

## HOUSE BILL No. 2089

By Committee on Federal and State Affairs

1-21

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1 AN ACT concerning firearms; relating to the personal and family  
2 protection act; authorizing the issuance of an alternative license during  
3 a declared state of disaster emergency; amending K.S.A. 75-7c03 and  
4 75-7c05 and repealing the existing sections.

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

7 Section 1. K.S.A. 75-7c03 is hereby amended to read as follows: 75-  
8 7c03. (a) The attorney general shall issue licenses to carry concealed  
9 handguns to persons who comply with the application and training  
10 requirements of this act and who are not disqualified under K.S.A. 75-  
11 7c04, and amendments thereto. Such licenses shall be valid throughout the  
12 state for a period of four years from the date of issuance. The availability  
13 of licenses to carry concealed handguns under this act shall not be  
14 construed to impose a general prohibition on the carrying of handguns  
15 without such license, whether carried openly or concealed, or loaded or  
16 unloaded.

17 (b) *Except as otherwise provided in subsection (c), the license shall*  
18 *be a separate card, in a form prescribed by the attorney general, that is*  
19 *approximately the size of a Kansas driver's license and shall bear the*  
20 *licensee's signature, name, address, date of birth and driver's license*  
21 *number or nondriver's identification card number except that the attorney*  
22 *general shall assign a unique number for military applicants or their*  
23 *dependents described in K.S.A. 75-7c05(a)(1)(B), and amendments*  
24 *thereto.*

25 (c) *When a state of disaster emergency has been proclaimed pursuant*  
26 *to K.S.A. 48-924, and amendments thereto, and if the attorney general, in*  
27 *the attorney general's sole discretion, determines that during such state of*  
28 *disaster emergency it is impractical for licensees to obtain a physical card*  
29 *from the division of vehicles of the department of revenue, the attorney*  
30 *general may issue an authorization document to each licensee that*  
31 *authorizes the licensee to exercise the rights and privileges to carry a*  
32 *concealed handgun as set forth in this act. Such document shall include*  
33 *the licensee information required under subsection (b) and state that the*  
34 *document is proof that the licensee holds a valid license to carry*  
35 *concealed handguns. All such documents issued during a state of disaster*  
36 *emergency shall expire 90 days after such state of disaster emergency is*

1 *terminated.*

2 Sec. 2. K.S.A. 75-7c05 is hereby amended to read as follows: 75-  
3 7c05. (a) The application for a license pursuant to this act shall be  
4 completed, under oath, on a form prescribed by the attorney general and  
5 shall only include:

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

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

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

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

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

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

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

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

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

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

40 (c) (1) Except as otherwise provided in subsection (i), the sheriff,  
41 upon receipt of the items listed in subsection (b), shall provide for the full  
42 set of fingerprints of the applicant to be taken and forwarded to the  
43 attorney general for purposes of a criminal history records check as

1 provided by subsection (d). In addition, the sheriff shall forward to the  
2 attorney general the application and the portion of the original license fee  
3 which is payable to the attorney general. The cost of taking such  
4 fingerprints shall be included in the portion of the fee retained by the  
5 sheriff. Notwithstanding anything in this section to the contrary, an  
6 applicant shall not be required to submit fingerprints for a renewal  
7 application under K.S.A. 75-7c08, and amendments thereto.

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

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

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

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

35 (1) (A) Issue the license and certify the issuance to the department of  
36 revenue; and

37 (B) *if a state of disaster emergency has been proclaimed pursuant to*  
38 *K.S.A. 48-924, and amendments thereto, and the attorney general*  
39 *determines that during such state of disaster emergency it is impractical*  
40 *for licensees to obtain a physical card from the department of revenue, the*  
41 *attorney general shall issue an authorization document in accordance with*  
42 *K.S.A. 75-7c03(c), and amendments thereto; or*

43 (2) deny the application based solely on: (A) The report submitted by

1 the sheriff or other chief law enforcement officer under subsection (c)(2)  
2 for good cause shown therein; or (B) the ground that the applicant is  
3 disqualified under the criteria listed in K.S.A. 75-7c04, and amendments  
4 thereto. If the attorney general denies the application, the attorney general  
5 shall notify the applicant in writing, stating the ground for denial and  
6 informing the applicant the opportunity for a hearing pursuant to the  
7 Kansas administrative procedure act.

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

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

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

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

41 (i) A person who presents proof that such person is on active duty  
42 with any branch of the armed forces of the United States and is stationed at  
43 a United States military installation located outside this state, may submit

1 by mail an application described in subsection (a) and the other materials  
2 required by subsection (b) to the sheriff of the county where the applicant  
3 resides. Provided the applicant is fingerprinted at a United States military  
4 installation, the applicant may submit a full set of fingerprints of such  
5 applicant along with the application. Upon receipt of such items, the  
6 sheriff shall forward to the attorney general the application and the portion  
7 of the original license fee which is payable to the attorney general.

8 Sec. 3. K.S.A. 75-7c03 and 75-7c05 are hereby repealed.

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