

CHAPTER 140

HOUSE Substitute for SENATE BILL No. 306
(Amends Chapters 17, 51, 74, 88 and 155)

AN ACT concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4201, 21-4204, 21-4218, 75-7c01, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c12, 75-7c13, 75-7c15, 75-7c17 and 75-7c19 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586, 75-7c04, as amended by section 16 of 2010 House Bill No. 2661, 75-7c07, as amended by section 193 of 2010 Senate Bill No. 376 and 75-7c11.

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

Section 1. K.S.A. 2009 Supp. 75-7c01 is hereby amended to read as follows: 75-7c01. K.S.A. 2009 Supp. 75-7c01 through ~~75-7c18~~ 75-7c19, and amendments thereto, shall be known and may be cited as the personal and family protection act.

Sec. 2. K.S.A. 2009 Supp. 75-7c02 is hereby amended to read as follows: 75-7c02. As used in the personal and family protection act:

(a) "Attorney general" means the attorney general of the state of Kansas.

(b) ~~"Weapon" means handgun, pistol or revolver~~ "Handgun" means a "firearm," as defined in K.S.A. 75-7b01, and amendments thereto.

(c) "Athletic event" means athletic instruction, practice or competition held at any location and including any number of athletes.

(d) "Dependent" means a resident of the household of an active duty member of any branch of the armed forces of the United States who depends in whole or in substantial part upon the member for financial support.

Sec. 3. K.S.A. 2009 Supp. 75-7c03 is hereby amended to read as follows: 75-7c03. (a) The attorney general shall issue licenses to carry concealed ~~weapons~~ handguns to persons ~~qualified as provided by~~ who comply with the application and training requirements of this act and who are not disqualified under K.S.A. 75-7c04, and amendments thereto. Such licenses shall be valid throughout the state for a period of four years from the date of issuance.

(b) The license shall be a separate card, in a form prescribed by the attorney general, that is approximately the size of a Kansas driver's license and shall bear the licensee's signature, name, address, date of birth and driver's license number or nondriver's identification card number except that the attorney general shall assign a unique number for military applicants or their dependents described in subsection (a)(1)(B) of K.S.A. 2009 Supp. 75-7c05, and amendments thereto. At all times when the licensee is in actual possession of a concealed ~~weapon~~ handgun, the licensee shall carry the valid license to carry concealed ~~weapons~~ which shall constitute the license to carry a concealed ~~weapon~~ handguns. On demand of a law enforcement officer, the licensee shall display the license to carry a concealed ~~weapon~~ handguns and proper identification. Verification by a law enforcement officer that a person holds a valid license to carry a concealed ~~weapon~~ handgun may be accomplished by a record check using the person's driver's license information or the person's concealed carry license number.

The license of any person who violates the provisions of this subsection shall be suspended for not less than 30 days upon the first violation and shall be revoked for not less than five years upon ~~the~~ a second or a subsequent violation. *However, a violation of this subsection shall not constitute a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if the licensee's license is valid.*

(c) A valid license, issued by any other state or the District of Columbia, to carry ~~concealed weapons~~ a firearm shall be recognized as valid in this state, but only while the holder is not a resident of Kansas, if the attorney general determines that standards for issuance of such license or permit by such state or district are ~~equal~~ reasonably similar to or greater than the standards imposed by this act. The attorney general shall maintain and publish a list of such ~~states and district~~ other jurisdictions which the attorney general determines have standards ~~equal~~ reasonably similar to or greater than the standards imposed by this act.

(d) A person who establishes residency in this state may carry con-

sealed handguns under the terms of this act until the person's application for a license under this act is approved or denied, provided that the person has been issued and possesses a valid license or permit to carry a firearm from a jurisdiction recognized by the attorney general under subsection (c) and carries with that license or permit a receipt issued by the attorney general, which states the person's application for licensure under this act has been received. For purposes of such application, possession of the valid nonresident license or permit to carry a firearm shall satisfy the requirements of subsection (b)(2) of K.S.A. 2009 Supp. 75-7c04, and amendments thereto.

