

HOUSE BILL No. 2857

By Committee on Judiciary

2-13

AN ACT concerning a license to be a private detective or private detective agency; allowing renewal of license for a two-year period; concerning expiration date of firearm permit; amending K.S.A. 2001 Supp. 75-7b05, 75-7b07, 75-7b17 and 75-7b21 and repealing the existing sections.

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

Section 1. K.S.A. 2001 Supp. 75-7b05 is hereby amended to read as follows: 75-7b05. (a) Every application for an initial or a renewal license ~~which will be effective on and after January 1, 1999,~~ shall be accompanied by a fee in an amount fixed by the attorney general pursuant to K.S.A. 2001 Supp. 75-7b22, and amendments thereto. ~~The application fee for a license issued during calendar year 1998, shall not exceed \$120.~~

(b) In addition to the application fee imposed pursuant to subsection (a), if the applicant is an organization and any of its officers, directors, partners or associates intends to engage in the business of such organization as a private detective, such officer, director, partner or associate shall make a separate application for a license and pay a fee in an amount fixed by the attorney general pursuant to K.S.A. 2001 Supp. 75-7b22, and amendments thereto.

~~(c) If a license is issued for a period of less than two years, the fees imposed pursuant to this section shall be prorated for the months, or fraction thereof, for which the license is issued.~~

Sec. 2. K.S.A. 2001 Supp. 75-7b07 is hereby amended to read as follows: 75-7b07. (a) Any license issued under this act shall expire on December 31 of the year of its issuance *and may be renewed every two years thereafter.* On and after ~~January 1, 1999~~ *July 1, 2002*, any license issued under this act shall expire on ~~December 31 of the year following the year when issued~~ *two years from the date of issuance* and may be renewed every two years thereafter. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee required by K.S.A. 75-7b05, and amendments thereto, except that:

(1) The signing of the application by five or more citizens as required by K.S.A. 75-7b04, and amendments thereto, shall not be required if such

1 application for renewal is verified and acknowledged by the applicant
2 before an officer authorized to administer oaths;

3 (2) the application for renewal shall provide the information required
4 of original applicants if the information shown on the original application
5 or any renewal thereof on file with the attorney general is no longer
6 accurate;

7 (3) a new photograph shall be submitted with the application for re-
8 newal only if the photograph on file with the attorney general has been
9 on file more than two years; and

10 (4) additional information may be required by rules and regulations
11 adopted by the attorney general.

12 (b) A license issued under this act shall not be assignable.

13 Sec. 3. K.S.A. 2001 Supp. 75-7b17 is hereby amended to read as
14 follows: 75-7b17. (a) No licensee may carry a firearm concealed on or
15 about the licensee's person unless the licensee obtains a permit therefor,
16 upon application to the attorney general. No permit shall be issued to any
17 licensee unless such licensee:

18 (1) Demonstrates to the attorney general the need to carry a firearm
19 in order to protect the licensee's life or property or to protect the life or
20 property of a client of licensee and submits such proof as required by the
21 attorney general to establish the necessity for the issuance of a firearm
22 permit; and

23 (2) has received training in the handling of firearms and the lawful
24 use of force from a trainer certified pursuant to K.S.A. 75-7b21, and
25 amendments thereto, and submits such proof as required by the attorney
26 general to show satisfactory completion of such training.

27 (b) An application for a firearm permit ~~which will be effective on and~~
28 ~~after January 1, 1999,~~ by a licensee shall be made in the manner and form
29 prescribed by the attorney general and shall be accompanied by a fee in
30 an amount fixed by the attorney general pursuant to K.S.A. 2001 Supp.
31 75-7b22, and amendments thereto. ~~The application fee for a firearm per-~~
32 ~~mit issued during calendar year 1998, shall not exceed \$10.~~ Such appli-
33 cation shall be made a part of and supplemental to such licensee's appli-
34 cation for a license under this act. The application shall contain:

35 (1) The applicant's name and business and residence addresses;

36 (2) the make or manufacturer's name, model, serial number, caliber,
37 gauge and any other identifying information concerning the firearm or
38 firearms to be carried by the applicant;

39 (3) a full set of the applicant's fingerprints;

40 (4) a color photograph of the applicant taken within 30 days prior to
41 date of application and suitable for identification purposes;

42 (5) such other information as deemed necessary by the attorney
43 general.

1 (c) (1) If the attorney general is satisfied that it is necessary for an
2 applicant under this section to carry a firearm, the attorney general shall
3 issue to such licensee a firearm permit identification card, the form of
4 which shall be approved by the attorney general. Such card shall bear the
5 licensee's color photograph, thumb prints and signature and a description
6 of the firearm or firearms to be carried. The licensee shall have such
7 permit in the licensee's possession when carrying a firearm. Identification
8 cards and firearm permits shall be numbered consecutively, and the at-
9 torney general shall maintain a current file of all valid firearm permits.

10 (2) For the purpose of safety and emergency identification, licensees
11 issued a firearm permit under this act to carry a concealed firearm may
12 carry a firearm permit badge. The badge shall be carried in such a manner
13 that at all times when the badge is visible the private detective's firearm
14 permit identification card issued pursuant to paragraph (1) of this sub-
15 section also shall be visible. The attorney general shall determine the size,
16 design and other specifications of the badge. The words "licensed private
17 detective" shall be stated clearly on the face of the badge. The cost of
18 the badge shall be borne by the licensee. Whenever any licensee termi-
19 nates such licensee's activities as a private detective, or such licensee's
20 license has been suspended or revoked, such badge shall be surrendered
21 within five days following such termination, suspension or revocation to
22 the attorney general for cancellation. Every licensee possessing a valid
23 firearm permit badge shall report to the attorney general any loss of the
24 badge within 72 hours of the discovery of the loss.

