem subject to
16 involuntary commitment for care and treatment as defined in K.S.A.
17 59-29b46, and amendments thereto;

18 (14) possessing a firearm with a barrel less than 12 inches long by
19 any person less than 18 years of age;

20 (15) possessing any firearm while a fugitive from justice;

21 (16) possessing any firearm by a person who is an alien illegally
22 or unlawfully in the United States;

23 (17) possessing any firearm by a person while such person is
24 subject to a court order that:

25 (A) Was issued after a hearing, of which such person received
26 actual notice, and at which such person had an opportunity to
27 participate;

28 (B) restrains such person from harassing, stalking or threatening
29 an intimate partner of such person or a child of such person or such
30 intimate partner, or engaging in other conduct that would place an
31 intimate partner in reasonable fear of bodily injury to the partner or
32 the child; and

33 (C) (i) includes a finding that such person represents a credible
34 threat to the physical safety of such intimate partner or child; or

35 (ii) by its terms explicitly prohibits the use, attempted use or
36 threatened use of physical force against such intimate partner or child
37 that would reasonably be expected to cause bodily injury; or

38 (18) possessing any firearm by a person who, within the
39 preceding five years, has been convicted of a misdemeanor for a
40 domestic violence offense, or a misdemeanor under a law of another
41 jurisdiction which is substantially the same as such misdemeanor
42 offense.

43 (b) Criminal use of weapons as defined in:

- 1 **(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is**
2 **a class A nonperson misdemeanor;**
- 3 **(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9,**
4 **nonperson felony;**
- 5 **(3) subsection (a)(10) or (a)(11) is a class B nonperson select**
6 **misdemeanor;**
- 7 **(4) subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a**
8 **severity level 8, nonperson felony; and**
- 9 **(5) subsection (a)(14) is a:**
- 10 **(A) Class A nonperson misdemeanor except as provided in**
11 **subsection (b)(5)(B);**
- 12 **(B) severity level 8, nonperson felony upon a second or**
13 **subsequent conviction.**
- 14 **(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:**
- 15 **(1) Law enforcement officers, or any person summoned by any**
16 **such officers to assist in making arrests or preserving the peace while**
17 **actually engaged in assisting such officer;**
- 18 **(2) wardens, superintendents, directors, security personnel and**
19 **keepers of prisons, penitentiaries, jails and other institutions for the**
20 **detention of persons accused or convicted of crime, while acting within**
21 **the scope of their authority;**
- 22 **(3) members of the armed services or reserve forces of the United**
23 **States or the Kansas national guard while in the performance of their**
24 **official duty; or**
- 25 **(4) the manufacture of, transportation to, or sale of weapons to a**
26 **person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess**
27 **such weapons.**
- 28 **(d) Subsections (a)(4) and (a)(5) shall not apply to any person**
29 **who sells, purchases, possesses or carries a firearm, device or**
30 **attachment which has been rendered unserviceable by steel weld in**
31 **the chamber and marriage weld of the barrel to the receiver and**
32 **which has been registered in the national firearms registration and**
33 **transfer record in compliance with 26 U.S.C. § 5841 et seq. in the**
34 **name of such person and, if such person transfers such firearm, device**
35 **or attachment to another person, has been so registered in the**
36 **transferee's name by the transferor.**
- 37 **(e) Subsection (a)(6) shall not apply to a governmental laboratory**
38 **or solid plastic bullets.**
- 39 **(f) Subsection (a)(4) shall not apply to a law enforcement officer**
40 **who is:**
- 41 **(1) Assigned by the head of such officer's law enforcement agency**
42 **to a tactical unit which receives specialized, regular training;**
- 43 **(2) designated by the head of such officer's law enforcement**

1 agency to possess devices described in subsection (a)(4); and
 2 (3) in possession of commercially manufactured devices which
 3 are:

- 4 (A) Owned by the law enforcement agency;
- 5 (B) in such officer's possession only during specific operations;
- 6 and
- 7 (C) approved by the bureau of alcohol, tobacco, firearms and
 8 explosives of the United States department of justice.

9 (g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any
 10 person employed by a laboratory which is certified by the United
 11 States department of justice, national institute of justice, while
 12 actually engaged in the duties of their employment and on the
 13 premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)
 14 (6) shall not affect the manufacture of, transportation to or sale of
 15 weapons to such certified laboratory.