Sec. 4. K.S.A. 2009 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall *not* issue a license pursuant to this act if the applicant:

~~(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;~~

~~(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;~~

~~(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, and amendments thereto; or~~

~~(2) (3) is less than 21 years or more of age;~~

~~(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;~~

~~(4) (A) has been convicted or placed on diversion for an act that constitutes a felony under the laws of this state or any other jurisdiction and: (i) Such felony is expungeable pursuant to K.S.A. 21-4619, and amendments thereto, or similar provision from another jurisdiction; (ii) such felony has been expunged, and (iii) the requirements of subsection (d) are otherwise met;~~

~~(B) has not been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state and such felony is not subject to expungement pursuant to K.S.A. 21-4619, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;~~

~~(5) has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;~~

~~(6) has not been, during the five years immediately preceding the date the application is submitted: (A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult; (B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto; (C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or (D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2009 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2009 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;~~

~~(7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending~~

which would cause the applicant to be ineligible for a license;

~~— (8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of restoration pursuant to K.S.A. 2009 Supp. 75-7e26, and amendments thereto, not less than five years before the date of the application;~~

~~— (9) desires a legal means to carry a concealed weapon for lawful self-defense;~~

~~— (10) except as provided by subsection (g) of K.S.A. 2009 Supp. 75-7e05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);~~

~~— (11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;~~

~~— (12) has not been dishonorably discharged from military service;~~

~~— (13) is a citizen of the United States;~~

~~— (14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, K.S.A. 2009 Supp. 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas;~~

~~— (15) is not in contempt of court in a child support proceeding;~~

~~— (16) has not attempted to commit suicide in the five years immediately preceding application; and~~

~~— (17) has not been adjudicated as a mental defective or committed to a mental institution.~~

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour ~~weapons handgun~~ safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of ~~weapons handguns~~, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed ~~weapon handguns~~ and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A ~~weapons handgun~~ course certified or sponsored by the attorney general; or (ii) a ~~weapons handgun~~ course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or ~~weapons handgun~~ training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

(2) The cost of the ~~weapons handgun~~ safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved ~~weapons handgun~~ safety and training course: (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general; ~~or~~ (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; ~~or~~ (C) *for the purposes of subsection (d) of K.S.A. 2009 Supp. 75-7c03, and amendments thereto, a copy of a valid license to carry a firearm issued by another jurisdiction, as described in that subsection.*

~~(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the~~

licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b):

~~— (d) If an applicant has had a conviction or diversion described in subsection (a)(4)(A) or (a)(6) expunged pursuant to K.S.A. 12-4516 or 21-4619, and amendments thereto, or similar provision from another jurisdiction, and the applicant has been eligible for expungement for five years or more immediately preceding the date the application for licensure is submitted, the applicant shall not be disqualified from being issued a license if the applicant is otherwise qualified for licensure pursuant to this section and eligible to possess a firearm under state and federal law.~~

~~— (e) For purposes of this section: (1) “Adjudicated as a mental defective” means a determination by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (A) Is a danger to the person’s self or to others; or (B) lacks the mental capacity to contract or manage the person’s own affairs. “Adjudicated as a mental defective” shall include a finding of insanity by a court in a criminal case, and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the United States uniform code of military justice.~~

~~— (2) (A) “Committed to a mental institution” means a formal commitment of a person to a mental institution by a court, board, commission or other lawful authority. “Committed to a mental institution” includes a commitment to a mental institution involuntarily, commitment for mental defectiveness or mental illness and commitments for other reasons, such as for drug use.~~

~~— (B) “Committed to a mental institution” shall not include a person in a mental institution for observation or a voluntary admission to a mental institution.~~

Sec. 5. K.S.A. 2009 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

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

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 2009 Supp. 75-7c04, and amendments thereto;

~~(3) a waiver of the confidentiality of such mental health and medical records as necessary to determine the applicant’s qualifications under subsection (a)(8) of K.S.A. 2009 Supp. 75-7c04, and amendments thereto;~~

~~(4) (3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;~~

~~(5) (4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 21-3805, and amendments thereto; and~~

~~(6) (5) a statement that the applicant desires a concealed ~~weapon~~ handgun license as a means of lawful self-defense.~~

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

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

(2) except as provided by subsection (g), a nonrefundable license fee of ~~\$150~~ \$132.50, if the applicant has not previously been issued a state-wide license or if the applicant’s license has permanently expired, which fee shall ~~be in the form of two cashier checks or money orders~~ *be in the form of two cashier’s checks, personal checks or money orders* of ~~\$40~~ \$32.50 payable to the sheriff of the county where the applicant resides and ~~\$10~~ \$100 payable to the attorney general;

