

## HOUSE BILL No. 2437

By Committee on Federal and State Affairs

1-16

1 AN ACT concerning firearms; relating to applications for a license to carry  
2 a concealed handgun; amending K.S.A. 2013 Supp. 75-7c05 and  
3 repealing the existing section.

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

6 Section 1. K.S.A. 2013 Supp. 75-7c05 is hereby amended to read as  
7 follows: 75-7c05.(a) The application for a license pursuant to this act shall  
8 be completed, under oath, on a form prescribed by the attorney general and  
9 shall only include:

10 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,  
11 address, social security number, Kansas driver's license number or Kansas  
12 nondriver's license identification number, place and date of birth, a  
13 photocopy of the applicant's driver's license or nondriver's identification  
14 card and a photocopy of the applicant's certificate of training course  
15 completion; or

16 (B) in the case of an applicant who presents proof that such person is  
17 on active duty with any branch of the armed forces of the United States, or  
18 is the dependent of such a person, and who does not possess a Kansas  
19 driver's license or Kansas nondriver's license identification, the number of  
20 such license or identification shall not be required;

21 (2) a statement that the applicant is in compliance with criteria  
22 contained within K.S.A. 2013 Supp. 75-7c04, and amendments thereto;

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

25 (4) a conspicuous warning that the application is executed under oath  
26 and that a false answer to any question, or the submission of any false  
27 document by the applicant, subjects the applicant to criminal prosecution  
28 under K.S.A. 2013 Supp. 21-5903, and amendments thereto; and

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

31 (b) (1) *Except as provided in subsection (b)(2),* the applicant shall  
32 submit to the sheriff of the county where the applicant resides, during any  
33 normal business hours:

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

35 (2) (B) a nonrefundable license fee of \$132.50, if the applicant has  
36 not previously been issued a statewide license or if the applicant's license

1 has permanently expired, which fee shall be in the form of two cashier's  
2 checks, personal checks or money orders of \$32.50 payable to the sheriff  
3 of the county where the applicant resides and \$100 payable to the attorney  
4 general;

5 (⊖) (C) if applicable, a photocopy of the proof of training required by  
6 subsection (d) of K.S.A. 2013 Supp. 75-7c03, and amendments thereto;  
7 and

8 (⊕) (D) a full frontal view photograph of the applicant taken within  
9 the preceding 30 days.

10 (2) (A) *In addition to the sheriff of the county where the applicant*  
11 *resides, the applicant may submit the items described in subsection (b)(1)*  
12 *(A) through (D) to the duly appointed chief of police of any city if such*  
13 *officer: (A) Has jurisdiction in the county where the applicant resides; and*  
14 *(B) has elected to permit such applications to be submitted to such officer.*

15 (B) *If the applicant elects to submit the items described in subsection*  
16 *(b)(1)(A) through (D) to the chief of police of a city, the provisions of*  
17 *subsection (b)(1)(B) shall not apply, and, if the applicant has not*  
18 *previously been issued a statewide license or if the applicant's license has*  
19 *permanently expired, the applicant shall submit a nonrefundable license*  
20 *fee of \$132.50 which shall be in the form of two cashier's checks, personal*  
21 *checks or money orders of \$32.50 payable to the clerk of the city and \$100*  
22 *payable to the attorney general.*

23 (c) (1) The sheriff *or chief of police*, upon receipt of the items listed  
24 in subsection (b) of this section, shall provide for the full set of  
25 fingerprints of the applicant to be taken and forwarded to the attorney  
26 general for purposes of a criminal history records check as provided by  
27 subsection (d). In addition, the sheriff *or chief of police* shall forward to  
28 the attorney general the application and the portion of the original license  
29 fee which is payable to the attorney general. The cost of taking such  
30 fingerprints shall be included in the portion of the fee retained by the  
31 sheriff *or chief of police*. Notwithstanding anything in this section to the  
32 contrary, an applicant shall not be required to submit fingerprints for a  
33 renewal application under K.S.A. 2013 Supp. 75-7c08, and amendments  
34 thereto.

35 (2) The sheriff of the applicant's county of residence or the chief law  
36 enforcement officer of any law enforcement agency, at the sheriff's or chief  
37 law enforcement officer's discretion, may participate in the process by  
38 submitting a voluntary report to the attorney general containing readily  
39 discoverable information, corroborated through public records, which,  
40 when combined with another enumerated factor, establishes that the  
41 applicant poses a significantly greater threat to law enforcement or the  
42 public at large than the average citizen. Any such voluntary reporting shall  
43 be made within 45 days after the date the sheriff *or chief of police* receives

1 the application. Any sheriff or chief law enforcement officer submitting a  
2 voluntary report shall not incur any civil or criminal liability as the result  
3 of the good faith submission of such report.

4 (3) All funds retained by the sheriff *or chief of police* pursuant to the  
5 provisions of this section shall be credited to a special fund of the sheriff's  
6 office *or the city*, which shall be used solely for the purpose of  
7 administering this act.

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

18 (e) Except as provided in K.S.A. 2013 Supp. 75-7c03, and  
19 amendments thereto, within 90 days after the date of receipt of the items  
20 listed in subsection (b), the attorney general shall:

21 (1) Issue the license and certify the issuance to the department of  
22 revenue; or

23 (2) deny the application based solely on: (A) The report submitted by  
24 the sheriff or other chief law enforcement officer under subsection (c)(2)  
25 for good cause shown therein; or (B) the ground that the applicant is  
26 disqualified under the criteria listed in K.S.A. 2013 Supp. 75-7c04, and  
27 amendments thereto. If the attorney general denies the application, the  
28 attorney general shall notify the applicant in writing, stating the ground for  
29 denial and informing the applicant the opportunity for a hearing pursuant  
30 to the Kansas administrative procedure act.

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

35 (g) (1) A person who is a retired law enforcement officer, as defined  
36 in K.S.A. 2013 Supp. 21-5111, and amendments thereto, shall be: (A)  
37 Required to pay an original license fee as provided in subsection (b)(2), to  
38 be forwarded by the sheriff *or chief of police* to the attorney general; (B)  
39 exempt from the required completion of a handgun safety and training  
40 course if such person was certified by the Kansas commission on peace  
41 officer's standards and training, or similar body from another jurisdiction,  
42 not more than eight years prior to submission of the application; (C)  
43 required to pay the license renewal fee; (D) required to pay to the

1 department of revenue the fees required by subsection (f); and (E) required  
2 to comply with the criminal history records check requirement of this  
3 section.

4 (2) Proof of retirement as a law enforcement officer shall be required  
5 and provided to the attorney general in the form of a letter from the agency  
6 head, or their designee, of the officer's retiring agency that attests to the  
7 officer having retired in good standing from that agency as a law  
8 enforcement officer for reasons other than mental instability and that the  
9 officer has a nonforfeitable right to benefits under a retirement plan of the  
10 agency.

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

22 Sec. 2. K.S.A. 2013 Supp. 75-7c05 is hereby repealed.

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