16 (h) Subsections (a)(4) and (a)(5) shall not apply to or affect any
 17 person or entity in compliance with the national firearms act, 26
 18 U.S.C. § 5801 et seq.

19 (i) (1) Subsection (a)(4) shall not apply to or affect any person in
 20 possession of a device or attachment designed, used or intended for
 21 use in suppressing the report of any firearm, if such device or
 22 attachment satisfies the description of a Kansas-made firearm
 23 accessory as set forth in K.S.A. 2020 Supp. 50-1204, and amendments
 24 thereto.

25 (2) The provisions of this subsection shall apply to any violation
 26 of subsection (a)(4) that occurred on or after April 25, 2013.

27 (j) Subsection (a)(11) shall not apply to:

28 (1) Possession of any firearm in connection with a firearms safety
 29 course of instruction or firearms education course approved and
 30 authorized by the school;

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

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

37 (4) possession of a firearm secured in a motor vehicle by a
 38 registered voter who is on the school grounds, which contain a polling
 39 place for the purpose of voting during polling hours on an election
 40 day; or

41 (5) possession of a concealed handgun by an individual who is not
 42 prohibited from possessing a firearm under either federal or state law,
 43 and who is either: (A) 21 years of age or older; or (B) possesses a valid

1 *provisional license issued pursuant to K.S.A. 75-7c03, and amendments*
2 *thereto, or a valid license to carry a concealed handgun issued by another*
3 *jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and*
4 *amendments thereto.*

5 **(k) Subsections (a)(9) and (a)(13) shall not apply to a person who**
6 **has received a certificate of restoration pursuant to K.S.A. 75-7c26,**
7 **and amendments thereto.**

8 **(l) Subsection (a)(14) shall not apply if such person, less than 18**
9 **years of age, was:**

10 **(1) In attendance at a hunter's safety course or a firearms safety**
11 **course;**

12 **(2) engaging in practice in the use of such firearm or target**
13 **shooting at an established range authorized by the governing body of**
14 **the jurisdiction in which such range is located, or at another private**
15 **range with permission of such person's parent or legal guardian;**

16 **(3) engaging in an organized competition involving the use of**
17 **such firearm, or participating in or practicing for a performance by**
18 **an organization exempt from federal income tax pursuant to section**
19 **501(c)(3) of the internal revenue code of 1986 which uses firearms as a**
20 **part of such performance;**

21 **(4) hunting or trapping pursuant to a valid license issued to such**
22 **person pursuant to article 9 of chapter 32 of the Kansas Statutes**
23 **Annotated, and amendments thereto;**

24 **(5) traveling with any such firearm in such person's possession**
25 **being unloaded to or from any activity described in subsections (l)(1)**
26 **through (l)(4), only if such firearm is secured, unloaded and outside**
27 **the immediate access of such person;**

28 **(6) on real property under the control of such person's parent,**
29 **legal guardian or grandparent and who has the permission of such**
30 **parent, legal guardian or grandparent to possess such firearm; or**

31 **(7) at such person's residence and who, with the permission of**
32 **such person's parent or legal guardian, possesses such firearm for the**
33 **purpose of exercising the rights contained in K.S.A. 2020 Supp. 21-**
34 **5222, 21-5223 or 21-5225, and amendments thereto.**

35 **(m) As used in this section:**

36 **(1) "Domestic violence" means the use or attempted use of**
37 **physical force, or the threatened use of a deadly weapon, committed**
38 **against a person with whom the offender is involved or has been**
39 **involved in a dating relationship or is a family or household member.**

40 **(2) "Fugitive from justice" means any person having knowledge**
41 **that a warrant for the commission of a felony has been issued for the**
42 **apprehension of such person under K.S.A. 22-2713, and amendments**
43 **thereto.**

1 **(3) "Intimate partner" means, with respect to a person, the**
2 **spouse of the person, a former spouse of the person, an individual who**
3 **is a parent of a child of the person or an individual who cohabitates or**
4 **has cohabitated with the person.**

5 **(4) "Throwing star" means any instrument, without handles,**
6 **consisting of a metal plate having three or more radiating points with**
7 **one or more sharp edges and designed in the shape of a polygon,**
8 **trefoil, cross, star, diamond or other geometric shape, manufactured**
9 **for use as a weapon for throwing.}**

10 ~~Section 1.~~ **{Sec. 3.}** K.S.A. 2020 Supp. 21-6302 is hereby amended to
11 read as follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
12 carrying:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 such weapons.