(3) a photocopy of a certificate or an affidavit or document as de-

scribed in subsection (b) of K.S.A. 2009 Supp. 75-7c04, and amendments thereto, *or if applicable, of a license to carry a firearm as described in subsection (d) of K.S.A. 2009 Supp. 75-7c03, and amendments thereto;* and

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

(c) (1) ~~The sheriff, upon receipt of the items listed in subsection (b) of this section or subsection (a) of K.S.A. 2009 Supp. 75-7c08, and amendments thereto, shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward to the attorney general a copy of the application and the portion of the original or renewal license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff. *Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 2009 Supp. 75-7c08, and amendments thereto.*~~

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

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for ~~law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to meet normal operating expenses of the sheriff's office~~ *the purpose of administering this act.*

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

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

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

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant ~~fails to qualify~~ *is disqualified* under the criteria listed in K.S.A. 2009 Supp. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

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

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 21-3110, and amendments thereto, shall be: ~~(1) (A) Required to pay an original license fee of \$100 \$75, which fee shall be in the form of two cashier checks or money orders, \$40 \$25 payable to the sheriff of the county where the applicant resides and \$60 \$50 payable to the attorney general, to be forwarded by the sheriff to the attorney general; (2)~~

(B) exempt from the required completion of a weapons safety and training course if such person was certified by the Kansas law enforcement training commission on *peace officer's standards and training, or similar body from another jurisdiction*, not more than eight years prior to submission of the application; ~~(3)~~ (C) required to pay the license renewal fee; ~~(4)~~ (D) required to pay to the department of revenue the fees required by subsection (f); and ~~(5)~~ (E) required to comply with the criminal history records check requirement of this section.

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

Sec. 6. K.S.A. 2009 Supp. 75-7c06 is hereby amended to read as follows: 75-7c06. (a) The attorney general shall be the official custodian of all records relating to licenses issued pursuant to the personal and family protection act.

(b) Except as provided by subsections (c) and (d), records relating to persons issued licenses pursuant to this act, persons applying for licenses pursuant to this act or persons who have had a license denied pursuant to this act shall be confidential and shall not be disclosed in a manner which enables identification of any such person. Any disclosure of a record in violation of this subsection is a class A misdemeanor.

(c) Records of a person whose license has been suspended or revoked pursuant to this act shall be subject to public inspection in accordance with the open records act.

(d) The attorney general shall maintain an automated listing of license holders and pertinent information, and such information shall be available, ~~upon request~~, at all times to all law enforcement agencies in this state, other states and the District of Columbia *when requested for a legitimate law enforcement purpose.*

(e) Within 30 days after the changing of a permanent address, or within 30 days after ~~having~~ *the discovery that* a license *has been* lost or destroyed, the licensee shall notify the attorney general of such change, loss or destruction. The attorney general, upon notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, may order a licensee to pay a fine of not more than \$100, or may suspend the licensee's license for not more than 180 days, for failure to notify the attorney general pursuant to the provisions of this subsection.

(f) In the event that a concealed ~~weapon~~ *handgun* license is lost or destroyed, the license shall be automatically invalid, and the person to whom the license was issued, upon payment of \$15 to the attorney general, may obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the attorney general that such license has been lost or destroyed.

Sec. 7. K.S.A. 2009 Supp. 75-7c07 is hereby amended to read as follows: 75-7c07. (a) In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny a license to any applicant for license who is ineligible under K.S.A. 2009 Supp. 75-7c04, and amendments thereto, and, except as provided by subsection (b), shall revoke at any time the license of any person who would be ineligible under K.S.A. 2009 Supp. 75-7c04, and amendments thereto, if submitting an application for a license at such time ~~or who fails to submit evidence of completion of a weapons safety and training course as required by subsection (c) of K.S.A. 2009 Supp. 75-7c04, and amendments thereto.~~ Any Review by the district court in accordance with the *Kansas judicial review act for judicial review and civil enforcement of agency actions* shall be, *at the option of the party seeking review*, in Shawnee county *or the county in which the petitioner resides*. The revocation shall remain in effect pending any appeal and shall not be stayed by the court.

(b) The license of a person who ~~would be~~ *is charged for an offense or is subject to a proceeding that could render the person* ineligible pursuant to subsection (a)~~(6)~~ of K.S.A. 2009 Supp. 75-7c04, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge *or outcome of the proceeding* as long as ~~the person is otherwise eligible for a license~~ *the arrest or proceeding does not*

result in a disqualifying conviction, commitment, finding or order.

