

SENATE BILL No. 454

By Committee on Federal and State Affairs

3-6

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; definition of firearm; criminal possession of a firearm by
3 a convicted felon; expungement; amending K.S.A. 2011 Supp. 12-
4 16,124, 21-5111, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-
5 7c07 and 75-7c25 and repealing the existing sections; also repealing
6 K.S.A. 2011 Supp. 21-6614a, 21-6614b and 21-6614c.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2011 Supp. 12-16,124 is hereby amended to read as
10 follows: 12-16,124. (a) No city or county shall adopt any ordinance,
11 resolution or regulation, and no agent of any city or county shall take any
12 administrative action, governing the purchase, transfer, ownership, storage
13 or transporting of firearms or ammunition, or any component or
14 combination thereof. Except as provided in subsection (b) of this section
15 and subsection ~~(a)~~ (b) of K.S.A. 2011 Supp. ~~75-7c11~~ 75-7c10, and
16 amendments thereto, any such ordinance, resolution or regulation adopted
17 prior to the effective date of this 2007 act shall be null and void.

18 (b) Nothing in this section shall:

19 (1) Prohibit a law enforcement officer, as defined in K.S.A. 22-2202,
20 and amendments thereto, from acting within the scope of such officer's
21 duties;

22 (2) prohibit a city or county from regulating the manner of openly
23 carrying a loaded firearm on one's person; or in the immediate control of a
24 person, not licensed *or recognized* under the personal and family
25 protection act while on property open to the public;

26 (3) prohibit a city or county from regulating in any manner the
27 carrying of any firearm in any jail, juvenile detention facility, prison,
28 courthouse, courtroom or city hall; or

29 (4) prohibit a city or county from adopting an ordinance, resolution or
30 regulation requiring a firearm transported in any air, land or water vehicle
31 to be unloaded and encased in a container which completely encloses the
32 firearm or any less restrictive provision governing the transporting of
33 firearms, provided such ordinance, resolution or regulation shall not apply
34 to persons licensed *or recognized* under the personal and family protection
35 act.

36 (c) Except as provided in subsection (b) of this section and subsection

1 (a) (b) of K.S.A. 2011 Supp. ~~75-7eH~~ 75-7c10, and amendments thereto,
2 no person shall be prosecuted or convicted of a violation of any ordinance,
3 resolution or regulation of a city or county which regulates the storage or
4 transportation of a firearm if such person (1) is storing or transporting the
5 firearm without violating any provision of the Kansas criminal code or (2)
6 is otherwise transporting the firearm in a lawful manner.

7 (d) No person shall be prosecuted under any ordinance, resolution or
8 regulation for transporting a firearm in any air, land or water vehicle if the
9 firearm is unloaded and encased in a container which completely encloses
10 the firearm.

11 Sec. 2. K.S.A. 2011 Supp. 21-5111 is hereby amended to read as
12 follows: 21-5111. The following definitions shall apply when the words
13 and phrases defined are used in this code, except when a particular context
14 clearly requires a different meaning.

15 (a) "Act" includes a failure or omission to take action.

16 (b) "Another" means a person or persons as defined in this code other
17 than the person whose act is claimed to be criminal.

18 (c) "Conduct" means an act or a series of acts, and the accompanying
19 mental state.

20 (d) "Conviction" includes a judgment of guilt entered upon a plea of
21 guilty.

22 (e) "Deception" means knowingly creating or reinforcing a false
23 impression, including false impressions as to law, value, intention or other
24 state of mind. Deception as to a person's intention to perform a promise
25 shall not be inferred from the fact alone that such person did not
26 subsequently perform the promise. Falsity as to matters having no
27 pecuniary significance, or puffing by statements unlikely to deceive
28 reasonable persons, is not deception.

29 (f) "Deprive permanently" means to:

30 (1) Take from the owner the possession, use or benefit of property,
31 without an intent to restore the same;

32 (2) retain property without intent to restore the same or with intent to
33 restore it to the owner only if the owner purchases or leases it back, or
34 pays a reward or other compensation for its return; or

35 (3) sell, give, pledge or otherwise dispose of any interest in property
36 or subject it to the claim of a person other than the owner.

37 (g) "Distribute" means the actual or constructive transfer from one
38 person to another of some item whether or not there is an agency
39 relationship. "Distribute" includes, but is not limited to, sale, offer for sale,
40 furnishing, buying for, delivering, giving, or any act that causes or is
41 intended to cause some item to be transferred from one person to another.
42 "Distribute" does not include acts of administering, dispensing or
43 prescribing a controlled substance as authorized by the pharmacy act of the

1 state of Kansas, the uniform controlled substances act, or otherwise
2 authorized by law.