2 (d) *Subsection (a)(4) shall not apply to any person who **is carrying***
3 **a handgun, as defined in K.S.A. 75-7c02, and amendments thereto,**

4 **and who} possesses a valid {provisional license issued pursuant to**
5 **K.S.A. 75-7c03, and amendments thereto, or a valid} license or permit**
6 *to carry a concealed firearm that was issued by another jurisdiction and is*
7 *recognized in this state pursuant to K.S.A. 75-7c03, and amendments*
8 *thereto.*

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

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

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

22 (3) any person or entity in compliance with the national firearms act,
23 26 U.S.C. § 5801 et seq.

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

26 **{Sec. 4. K.S.A. 2020 Supp. 21-6309 is hereby amended to read as**
27 **follows: 21-6309. (a) It shall be unlawful to possess, with no**
28 **requirement of a culpable mental state, a firearm:**

29 **(1) Within any building located within the capitol complex;**

30 **(2) within the governor's residence;**

31 **(3) on the grounds of or in any building on the grounds of the**
32 **governor's residence;**

33 **(4) within any other state-owned or leased building if the**
34 **secretary of administration has so designated by rules and regulations**
35 **and conspicuously placed signs clearly stating that firearms are**
36 **prohibited within such building; or**

37 **(5) within any county courthouse, unless, by county resolution,**
38 **the board of county commissioners authorize the possession of a**
39 **firearm within such courthouse.**

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

41 **(c) This section shall not apply to:**

42 **(1) A commissioned law enforcement officer;**

43 **(2) a full-time salaried law enforcement officer of another state or**

1 the federal government who is carrying out official duties while in this
2 state;

3 (3) any person summoned by any such officer to assist in making
4 arrests or preserving the peace while actually engaged in assisting
5 such officer; or

6 (4) a member of the military of this state or the United States
7 engaged in the performance of duties.

8 (d) It is not a violation of this section for:

9 (1) The governor, the governor's immediate family, or specifically
10 authorized guest of the governor to possess a firearm within the
11 governor's residence or on the grounds of or in any building on the
12 grounds of the governor's residence;

13 (2) the United States attorney for the district of Kansas, the
14 attorney general, any district attorney or county attorney, any
15 assistant United States attorney if authorized by the United States
16 attorney for the district of Kansas, any assistant attorney general if
17 authorized by the attorney general, or any assistant district attorney
18 or assistant county attorney if authorized by the district attorney or
19 county attorney by whom such assistant is employed, to possess a
20 firearm within any county courthouse and court-related facility,
21 subject to any restrictions or prohibitions imposed in any courtroom
22 by the chief judge of the judicial district;

23 (3) law enforcement officers, as that term is defined in K.S.A. 75-
24 7c22, and amendments thereto, who satisfy the requirements of either
25 K.S.A. 75-7c22(a) or (b), and amendments thereto, to possess a
26 firearm; or

27 (4) an individual to possess a concealed handgun—*provided if such*
28 *individual is not prohibited from possessing a firearm under either*
29 *federal or state law, and such individual is either: (A) 21 years of age or*
30 *older; or (B) possesses a valid provisional license issued pursuant to*
31 *K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a*
32 *concealed handgun issued by another jurisdiction that is recognized in*
33 *this state pursuant to K.S.A. 75-7c03, and amendments thereto.*

34 (e) Notwithstanding the provisions of this section, any county may
35 elect by passage of a resolution that the provisions of subsection (d)(2)
36 shall not apply to such county's courthouse or court-related facilities if
37 such:

38 (1) Buildings have adequate security measures to ensure that no
39 weapons are permitted to be carried into such buildings;

40 (2) county also has a policy or regulation requiring all law
41 enforcement officers to secure and store such officer's firearm upon
42 entering the courthouse or court-related facility. Such policy or
43 regulation may provide that it does not apply to court security or

1 sheriff's office personnel for such county; and

2 (3) buildings have a sign conspicuously posted at each entryway
3 into such building stating that the provisions of subsection (d)(2) do
4 not apply to such building.

5 (f) As used in this section:

6 (1) "Adequate security measures" shall have the same meaning
7 as the term is defined in K.S.A. 75-7c20, and amendments thereto;

8 (2) "possession" means having joint or exclusive control over a
9 firearm or having a firearm in a place where the person has some
10 measure of access and right of control; and

11 (3) "capitol complex" means the same as in K.S.A. 75-4514, and
12 amendments thereto.