(c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a) ~~(1)~~ (2) of K.S.A. 2009 Supp. 75-7c04, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall ~~revoke~~ *suspend* such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and ~~revocation~~ *suspension* of a license under the circumstances described in this subsection. *The attorney general shall immediately reinstate the license, if it has not otherwise expired, upon proof of the cancellation of the order.*

(d) (1) *If the provisions of paragraph (2) are met, a license issued pursuant to this act shall not be revoked until 90 days after the person issued such license is no longer a resident of this state, if being a nonresident of this state is the only grounds for revocation.*

(2) A license issued pursuant to this act shall be considered valid for 90 days after a licensee is no longer a resident of Kansas, provided that: (A) Prior to the change in residency, the licensee notified the attorney general in writing of the pending change; and (B) the licensee's new state of residence, or any other state or jurisdiction that such licensee travels to during the 90-day period, would recognize such license as valid.

(e) A person who has been issued a license pursuant to this act and who gave up residency in this state, but has returned to reside in this state shall be eligible to have their license reinstated as valid provided that: (1) The license has not expired; and (2)(A) the licensee notified the attorney general in writing of both the residency departure and relocation back to this state; or (B) if such licensee failed to comply with the notification requirements of this subsection, the penalty provisions of subsection (e) of K.S.A. 75-7c05, and amendments thereto, have been satisfied.

Sec. 8. K.S.A. 2009 Supp. 75-7c08 is hereby amended to read as follows: 75-7c08. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the ~~sheriff of the applicant's county of residence~~ *attorney general* the renewal form, a notarized affidavit, *either in person or by certified mail*, stating that the licensee remains qualified pursuant to the criteria specified in K.S.A. 2009 Supp. 75-7c04, and amendments thereto, a full frontal view photograph of the applicant taken within the preceding 30 days and a nonrefundable license renewal fee of ~~\$100 which fee shall be in the form of two cashier checks or money orders, one of \$50 payable to the sheriff of the county where the applicant resides and one of \$50~~ \$25 payable to the attorney general. ~~The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees~~ *attorney general shall complete a name-based background check, including a search of the national instant criminal background check system database.* A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15. *A renewal application is considered filed on the date the renewal form, affidavit, and required fees are delivered in person to the attorney general's office or on the date a certified mailing to the attorney general's office containing these items is postmarked.*

(b) Upon receipt of a renewal application as specified in subsection (a), a background check in accordance with subsection (d) of K.S.A. 2009 Supp. 75-7c05, and amendments thereto, shall be completed. Fingerprints shall not be required for renewal applications. If the licensee is ~~qualified~~ *not disqualified* as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a) *and the completion of the background check.*

(c) No license shall be renewed *if the renewal application is filed* six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure and fees pursuant to K.S.A. 2009 Supp. 75-7c05, and amendments thereto, shall be submitted, and a background investigation *including the submission of fingerprints*, shall be conducted pursuant to the provisions of that section.

Sec. 9. K.S.A. 2009 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. (a) Provided that the premises are conspicuously posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed ~~weapon~~ *handgun* is prohibited, no license issued pursuant to *or recognized by* this act shall authorize the licensee to carry a concealed ~~weapon~~ *handgun* into *the building of*:

(1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;

(2) any police, sheriff or highway patrol station;

(3) any detention facility, prison or jail;

(4) any courthouse;

~~(5) any courtroom,~~ except that nothing in this section would preclude a judge from carrying a concealed ~~weapon~~ *handgun* or determining who ~~will~~ *may* carry a concealed ~~weapon~~ *handgun* in the judge's courtroom;

~~(6)~~ (5) any polling place on the day an election is held;

~~(7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;~~

~~(8) on the state fairgrounds;~~

~~(9)~~ (6) any state office ~~building~~;

~~(10)~~ (7) any *facility hosting an* athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;

~~(11)~~ (8) any *facility hosting a* professional athletic event not related to or involving firearms;

~~(12)~~ (9) any ~~portion of a~~ drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, ~~except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;~~

~~(13)~~ (10) any elementary or secondary school, attendance center, administrative office, services center or other facility;

~~(14)~~ (11) any community college, college or university ~~facility~~;

~~(15) any place where the carrying of firearms is prohibited by federal or state law;~~

~~(16)~~ (12) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

~~(17)~~ (13) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; *any* mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; *any* psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or *a* state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

~~(18) any city hall;~~

~~(19)~~ (14) any public library operated by the state ~~or by a political subdivision of the state~~;

~~(20)~~ (15) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or

~~(21)~~ (16) any ~~church or temple, or place of worship~~.

