

HOUSE BILL No. 2074

By Committee on Federal and State Affairs

1-21

1 AN ACT concerning firearms; relating to the possession of firearms;
2 amending K.S.A. 2014 Supp. 75-7c04 and 75-7c17 and repealing the
3 existing sections; also repealing K.S.A. 2014 Supp. 21-6309.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 75-7c04 is hereby amended to read as
7 follows: 75-7c04. (a) The attorney general shall not issue a license
8 pursuant to this act if the applicant:

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

11 (2) is prohibited from shipping, transporting, possessing or receiving
12 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
13 thereto, or K.S.A. 21-4204, prior to its repeal, or ~~subsections (a)(10)~~
14 ~~through (a)(13) of K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or~~
15 ~~subsections (a)(1) through (a)(3) of K.S.A. 2014 Supp. 21-6304(a)(1)~~
16 ~~through (a)(3), and amendments thereto; or~~

17 (3) ~~has been convicted of or was adjudicated a juvenile offender~~
18 ~~because of the commission of an act which if done by an adult would~~
19 ~~constitute the commission of any of the offenses described in subsections~~
20 ~~(a)(1) and (a)(3)(A) of K.S.A. 2014 Supp. 21-6304, and amendments~~
21 ~~thereto; or~~

22 (4) is less than 21 years of age.

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

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

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

13 (A) Evidence of completion of the course, in the form provided by
14 rules and regulations adopted 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; or

18 (C) a determination by the attorney general pursuant to ~~subsection (d)~~
19 ~~of K.S.A. 2014 Supp. 75-7c03(d)~~, and amendments thereto.

20 Sec. 2. K.S.A. 2014 Supp. 75-7c17 is hereby amended to read as
21 follows: 75-7c17. (a) The legislature finds as a matter of public policy and
22 fact that it is necessary to provide statewide uniform standards for issuing
23 licenses to carry concealed handguns for self-defense and finds it
24 necessary to occupy the field of regulation of the bearing of concealed
25 handguns for self-defense to ensure that no honest, law-abiding person
26 who qualifies under the provisions of this act is subjectively or arbitrarily
27 denied the person's rights. No city, county or other political subdivision of
28 this state shall regulate, restrict or prohibit the carrying of concealed
29 handguns by persons licensed under this act except as provided in K.S.A.
30 2014 Supp. 75-7c20, and amendments thereto, ~~and in subsection (b) of~~
31 ~~K.S.A. 2014 Supp. 75-7c10(b)~~, and amendments thereto, and ~~subsection~~
32 ~~(f) of K.S.A. 21-4218(f)~~, prior to its repeal, ~~or subsection (e) of K.S.A.~~
33 ~~2014 Supp. 21-6309, and amendments thereto~~. Any existing or future law,
34 ordinance, rule, regulation or resolution enacted by any city, county or
35 other political subdivision of this state that regulates, restricts or prohibits
36 the carrying of concealed handguns by persons licensed under this act
37 except as provided in K.S.A. 2014 Supp. 75-7c20, and amendments
38 thereto, ~~and in subsection (b) of K.S.A. 2014 Supp. 75-7c10(b)~~, and
39 amendments thereto, and ~~subsection (f) of K.S.A. 21-4218(f)~~, prior to its
40 repeal, ~~or subsection (e) of K.S.A. 2014 Supp. 21-6309, and amendments~~
41 ~~thereto~~, shall be null and void.

42 (b) Prosecution of any person licensed under the personal and family
43 protection act, and amendments thereto, for violating any restrictions on

1 licensees will be done through the district court.

2 (c) The legislature does not delegate to the attorney general the
3 authority to regulate or restrict the issuing of licenses provided for in this
4 act, beyond those provisions of this act pertaining to licensing and training.
5 Subjective or arbitrary actions or rules and regulations which encumber
6 the issuing process by placing burdens on the applicant beyond those
7 sworn statements and specified documents detailed in this act or which
8 create restrictions beyond those specified in this act are in conflict with the
9 intent of this act and are prohibited.

10 (d) This act shall be liberally construed. This act is supplemental and
11 additional to existing constitutional rights to bear arms and nothing in this
12 act shall impair or diminish such rights.

13 Sec. 3. K.S.A. 2014 Supp. 21-6309, 75-7c04 and 75-7c17 are hereby
14 repealed.

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