13 (g) For the purposes of subsections (a)(1), (a)(4) and (a)(5),
14 "building" and "courthouse" shall not include any structure, or any
15 area of any structure, designated for the parking of motor vehicles.

16 Sec. 5. K.S.A. 2020 Supp. 32-1002 is hereby amended to read as
17 follows: 32-1002. (a) Unless and except as permitted by law or rules
18 and regulations adopted by the secretary in accordance with K.S.A.
19 32-805, and amendments thereto, it is unlawful for any person to:

20 (1) Hunt, fish, furharvest or take any wildlife in this state by any
21 means or manner;

22 (2) possess any wildlife, dead or alive, at any time or in any
23 number, in this state;

24 (3) purchase, sell, exchange, ship or offer for sale, exchange or
25 shipment any wildlife in this state;

26 (4) take any wildlife in this state for sale, exchange or other
27 commercial purposes;

28 (5) possess any seine, trammel net, hoop net, fyke net, fish gig,
29 fish spear, fish trap or other device, contrivance or material for the
30 purpose of taking wildlife; or

31 (6) take or use, at any time or in any manner, any game bird,
32 game animal, coyote or furbearing animal, whether pen-raised or
33 wild, in any field trial or for training dogs.

34 (b) The provisions of subsections (a)(2) and (a)(3) do not apply to
35 animals sold in surplus property disposal sales of department exhibit
36 herds or animals legally taken outside this state, except the provisions
37 of subsection (a)(3) shall apply to:

38 (1) The meat of game animals legally taken outside this state; and

39 (2) other restrictions as provided by rule and regulation of the
40 secretary.

41 (c) The provisions of this section shall not be construed to
42 prevent:

43 (1) Any person from taking starlings or English and European

1 sparrows;

2 (2) owners or legal occupants of land from killing any animals
3 when found in or near buildings on their premises or when destroying
4 property, subject to the following: (A) The provisions of all federal
5 laws and regulations governing protected species and the provisions of
6 K.S.A. 32-957 through 32-963, and amendments thereto, and rules and
7 regulations adopted thereunder; (B) it is unlawful to use, or possess
8 with intent to use, any such animal so killed unless authorized by rules
9 and regulations of the secretary; and (C) such owners or legal
10 occupants shall make reasonable efforts to alleviate their problems
11 with any such animals before killing them;

12 (3) any person who lawfully possesses a handgun from carrying
13 such handgun, whether concealed or openly carried, while lawfully
14 hunting, fishing or furharvesting, *if such person is either: (A) 21 years*
15 *of age or older; or (B) possesses a valid provisional license issued*
16 *pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license to*
17 *carry a concealed handgun issued by another jurisdiction that is*
18 *recognized in this state pursuant to K.S.A. 75-7c03, and amendments*
19 *thereto; or*

20 (4) any person who lawfully possesses a device or attachment of
21 any kind designed, used or intended for use in suppressing the report
22 of any firearm from using such device or attachment in conjunction
23 with lawful hunting, fishing or furharvesting.

24 (d) Any person convicted of violating provisions of this section
25 shall be subject to the penalties prescribed in K.S.A. 32-1031, and
26 amendments thereto, except as provided in K.S.A. 32-1032, and
27 amendments thereto, relating to big game and wild turkey.

28 Sec. 6. K.S.A. 75-7c02 is hereby amended to read as follows: 75-
29 7c02. As used in the personal and family protection act, *except as*
30 *otherwise provided:*

31 (a) "Attorney general" means the attorney general of the state of
32 Kansas.

33 (b) "Handgun" means a "firearm," as defined in K.S.A. 75-7b01,
34 and amendments thereto.

35 (c) "Athletic event" means athletic instruction, practice or
36 competition held at any location and including any number of athletes.

37 (d) "Dependent" means a resident of the household of an active
38 duty member of any branch of the armed forces of the United States
39 who depends in whole or in substantial part upon the member for
40 financial support.