~~(22) any place in violation of K.S.A. 21-4218, and amendments thereto.~~

~~(b) (1) Violation of this section is a class A misdemeanor.~~

~~(b) Nothing in this act shall be construed to prevent:~~

~~(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or~~

~~(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under this act from carrying a concealed handgun within a building or buildings of such entity, provided that the premises are posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (f), as premises where carrying a concealed handgun is prohibited.~~

~~(c) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the premises are posted in accordance with rules and regu-~~

lations adopted by the attorney general pursuant to subsection (f). Any person who violates this section shall be guilty of a misdemeanor punishable by a fine of: (A) Not more than \$50 for the first offense; or (B) not more than \$100 for the second offense. Any third or subsequent offense is a class B misdemeanor.

(2) Notwithstanding the provisions of ~~subsection (a)~~ subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a ~~firearm~~ handgun within any ~~county courthouse or court-related facility~~ of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person who is not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

(d) For the purposes of this section, "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

(e) Nothing in this act shall be construed to authorize the carrying or possession of a handgun where prohibited by federal law.

(f) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises where carrying a concealed handgun is prohibited pursuant to subsections (a) and (b). Such regulations shall prescribe, at a minimum, that:

(1) The signs be posted at all exterior entrances to the prohibited buildings;

(2) they be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;

(3) the signs not be obstructed or altered in any way; and

(4) signs which become illegible for any reason be immediately replaced.

Sec. 10. K.S.A. 2009 Supp. 75-7c12 is hereby amended to read as follows: 75-7c12. (a) ~~It is a class A nonperson misdemeanor for a person licensed pursuant to this act to carry a concealed weapon while under the influence of alcohol or drugs, or both. Except as otherwise provided in this section, a licensee under the influence of alcohol or an illegally used controlled substance, to such a degree as to render such licensee incapable of safely operating a handgun, who knowingly possesses or carries a loaded handgun on or about the licensee, or within the licensee's immediate access and control while in a vehicle, commits a class A nonperson misdemeanor.~~

(b) This section shall not apply to any of the following:

(1) A licensee who possesses or carries a handgun while in the licensee's own dwelling or place of business or on land owned or possessed by the licensee; or

(2) the transitory possession or use of a handgun during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.

(c) An officer shall have probable cause to believe that the licensee used or attempted to use a concealed handgun under the influence of alcohol or drugs, or both, if the handgun was operated by the licensee in such a manner as to have caused death of, or serious injury to, a person. In such event, one or more tests of the licensee's blood, breath, urine or other bodily substance to determine the presence of alcohol, drugs, or both, may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto. As used in this section, "serious injury" shall be defined in accordance with K.S.A. 8-1001, and amendments thereto.

(d) The test or tests shall be administered in the manner provided by for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto. Notwithstanding any provisions of K.S.A. 8-1001, and amendments thereto, to the contrary, any testing to determine impairment shall be through the voluntary consent of the licensee to be

tested or as prescribed in subsection (c), and no licensee shall be deemed to have consented to such testing solely by the use or attempted use of a concealed handgun.

(e) If a licensee is subject to subsection (c) and refuses to submit to and complete any test of breath, blood or urine requested by a law enforcement officer, the licensee's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

(f) If the licensee submits to and completes the test or tests and the test results show an alcohol concentration of .08 or greater or shows the presence of a drug or drugs which render the licensee incapable of safely handling a handgun, the licensee's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

~~(b)~~ (g) In any criminal prosecution for carrying a concealed ~~weapon~~ handgun while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:

(1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs as it applies in subsection (a).

(2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol as it applies in subsection (a).

(3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs as it applies in subsection (a).

~~(e)~~ (h) The provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.

~~(d)~~ Any person licensed pursuant to this act is deemed to have given consent to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to under this subsection shall include all quantitative and qualitative tests for alcohol and drugs. A law enforcement officer shall request a person to submit to a test or tests deemed consented to under this subsection if such person is arrested or otherwise taken into custody for any offense involving carrying of a concealed weapon while under the influence of alcohol or drugs, or both, in violation of this section and the arresting officer has reasonable grounds to believe that prior to arrest the person was carrying a concealed weapon under the influence of alcohol or drugs, or both. The test or tests shall be administered in the manner provided by for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto; and the person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test shall be immune from civil and criminal liability to the same extent as in the case of tests performed pursuant to that statute.

