

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2422

By Representatives Goodman and O'Brien

12-30

1 AN ACT concerning the personal and family protection act; amending  
2 K.S.A. 2011 Supp. 75-7c05 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 75-7c05 is hereby amended to read as  
6 follows: 75-7c05. (a) The application for a license pursuant to this act shall  
7 be completed, under oath, on a form prescribed by the attorney general and  
8 shall only include:

9 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,  
10 address, social security number, Kansas driver's license number or Kansas  
11 nondriver's license identification number, place and date of birth, a  
12 photocopy of the applicant's driver's license or nondriver's identification  
13 card and a photocopy of the applicant's certificate of training course  
14 completion; (B) in the case of an applicant who presents proof that such  
15 person is on active duty with any branch of the armed forces of the United  
16 States, or is the dependent of such a person, and who does not possess a  
17 Kansas driver's license or Kansas nondriver's license identification, the  
18 number of such license or identification shall not be required;

19 (2) a statement that the applicant is in compliance with criteria  
20 contained within K.S.A. 2011 Supp. 75-7c04, and amendments thereto;

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

23 (4) a conspicuous warning that the application is executed under oath  
24 and that a false answer to any question, or the submission of any false  
25 document by the applicant, subjects the applicant to criminal prosecution  
26 under K.S.A. 2011 Supp. 21-5903, and amendments thereto; and

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

29 (b) The applicant shall submit to the sheriff of the county where the  
30 applicant resides, during any normal business hours:

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

32 (2) ~~except as provided by subsection (g),~~ a nonrefundable license fee  
33 of \$132.50, if the applicant has not previously been issued a statewide  
34 license or if the applicant's license has permanently expired, which fee  
35 shall be in the form of two cashier's checks, personal checks or money  
36 orders of \$32.50 payable to the sheriff of the county where the applicant

1 resides and \$100 payable to the attorney general;

2 (3) a photocopy of a certificate or an affidavit or document as  
3 described in subsection (b) of K.S.A. 2011 Supp. 75-7c04, and  
4 amendments thereto, or if applicable, of a license to carry a firearm as  
5 described in subsection (d) of K.S.A. 2011 Supp. 75-7c03, and  
6 amendments thereto; and

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

9 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) of  
10 this section, shall provide for the full set of fingerprints of the applicant to  
11 be taken and forwarded to the attorney general for purposes of a criminal  
12 history records check as provided by subsection (d). In addition, the sheriff  
13 shall forward to the attorney general a copy of the application and the  
14 portion of the original license fee which is payable to the attorney general.  
15 The cost of taking such fingerprints shall be included in the portion of the  
16 fee retained by the sheriff. Notwithstanding anything in this section to the  
17 contrary, an applicant shall not be required to submit fingerprints for a  
18 renewal application under K.S.A. 2011 Supp. 75-7c08, and amendments  
19 thereto.

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

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

35 (d) Each applicant shall be subject to a state and national criminal  
36 history records check which conforms to applicable federal standards,  
37 including an inquiry of the national instant criminal background check  
38 system for the purpose of verifying the identity of the applicant and  
39 whether the applicant has been convicted of any crime or has been the  
40 subject of any restraining order or any mental health related finding that  
41 would disqualify the applicant from holding a license under this act. The  
42 attorney general is authorized to use the information obtained from the  
43 state or national criminal history record check to determine the applicant's

1 eligibility for such license.

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

4 (1) Issue the license and certify the issuance to the department of  
5 revenue; or

6 (2) deny the application based solely on: (A) The report submitted by  
7 the sheriff or other chief law enforcement officer under subsection (c)(2)  
8 for good cause shown therein; or (B) the ground that the applicant is  
9 disqualified under the criteria listed in K.S.A. 2011 Supp. 75-7c04, and  
10 amendments thereto. If the attorney general denies the application, the  
11 attorney general shall notify the applicant in writing, stating the ground for  
12 denial and informing the applicant the opportunity for a hearing pursuant  
13 to the Kansas administrative procedure act.

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

18 (g) (1) A person who is a retired law enforcement officer, as defined  
19 in K.S.A. 2011 Supp. 21-5111, and amendments thereto, shall be: (A)  
20 Required to pay an original license fee of \$75, which fee shall be in the  
21 form of two cashier checks or money orders, \$25 payable to the sheriff of  
22 the county where the applicant resides and \$50 payable to the attorney  
23 general, to be forwarded by the sheriff to the attorney general as provided  
24 by subsection (b)(2); (B) exempt from the required completion of a  
25 weapons handgun safety and training course if such person was certified  
26 by the Kansas commission on peace officer's standards and training, or  
27 similar body from another jurisdiction, not more than eight years prior to  
28 submission of the application; (C) required to pay the license renewal fee;  
29 (D) required to pay to the department of revenue the fees required by  
30 subsection (f); and (E) required to comply with the criminal history  
31 records check requirement of this section.

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

39 (h) *A person who is a corrections officer, a parole officer or a*  
40 **corrections officer employed by the federal bureau of prisons as**  
41 *defined by K.S.A. 75-5201 75-5202, and amendments thereto, shall be: (A)*  
42 *Required to pay an original license fee of \$75, which fee shall be in the*  
43 *form of two cashier checks or money orders, \$25 payable to the sheriff of*

1 ~~the county where the applicant resides and \$50 payable to the attorney-~~  
2 ~~general, to be forwarded by the sheriff to the attorney general as provided~~  
3 **by subsection (b)(2); (B) exempt from the required completion of a**  
4 **weapons handgun safety and training course if such person was certified**  
5 ~~by the Kansas commission on peace officer's standards and training, or~~  
6 ~~similar body from another jurisdiction, issued a certificate of firearms~~  
7 **training by the department of corrections or the federal bureau of**  
8 **prisons or similar body not more than eight years one year prior to**  
9 **submission of the application; (C) required to pay the license renewal fee;**  
10 **(D) required to pay to the department of revenue the fees required by**  
11 **subsection (f); and (E) required to comply with the criminal history**  
12 **records check requirements of this section.**

13 Sec. 2. K.S.A. 2011 Supp. 75-7c05 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the statute book.