41 (e) "License" means a provisional or standard license issued by the
42 attorney general pursuant to K.S.A. 75-7c03, and amendments thereto.}

43 Sec.-2: {7.} K.S.A. 75-7c03 is hereby amended to read as follows: 75-

1 7c03. (a) The attorney general shall issue licenses to carry concealed
2 handguns to persons who comply with the application and training
3 requirements of this act and who are not disqualified under K.S.A. 75-
4 7c04, and amendments thereto. Such licenses shall be valid throughout the
5 state for a period of four years from the date of issuance. The availability
6 of licenses to carry concealed handguns under this act shall not be
7 construed to impose a general prohibition on the carrying of handguns
8 without such license, whether carried openly or concealed, or loaded or
9 unloaded.

10 (b) **Except as otherwise provided in subsection (d),** the license
11 shall be a separate card, in a form prescribed by the attorney general, that
12 is approximately the size of a Kansas driver's license{, **shall indicate**
13 **whether the license is a provisional or standard license**} and shall bear
14 the licensee's signature, name, address, date of birth and driver's license
15 number or nondriver's identification card number except that the attorney
16 general shall assign a unique number for military applicants or their
17 dependents described in K.S.A. 75-7c05(a)(1)(B), and amendments
18 thereto.

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

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

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

34 (d) **If at any time it becomes impractical for the division of**
35 **vehicles of the department of revenue to issue physical cards**
36 **consistent with the requirements of this act and the attorney general**
37 **determines that the conditions for such impracticality have existed for**
38 **at least 30 days, the attorney general shall issue an authorization**
39 **document to each licensee that authorizes the licensee to exercise the**
40 **rights and privileges to carry a concealed handgun as set forth in this**
41 **act. Such document shall include the licensee information required**
42 **under subsection (b) and state that the document is proof that the**
43 **licensee holds a valid license to carry concealed handguns. All such**

1 documents issued during any such period that it is impractical for the
2 division of vehicles of the department of revenue to issue a physical
3 card shall expire 90 days after such conditions have ceased and it is
4 practical for the division of vehicles to resume issuing physical cards.

5 {Sec. 8. K.S.A. 75-7c04 is hereby amended to read as follows: 75-
6 7c04. (a) The attorney general shall not issue a license pursuant to this
7 act if the applicant:

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

10 (2) is prohibited from shipping, transporting, possessing or
11 receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n),
12 and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or
13 K.S.A. 2020 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2020
14 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

15 (3) (A) *For a provisional license, is less than ~~21~~ 18 years of age; or*
16 (B) *for a standard license, is less than 21 years of age.*

17 (b) (1) The attorney general shall adopt rules and regulations
18 establishing procedures and standards as authorized by this act for an
19 eight-hour handgun safety and training course required by this
20 section. Such standards shall include: (A) A requirement that trainees
21 receive training in the safe storage of handguns, actual firing of
22 handguns and instruction in the laws of this state governing the
23 carrying of concealed handguns and the use of deadly force; (B)
24 general guidelines for courses which are compatible with the industry
25 standard for basic handgun training for civilians; (C) qualifications of
26 instructors; and (D) a requirement that the course be: (i) A handgun
27 course certified or sponsored by the attorney general; or (ii) a
28 handgun course certified or sponsored by the national rifle association
29 or by a law enforcement agency, college, private or public institution
30 or organization or handgun training school, if the attorney general
31 determines that such course meets or exceeds the standards required
32 by rules and regulations adopted by the attorney general and is taught
33 by instructors certified by the attorney general or by the national rifle
34 association, if the attorney general determines that the requirements
35 for certification of instructors by such association meet or exceed the
36 standards required by rules and regulations adopted by the attorney
37 general. Any person wanting to be certified by the attorney general as
38 an instructor shall submit to the attorney general an application in the
39 form required by the attorney general and a fee not to exceed \$150.

40 (2) The cost of the handgun safety and training course required
41 by this section shall be paid by the applicant. The following shall
42 constitute satisfactory evidence of satisfactory completion of an
43 approved handgun safety and training course:

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

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

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

11 (D) a determination by the attorney general pursuant to
12 subsection (c).

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

14 ~~(+)~~(A) Create a list of concealed carry handgun licenses or
15 permits issued by other jurisdictions ~~which~~ that the attorney general
16 finds have training requirements that are equal to or greater than
17 those of this state; and

18 ~~(-)~~(B) review each application received pursuant to K.S.A. 75-
19 7c05, and amendments thereto, to determine if the applicant's
20 previous training qualifications were equal to or greater than those of
21 this state.

22 ~~(+)~~(2) For the purposes of this ~~section~~ subsection:

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

29 ~~(-)~~(B) "Jurisdiction" means another state or the District of
30 Columbia.