~~(e)~~ Before a test or tests are administered under this section, the person shall be given oral and written notice that:

~~(1)~~ Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;

~~(2)~~ the opportunity to consent to or refuse a test is not a constitutional right;

~~(3)~~ there is no constitutional right to consult with an attorney regarding whether to submit to testing;

~~(4)~~ if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person's license to carry a concealed weapon will be revoked for a minimum of three years; and

~~(5)~~ after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from

medical care facilities and physicians:

— (f) After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the person refuses to submit to and complete a test as requested pursuant to this section, additional testing shall not be given unless the law enforcement officer has probable cause to believe that the person while under the influence of alcohol or drugs, or both, was carrying a concealed weapon used in killing or seriously injuring another person. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's license to carry a concealed weapon shall be subject to suspension or revocation pursuant to this act.

— (g) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of carrying a concealed weapon while under the influence of alcohol or drugs, or both.

— (h) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs:

— (i) (1) If the person refuses to submit to testing when requested pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both, and a statement of such grounds; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by this section; and (D) the person refused to submit to and complete a test as requested by a law enforcement officer.

— (2) If the person fails a test administered pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and (D) the result of the test showed that the person had an alcohol concentration of .08 or greater in such person's blood or breath.

— (3) With regard to failure of a breath test, in addition to those matters required to be certified under subsection (h)(2), the law enforcement officer shall certify that: (A) The testing equipment used was certified by the Kansas department of health and environment; (B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and (C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

— (4) For purposes of this subsection, certification shall be complete upon signing, and no additional acts of oath, affirmation, acknowledgment or proof of execution shall be required. The signed certification or a copy or photostatic reproduction thereof shall be admissible in evidence in all proceedings brought pursuant to this act, and receipt of any such certification, copy or reproduction shall accord the department authority to proceed as set forth herein. Any person who signs a certification submitted to the attorney general knowing it contains a false statement is guilty of a class B nonperson misdemeanor.

— (5) Upon receipt of a certification in accordance with this section, the attorney general shall revoke the person's license for three years.

— (j) It shall not be a defense that the person did not understand the written or oral notice required by this section.

— (k) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.

— (l) (i) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant or *voluntary testing*, but no person shall be deemed to have implied consent to mandatory testing by obtaining a concealed handgun license or by carrying a concealed handgun under the terms of this act.

~~(m)~~ (j) Upon the request of any person submitting to testing under ~~this section~~ *subsection (c)*, a report of the results of the testing shall be made available to such person.

(k) *The provisions of K.S.A. 8-1023 and 8-1024, and amendments thereto, shall be applicable and followed during any administration or enforcement of this section.*

Sec. 11. K.S.A. 2009 Supp. 75-7c13 is hereby amended to read as follows: 75-7c13. (a) All moneys received by the attorney general pursuant to this act shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the concealed ~~weapon~~ *handgun* licensure fund, which is hereby created in the state treasury.

(b) Moneys in the concealed ~~weapon~~ *handgun* licensure fund shall be used only for: (1) Payment of the expenses of administration of the personal and family protection act; and (2) transfers to the county law enforcement equipment fund and to the forensic laboratory and materials fee fund as provided by subsection (e).

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the concealed ~~weapon~~ *handgun* licensure fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to moneys in the concealed ~~weapon~~ *handgun* licensure fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the concealed ~~weapon~~ *handgun* licensure fund for the preceding month; and (2) the net earnings for the pooled money investment portfolio for the preceding month.

(d) All expenditures from the concealed ~~weapon~~ *handgun* licensure fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general for the purposes set forth in this section.

(e) The attorney general shall certify to the director of accounts and reports on each July 1 and January 1 after moneys are first credited to the concealed ~~weapons~~ *handgun* licensure fund the amount of moneys in such fund needed to administer this act. On or before the 15th day of each month after moneys are first credited to the concealed ~~weapons~~ *handgun* licensure fund, the director of accounts and reports shall transfer moneys in the concealed ~~weapons~~ *handgun* licensure fund as follows: (1) Of the amount in excess of the amount certified by the attorney general, 20% shall be credited to the county law enforcement equipment fund; and (2) the remaining 80% shall be credited to a separate account in the forensic laboratory and materials fee fund cited in K.S.A. 28-176, and amendments thereto, to be used solely to assist city and county law enforcement agencies to obtain prompt laboratory services from the bureau. Moneys credited to the forensic laboratory and materials fee fund as provided by this subsection shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the attorney general.

