

HOUSE BILL No. 2422

By Representatives Goodman and O'Brien

12-30

Proposed Amendments for HB 2422
February 1, 2012
Prepared By: Mike Heim
Office of Revisor of Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 eligibility for such license.

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

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

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

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

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

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

38 (h) A person who is a corrections officer as defined by K.S.A. 75-
39 520A, and amendments thereto, shall be: (A) Required to pay an original
40 license fee of \$75, which fee shall be in the form of two cashier checks or
41 money orders, \$25 payable to the sheriff of the county where the applicant
42 resides and \$50 payable to the attorney general, to be forwarded by the
43 sheriff to the attorney general; (B) exempt from the required completion of

as provided by subsection
(b) (2);

or a parole officer

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as provided by subsection
(b) (2);

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

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

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

issued a certificate of firearms training by
the department of corrections

one year