31 ~~(-)~~(C) "License or permit" means a concealed carry handgun
32 license or permit from another jurisdiction ~~which~~ that has not expired
33 and, except for any residency requirement of the issuing jurisdiction,
34 is currently in good standing.}

35 ~~Sec. 3.~~ {9.} K.S.A. 75-7c05 is hereby amended to read as follows:
36 75-7c05. (a) The application for a license pursuant to this act shall be
37 completed, under oath, on a form prescribed by the attorney general
38 and shall only include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (1) (A) Issue the license and certify the issuance to the department
30 of revenue; and

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

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

1 opportunity for a hearing pursuant to the Kansas administrative
2 procedure act.

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

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

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

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

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

1 fingerprinted at a United States military installation, the applicant
2 may submit a full set of fingerprints of such applicant along with the
3 application. Upon receipt of such items, the sheriff shall forward to
4 the attorney general the application and the portion of the original
5 license fee which is payable to the attorney general.

6 {Sec. 10. K.S.A. 75-7c08 is hereby amended to read as follows: 75-
7 7c08. (a) Not less than 90 days prior to the expiration date of the
8 license, the attorney general shall mail to the licensee a written notice
9 of the expiration and a renewal form prescribed by the attorney
10 general. The licensee shall renew the license on or before the
11 expiration date by filing with the attorney general the renewal form, a
12 notarized affidavit, either in person or by certified mail, stating that
13 the licensee remains qualified pursuant to the criteria specified in
14 K.S.A. 75-7c04, and amendments thereto, a full frontal view
15 photograph of the applicant taken within the preceding 30 days and a
16 nonrefundable license renewal fee of \$25 payable to the attorney
17 general. The attorney general shall complete a name-based
18 background check, including a search of the national instant criminal
19 background check system database. A licensee who fails to file a
20 renewal application on or before the expiration date of the license
21 must pay an additional late fee of \$15. A renewal application is
22 considered filed on the date the renewal form, affidavit, and required
23 fees are delivered in person to the attorney general's office or on the
24 date a certified mailing to the attorney general's office containing
25 these items is postmarked.

26 (b) Upon receipt of a renewal application as specified in
27 subsection (a), a background check in accordance with ~~subsection (d)~~
28 of K.S.A. 75-7c05(d), and amendments thereto, shall be completed.
29 Fingerprints shall not be required for renewal applications. If the
30 licensee is not disqualified as provided by this act, the license shall be
31 renewed upon receipt by the attorney general of the items listed in
32 subsection (a) and the completion of the background check. *If the*
33 *licensee holds a valid provisional license at the time the renewal*
34 *application is submitted, then the attorney general shall issue a standard*
35 *license to the licensee if the licensee is not disqualified as provided by this*
36 *act.*

37 (c) No license shall be renewed if the renewal application is filed
38 six months or more after the expiration date of the license, and such
39 license shall be deemed to be permanently expired. A person whose
40 license has been permanently expired may reapply for licensure but an
41 application for licensure and fees pursuant to K.S.A. 75-7c05, and
42 amendments thereto, shall be submitted, and a background
43 investigation including the submission of fingerprints, shall be

1 conducted pursuant to the provisions of that section.

2 Sec. 11. K.S.A. 75-7c21 is hereby amended to read as follows: 75-
3 7c21. (a) An individual may carry a concealed handgun in the state
4 capitol, ~~provided if such individual is not prohibited from possessing a~~
5 **firearm under either federal or state law, and is either: (A) 21 years of**
6 **age or older; or (B) possesses a valid provisional license issued pursuant**
7 **to K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a**
8 **concealed handgun issued by another jurisdiction that is recognized in**
9 **this state pursuant to K.S.A. 75-7c03, and amendments thereto.**

10 (b) **This section shall be a part of and supplemental to the**
11 **personal and family protection act.**

12 ~~Sec. 3-4 {12.}~~ K.S.A. {75-7c02,} 75-7c03 ~~and~~ {75-7c04,} 75-7c05 {,
13 75-7c08 and 75-7c21} and K.S.A. 2020 Supp. {21-5914, 21-6301,} 21-
14 6302 {, 21-6309 and 32-1002} are hereby repealed.

15 ~~Sec. 4-5. {13.}~~ This act shall take effect and be in force from and
16 after its publication in the statute book.