Sec. 12. K.S.A. 2009 Supp. 75-7c15 is hereby amended to read as follows: 75-7c15. The committee on surety bonds and insurance, within the limitations of appropriations made therefor, shall purchase such liability insurance as it deems necessary for the protection of persons engaged in conducting an approved ~~weapons~~ *handgun* safety and training course against any liability for injuries or damages arising from the conducting of such course of instruction by such persons.

Sec. 13. K.S.A. 2009 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed ~~weapons~~ *handguns* for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed ~~weapons~~ *handguns* for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed ~~weapons~~ *handguns* by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11~~

subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed ~~weapons~~ *handguns* by persons licensed under this act except as provided in ~~subsections (a)(1) and (a)(2) of K.S.A. 2009 Supp. 75-7c11~~ *subsection (b) of K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, and amendments thereto,* shall be null and void.

(b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on licensees will be done through the district court.

(c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.

(d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.

Sec. 14. K.S.A. 2009 Supp. 75-7c19 is hereby amended to read as follows: 75-7c19. Any person not subject to the provisions of subsection (a) of K.S.A. 21-4201, and amendments thereto, under the authority of paragraph (7) of subsection (c) of K.S.A. 21-4201, and amendments thereto, shall obtain at their own expense, and maintain a license to carry concealed ~~weapons permit~~ *handguns* as authorized by K.S.A. 2009 Supp. 75-7c01 ~~through 75-7c17 et seq.~~, and amendments thereto. In addition, such person shall complete a ~~firearms~~ *handgun* training course as determined by the director of police training of the law enforcement training center.

Sec. 15. K.S.A. 2009 Supp. 21-4201 is hereby amended to read as follows: 21-4201. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement. *This subsection shall not prohibit any ordinary pocket knife which has a spring, detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife;*

(2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has

a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto;

(6) special deputy sheriffs described in K.S.A. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto; or

(7) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(8) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(6) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(6); and

(3) in possession of commercially manufactured devices which are: (A) Owned by the law enforcement agency; (B) in such officer's possession only during specific operations; and (C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(6), (7) and (8) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(6), (7) and (8) shall not affect the manufacture of, trans-

portation to or sale of weapons to such certified laboratory.

(h) Subsection (a)(4) shall not apply to any person carrying a concealed ~~weapon~~ handgun as authorized by K.S.A. 2009 Supp. 75-7c01 through 75-7c17 *et seq.*, and amendments thereto. *It shall not be a violation of this section if a person violates the provisions of K.S.A. 2009 Supp. 75-7c03, and amendments thereto, but has an otherwise valid license to carry a concealed handgun which is issued or recognized by this state.*

(i) Subsections (a)(6) and (7) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. 5801 *et seq.*

(j) It shall be a defense that the defendant is within an exemption.

(k) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(l) As used in this section, “throwing star” means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 16. K.S.A. 2009 Supp. 21-4204 is hereby amended to read as follows: 21-4204. (a) Criminal possession of a firearm is:

(1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(2) possession of any firearm by a person who has been convicted of a person felony ~~or~~, a violation of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, *or any violation of any provision of the uniform controlled substances act prior to July 1, 2009*, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony ~~or~~, a violation of K.S.A. 2009 Supp. 21-36a01 through 21-36a17, and amendments thereto, *or any violation of any provision of the uniform controlled substances act prior to July 1, 2009*, and was found to have been in possession of a firearm at the time of the commission of the offense;

(3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) possession of any firearm by a person who, within the preceding 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, K.S.A. 2009 Supp. ~~21-36a05 or 21-36a06, and amendments thereto~~, 21-36a03, 21-36a05, 21-36a06, 21-36a07 or 21-36a09, and amendments thereto; K.S.A. 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, *prior to such section’s repeal; an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of any such felony*; or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or (B) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense;

(5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event;

(6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer; or

(7) possession of any firearm by a person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) Subsection (a)(5) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

(5) *possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 2009 Supp. 75-7c01 et seq., and amendments thereto.*

(c) Subsection (a)(7) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2009 Supp. 75-7c26, and amendments thereto.