3 (h) "DNA" means deoxyribonucleic acid.

4 (i) "Domestic violence" means an act or threatened act of violence
5 against a person with whom the offender is involved or has been involved
6 in a dating relationship, or an act or threatened act of violence against a
7 family or household member by a family or household member. Domestic
8 violence also includes any other crime committed against a person or
9 against property, or any municipal ordinance violation against a person or
10 against property, when directed against a person with whom the offender is
11 involved or has been involved in a dating relationship or when directed
12 against a family or household member by a family or household member.
13 For the purposes of this definition:

14 (1) "Dating relationship" means a social relationship of a romantic
15 nature. In addition to any other factors the court deems relevant, the trier
16 of fact may consider the following when making a determination of
17 whether a relationship exists or existed: Nature of the relationship, length
18 of time the relationship existed, frequency of interaction between the
19 parties and time since termination of the relationship, if applicable.

20 (2) "Family or household member" means persons 18 years of age or
21 older who are spouses, former spouses, parents or stepparents and children
22 or stepchildren, and persons who are presently residing together or have
23 resided together in the past, and persons who have a child in common
24 regardless of whether they have been married or have lived together at any
25 time. Family or household member also includes a man and woman if the
26 woman is pregnant and the man is alleged to be the father, regardless of
27 whether they have been married or have lived together at any time.

28 (j) "Domestic violence offense" means any crime committed whereby
29 the underlying factual basis includes an act of domestic violence.

30 (k) "Dwelling" means a building or portion thereof, a tent, a vehicle
31 or other enclosed space which is used or intended for use as a human
32 habitation, home or residence.

33 (l) "Expungement" means the sealing of records such that the records
34 are unavailable except to the petitioner and criminal justice agencies as
35 provided by K.S.A. 22-4701 et seq., and amendments thereto, and except
36 as provided in this act.

37 (m) "Firearm" means any weapon designed or having the capacity to
38 propel a projectile by force of an explosion or combustion, *including a*
39 *starter gun, which will or is designed to or may readily be converted to*
40 *expel a projectile by the action of an explosive. "Firearm" does not*
41 *include an antique firearm. "Antique firearm" means:*

42 (1) *Any firearm, including any firearm with a matchlock, flintlock,*
43 *percussion cap or similar type of ignition system, manufactured in or*

1 before 1898;

2 (2) any replica of any firearm described in subsection (m)(1) if such
3 replica: (A) Is not designed or redesigned for using rimfire or
4 conventional centerfire fixed ammunition; or (B) uses rimfire or
5 conventional centerfire fixed ammunition which is no longer manufactured
6 in the United States and which is not readily available in the ordinary
7 channels of commercial trade; and

8 (3) any muzzle loading rifle, muzzle loading shotgun or muzzle
9 loading pistol, which is designed to use black powder, or a black powder
10 substitute, and which cannot use fixed ammunition. For purposes of this
11 paragraph, "antique firearm" shall not include any weapon which
12 incorporates a firearm frame or receiver, any firearm which is converted
13 into a muzzle loading weapon or any muzzle loading weapon which can be
14 readily converted to fire fixed ammunition by replacing the barrel, bolt,
15 breechblock or any combination thereof.

16 (n) "Forcible felony" includes any treason, murder, voluntary
17 manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated
18 battery, aggravated sodomy and any other felony which involves the use or
19 threat of physical force or violence against any person.

20 (o) "Intent to defraud" means an intention to deceive another person,
21 and to induce such other person, in reliance upon such deception, to
22 assume, create, transfer, alter or terminate a right, obligation or power with
23 reference to property.

24 (p) "Law enforcement officer" means:

25 (1) Any person who by virtue of such person's office or public
26 employment is vested by law with a duty to maintain public order or to
27 make arrests for crimes, whether that duty extends to all crimes or is
28 limited to specific crimes;

29 (2) any officer of the Kansas department of corrections or, for the
30 purposes of K.S.A. 2011 Supp. 21-5412 and subsection (d) of K.S.A. 2011
31 Supp. 21-5413, and amendments thereto, any employee of the Kansas
32 department of corrections; or

33 (3) any university police officer or campus police officer, as defined
34 in K.S.A. 22-2401a, and amendments thereto.

35 (q) "Obtain" means to bring about a transfer of interest in or
36 possession of property, whether to the offender or to another.

37 (r) "Obtains or exerts control" over property includes, but is not
38 limited to, the taking, carrying away, sale, conveyance, transfer of title to,
39 interest in, or possession of property.

