

## HOUSE BILL No. 2412

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning the personal and family protection act; removing  
2 state agency fees for licenses to carry concealed handguns; amending  
3 K.S.A. 2022 Supp. 75-7c05 and 75-7c08 and repealing the existing  
4 sections.

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

7 Section 1. K.S.A. 2022 Supp. 75-7c05 is hereby amended to read as  
8 follows: 75-7c05. (a) The application for a license pursuant to this act shall  
9 be completed, under oath, on a form prescribed by the attorney general and  
10 shall only include:

11 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,  
12 address, social security number, Kansas driver's license number or Kansas  
13 nondriver's license identification number, place and date of birth, a  
14 photocopy of the applicant's driver's license or nondriver's identification  
15 card and a photocopy of the applicant's certificate of training course  
16 completion; (B) in the case of an applicant who presents proof that such  
17 person is on active duty with any branch of the armed forces of the United  
18 States, or is the dependent of such a person, and who does not possess a  
19 Kansas driver's license or Kansas nondriver's license identification, the  
20 number of 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. 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. 2022 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) Except as otherwise provided in subsection (i), the applicant shall  
32 submit to the sheriff of the county where the applicant resides, during any  
33 normal business hours:

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

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

1 permanently expired, which fee shall be in the form of two cashier's  
2 checks, personal checks or money orders of an amount of \$32.50 payable  
3 to the sheriff of the county where the applicant resides and \$100 payable to  
4 the attorney general for the purpose of covering the cost of taking  
5 fingerprints pursuant to subsection (c);

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

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

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

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

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

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

1 state or national criminal history record check to determine the applicant's  
2 eligibility for such license.

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

5 (1) (A) Issue the license and certify the issuance to the department of  
6 revenue; and

7 (B) if it is impractical for the division of vehicles of the department of  
8 revenue to issue physical cards consistent with the requirements of this act  
9 and the attorney general has determined that the conditions for such  
10 impracticality have existed for at least 30 days, the attorney general shall  
11 issue an authorization document in accordance with K.S.A. 75-7c03(d),  
12 and amendments thereto; or

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

21 (f) ~~Each~~ *No person who is issued a license or has such licensed*  
22 *renewed shall be required to pay to the department of revenue a fee for the*  
23 *cost of the license which shall be in amounts equal to the fee required*  
24 *pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for*  
25 *replacement of a driver's license or renewal except as otherwise provided*  
26 *in subsection (b) for the purpose of covering the cost of taking*  
27 *fingerprints.*

28 (g) (1) A person who is a retired law enforcement officer, as defined  
29 in K.S.A. 2022 Supp. 21-5111, and amendments thereto, shall be: (A)  
30 ~~Required to pay an original license fee as provided in subsection (b)(2), to~~  
31 ~~be forwarded by the sheriff to the attorney general;~~ (B) Exempt from the  
32 required completion of a handgun safety and training course if such person  
33 was certified by the Kansas commission on peace officer's standards and  
34 training, or similar body from another jurisdiction, not more than eight  
35 years prior to submission of the application; ~~(C) required to pay the license~~  
36 ~~renewal fee;~~ ~~(D) required to pay to the department of revenue the fees~~  
37 ~~required by subsection (f); and~~ ~~(E) (B)~~ required to comply with the  
38 criminal history records check requirement of this section.

39 (2) Proof of retirement as a law enforcement officer shall be required  
40 and provided to the attorney general in the form of a letter from the agency  
41 head, or their designee, of the officer's retiring agency that attests to the  
42 officer having retired in good standing from that agency as a law  
43 enforcement officer for reasons other than mental instability and that the

1 officer has a nonforfeitable right to benefits under a retirement plan of the  
2 agency.

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

14 (i) A person who presents proof that such person is on active duty  
15 with any branch of the armed forces of the United States and is stationed at  
16 a United States military installation located outside this state, may submit  
17 by mail an application described in subsection (a) and the other materials  
18 required by subsection (b) to the sheriff of the county where the applicant  
19 resides. Provided the applicant is fingerprinted at a United States military  
20 installation, the applicant may submit a full set of fingerprints of such  
21 applicant along with the application. Upon receipt of such items, the  
22 sheriff shall forward to the attorney general the application ~~and the portion~~  
23 ~~of the original license fee which is payable to the attorney general.~~

24 Sec. 2. K.S.A. 2022 Supp. 75-7c08 is hereby amended to read as  
25 follows: 75-7c08. (a) Not less than 90 days prior to the expiration date of  
26 the license, the attorney general shall mail to the licensee a written notice  
27 of the expiration and a renewal form prescribed by the attorney general.  
28 The licensee shall renew the license on or before the expiration date by  
29 filing with the attorney general the renewal form, a notarized affidavit,  
30 either in person or by certified mail, stating that the licensee remains  
31 qualified pursuant to the criteria specified in K.S.A. 75-7c04, and  
32 amendments thereto, *and* a full frontal view photograph of the applicant  
33 taken within the preceding 30 days ~~and a nonrefundable license renewal~~  
34 ~~fee of \$25 payable to the attorney general.~~ The attorney general shall  
35 complete a name-based background check, including a search of the  
36 national instant criminal background check system database. ~~A licensee~~  
37 ~~who fails to file a renewal application on or before the expiration date of~~  
38 ~~the license must pay an additional late fee of \$15.~~ A renewal application is  
39 considered filed on the date the renewal form; *and* affidavit; ~~and required~~  
40 ~~fees are delivered in person to the attorney general's office or on the date a~~  
41 ~~certified mailing to the attorney general's office containing these items is~~  
42 ~~postmarked.~~

43 (b) Upon receipt of a renewal application as specified in subsection

1 (a), a background check in accordance with K.S.A. 75-7c05(d), and  
2 amendments thereto, shall be completed. Fingerprints shall not be required  
3 for renewal applications. If the licensee is not disqualified as provided by  
4 this act, the license shall be renewed upon receipt by the attorney general  
5 of the items listed in subsection (a) and the completion of the background  
6 check. If the licensee holds a valid provisional license at the time the  
7 renewal application is submitted, then the attorney general shall issue a  
8 standard license to the licensee if the licensee is not disqualified as  
9 provided by this act.

10 (c) No license shall be renewed if the renewal application is filed six  
11 months or more after the expiration date of the license, and such license  
12 shall be deemed to be permanently expired. A person whose license has  
13 been permanently expired may reapply for licensure but an application for  
14 licensure ~~and fees~~ pursuant to K.S.A. 75-7c05, and amendments thereto,  
15 shall be submitted, and a background investigation including the  
16 submission of fingerprints, shall be conducted pursuant to the provisions  
17 of that section.

18 Sec. 3. K.S.A. 2022 Supp. 75-7c05 and 75-7c08 are hereby repealed.

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