25 (d) Any licensee granted a firearm permit shall present the permit
26 identification card and firearm permit badge upon request by a law en-
27 forcement officer acting within the officer's jurisdictional authority, or by
28 a private person upon private property if the person owns or has legal
29 control of the private property, to demonstrate the licensee's permit to
30 carry a firearm. Every licensee possessing a valid firearm permit shall
31 report to the attorney general any change of employment status, change
32 of firearm or firearms to be carried, loss of identification card or change
33 of personal or business address. Every licensee who discharges a firearm
34 for any reason other than test firing, firearm training or target practice
35 shall report the discharge to the attorney general within 24 hours, to-
36 gether with a written report giving full particulars and reason for such
37 discharge.

38 (e) The attorney general shall revoke any firearm permit if the li-
39 censee's private detective license has been suspended or revoked. The
40 attorney general may suspend or revoke any firearm permit if the licensee
41 has used a firearm in a manner inconsistent with the lawful use of force
42 or if the licensee can no longer demonstrate a need to carry a firearm,
43 pursuant to subsection (a)(1). An order of suspension or revocation, and

1 hearing thereon, shall be subject to the provisions of the Kansas admin-
2 istrative procedure act. The attorney general shall recall any suspended
3 or revoked firearm permit identification card.

4 (f) A licensee to whom a firearm permit is granted under this section
5 shall be deemed to have no greater justification in the use of force than
6 a private person as prescribed by the Kansas criminal code. Nothing in
7 this act shall be construed as limiting the civil liability of any such licensee
8 with respect to the use of force.

9 (g) No firearm permit shall be issued to any:

10 (1) Organization;

11 (2) individual who has been declared, by any court of competent ju-
12 risdiction, to be incapacitated or mentally ill and has not been restored
13 to capacity or mental health; or

14 (3) individual who suffers from alcohol or narcotics addiction or
15 dependence.

16 (h) A firearm permit issued under this act shall expire on December
17 31 of the year of its issuance, except that on and after ~~January 1, 1999~~
18 *July 1, 2002*, a firearm permit issued under this act shall expire on ~~De-~~
19 ~~ember 31 of the year following the year when issued~~ *the date of expi-*
20 *ration of the licensee's private detective license*. Renewal of any such fire-
21 arm permit shall be made in a form and manner prescribed by the
22 attorney general and subject to such conditions as required by rules and
23 regulations adopted by the attorney general. Renewal of a firearm permit
24 shall be based on a demonstrated continuing need to carry a firearm in
25 accordance with subsection (a)(1).

26 Sec. 4. K.S.A. 2001 Supp. 75-7b21 is hereby amended to read as
27 follows: 75-7b21. (a) The attorney general shall certify persons who are
28 qualified to train private detectives in the handling of firearms and the
29 lawful use of force.

30 (b) In order to be certified as a trainer under this section, an applicant
31 shall:

32 (1) Be 21 or more years of age;

33 (2) have a minimum of one-year supervisory experience with a private
34 detective agency, a private patrol operator, a proprietary investigative or
35 security organization or any federal, United States military, state, county
36 or city law enforcement agency;

37 (3) be personally qualified to train private detectives in the handling
38 of firearms and the lawful use of force; and

39 (4) not have been convicted of a felony or, within 10 years immedi-
40 ately prior to the date of application, been convicted of a misdemeanor.

41 If the applicant is not licensed as a private detective, the applicant shall
42 submit two classifiable sets of the applicant's fingerprints one of which
43 shall be submitted to the federal bureau of investigation for a fingerprint

1 check for any criminal history of the applicant.

2 (c) Persons wishing to become certified trainers shall make applica-
3 tion to the attorney general on a form prescribed by the attorney general.
4 Applications for a firearm training certificate ~~which will be effective on~~
5 ~~and after January 1, 1999~~, shall be accompanied by a fee in an amount
6 fixed by the attorney general pursuant to K.S.A. 2001 Supp. 75-7b22, and
7 amendments thereto. ~~The fee for a firearm training certificate issued~~
8 ~~during calendar year 1998, shall not exceed \$25.~~ The application shall
9 contain a statement of the plan of operation for the training offered by
10 the applicant and the materials and aids to be used and any other infor-
11 mation required by the attorney general.

12 (d) A certificate shall be granted to a trainer if the attorney general
13 finds that the applicant:

- 14 (1) Meets the requirements of subsection (b);
- 15 (2) is a person of good character and reputation;
- 16 (3) has sufficient knowledge of private detective business, firearms
17 training and the lawful use of force to be a suitable person to train private
18 detectives in the handling of firearms and the lawful use of force;
- 19 (4) has supplied all required information to the attorney general; and
- 20 (5) has paid the required fee.

21 (e) The certificate issued pursuant to this section shall expire on De-
22 cember 31 of the year following the year when issued ~~and shall be re-~~
23 ~~newable biennially~~ *except that, on and after July 1, 2002, a certificate*
24 *issued pursuant to this section shall expire two years from the date of*
25 *issuance. A certificate may be renewed on a biennial basis* upon applica-
26 tion and payment of a fee in an amount fixed by the attorney general
27 pursuant to K.S.A. 2001 Supp. 75-7b22, and amendments thereto.

28 Sec. 5. K.S.A. 2001 Supp. 75-7b05, 75-7b07, 75-7b17 and 75-7b21
29 are hereby repealed.

30 Sec. 6. This act shall take effect and be in force from and after its
31 publication in the statute book.

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