(d) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3), (a)(4) or (a)(7) is a severity level 8, nonperson felony; violation of subsection (a)(6) is a class A nonperson misdemeanor.

Sec. 17. K.S.A. 2009 Supp. 21-4218 is hereby amended to read as follows: 21-4218. ~~(a) Possession of a firearm on the grounds of or in the state capitol building, within the governor's residence, on the grounds of or in any building on the grounds of the governor's residence, within the state office building at 915 Harrison known as the Docking state office building, within the state office building at 900 Jackson known as the Landon state office building, within the Kansas judicial center at 301 West 10th, within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building, and within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse, is possession of a firearm by a person other than a commissioned law enforcement officer, a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state, any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer or a member of the military of this state or the United States engaged in the performance of duties who brings a firearm into, or possesses a firearm within, the state capitol building, any state legislative office, any office of the governor or office of other state government elected official, any hearing room in which any committee of the state legislature or either house thereof is conducting a hearing, the governor's residence, on the grounds of or in any building on the grounds of the governor's residence or the Landon state office building, Docking state office building, Kansas judicial center, county courthouses unless otherwise allowed, or any other state-owned or leased building, so designated. (a) Except as otherwise specified in this section, no person~~

shall possess a firearm on the grounds in any of the following places:

- (1) The state capitol building;
- (2) within the governor's residence;
- (3) on the grounds of or in any building on the grounds of the governor's residence;
- (4) within the state office building at 915 Harrison known as the Docking state office building;
- (5) within the state office building at 900 Jackson known as the Landon state office building;
- (6) within the Kansas judicial center building at 301 West Tenth Street;
- (7) within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building; and
- (8) within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

(b) The prohibitions in subsection (a) shall not apply to:

- (1) A commissioned law enforcement officer;
- (2) a full-time salaried law enforcement officer of another state or the federal government who is carrying out official duties while in this state;
- (3) any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (4) a member of the military of this state or the United States engaged in the performance of duties; or
- (5) a person with a license issued pursuant to or recognized under K.S.A. 2009 Supp. 75-7c01 et seq., and amendments thereto, except in buildings posted in accordance with K.S.A. 2009 Supp. 75-7c10, and amendments thereto, and in the areas specified in paragraphs (2) and (3) of subsection (a).

(c) For the purposes of paragraphs (1), (4), (5), (6), (7) and (8) of subsection (a), "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.

~~(b)~~ (d) It is not a violation of this section for the governor, the governor's immediate family, or specifically authorized guests of the governor to possess a firearm within the governor's residence or on the grounds of or in any building on the grounds of the governor's residence.

~~(c)~~ (e) It is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

~~(d)~~ (f) Notwithstanding the provisions of this section, any county may elect by passage of a resolution that the provisions of subsection (c) shall not apply to such county's courthouse or court-related facilities if: (1) Such facilities have adequate security measures to ensure that no weapons are permitted to be carried into such facilities. For the purposes of this section, "adequate security measures" means the use of electronic equipment and personnel to detect and restrict the carrying of any weapons into the facility, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes;

(2) such facilities have adequate measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options;

(3) such county also has a policy or regulation requiring all law enforcement officers to secure and store such officer's firearm upon entering the courthouse or court-related facility. Such policy or regulation may provide that it does not apply to court security or sheriff's office personnel for such county; and

(4) such facilities have a sign conspicuously posted at each entryway

into such facility stating that the provisions of subsection (c) do not apply to such facility.

~~(e)~~ (g) Violation of subsection (a) is a class A misdemeanor.

~~(f)~~ (h) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 18. K.S.A. 2009 Supp. 21-4201, 21-4201, as amended by section 1 of 2010 Senate Bill No. 497, 21-4204, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4204, as amended by section 6 of 2010 Senate Bill No. 586, 21-4218, 75-7c01, 75-7c02, 75-7c03, 75-7c04, 75-7c04, as amended by section 16 of 2010 House Bill No. 2661, 75-7c05, 75-7c06, 75-7c07, 75-7c07, as amended by section 193 of 2010 Senate Bill No. 376, 75-7c08, 75-7c10, 75-7c11, 75-7c12, 75-7c13, 75-7c15, 75-7c17 and 75-7c19 are hereby repealed.

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

Approved May 17, 2010.