40 (s) "Owner" means a person who has any interest in property.

41 (t) "Person" means an individual, public or private corporation,
42 government, partnership, or unincorporated association.

43 (u) "Personal property" means goods, chattels, effects, evidences of

1 rights in action and all written instruments by which any pecuniary
2 obligation, or any right or title to property real or personal, shall be
3 created, acknowledged, assigned, transferred, increased, defeated,
4 discharged, or dismissed.

5 (v) "Possession" means having joint or exclusive control over an item
6 with knowledge of or intent to have such control or knowingly keeping
7 some item in a place where the person has some measure of access and
8 right of control.

9 (w) "Property" means anything of value, tangible or intangible, real
10 or personal.

11 (x) "Prosecution" means all legal proceedings by which a person's
12 liability for a crime is determined.

13 (y) "Prosecutor" means the same as prosecuting attorney in K.S.A.
14 22-2202, and amendments thereto.

15 (z) "Public employee" is a person employed by or acting for the state
16 or by or for a county, municipality or other subdivision or governmental
17 instrumentality of the state for the purpose of exercising their respective
18 powers and performing their respective duties, and who is not a "public
19 officer."

20 (aa) "Public officer" includes the following, whether elected or
21 appointed:

22 (1) An executive or administrative officer of the state, or a county,
23 municipality or other subdivision or governmental instrumentality of or
24 within the state;

25 (2) a member of the legislature or of a governing board of a county,
26 municipality, or other subdivision of or within the state;

27 (3) a judicial officer, which shall include a judge of the district court,
28 juror, master or any other person appointed by a judge or court to hear or
29 determine a cause or controversy;

30 (4) a hearing officer, which shall include any person authorized by
31 law or private agreement, to hear or determine a cause or controversy and
32 who is not a judicial officer;

33 (5) a law enforcement officer; and

34 (6) any other person exercising the functions of a public officer under
35 color of right.

36 (bb) "Real property" or "real estate" means every estate, interest, and
37 right in lands, tenements and hereditaments.

38 (cc) "Solicit" or "solicitation" means to command, authorize, urge,
39 incite, request or advise another to commit a crime.

40 (dd) "State" or "this state" means the state of Kansas and all land and
41 water in respect to which the state of Kansas has either exclusive or
42 concurrent jurisdiction, and the air space above such land and water.
43 "Other state" means any state or territory of the United States, the District

1 of Columbia and the Commonwealth of Puerto Rico.

2 (ee) "Stolen property" means property over which control has been
3 obtained by theft.

4 (ff) "Threat" means a communicated intent to inflict physical or other
5 harm on any person or on property.

6 (gg) "Written instrument" means any paper, document or other
7 instrument containing written or printed matter or the equivalent thereof,
8 used for purposes of reciting, embodying, conveying or recording
9 information, and any money, token, stamp, seal, badge, trademark, or other
10 evidence or symbol of value, right, privilege or identification, which is
11 capable of being used to the advantage or disadvantage of some person.

12 Sec. 3. K.S.A. 2011 Supp. 21-6304 is hereby amended to read as
13 follows: 21-6304. (a) Criminal possession of a firearm by a convicted
14 felon is possession of any firearm by a person who:

15 (1) Has been convicted of a person felony or a violation of article 57
16 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
17 or any violation of any provision of the uniform controlled substances act
18 prior to July 1, 2009, or a crime under a law of another jurisdiction which
19 is substantially the same as such felony or violation, or was adjudicated a
20 juvenile offender because of the commission of an act which if done by an
21 adult would constitute the commission of a person felony or a violation of
22 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
23 thereto, or any violation of any provision of the uniform controlled
24 substances act prior to July 1, 2009, and was found to have been in
25 possession of a firearm at the time of the commission of the crime;

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

34 (3) within the preceding 10 years, has been convicted of a:

35 (A) Felony under K.S.A. 2011 Supp. 21-5402, 21-5403, 21-5404, 21-
36 5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of
37 21-5413, subsection (a) of 21-5415, subsection (b) of 21-5420, 21-5503,
38 subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of
39 21-5807, and amendments thereto; article 57 of chapter 21 of the Kansas
40 Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402,
41 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-
42 3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716,
43 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their

1 repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A.
2 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2011 Supp.
3 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such
4 felony; or a crime under a law of another jurisdiction which is
5 substantially the same as such felony, has been released from
6 imprisonment for such felony, or was adjudicated as a juvenile offender
7 because of the commission of an act which if done by an adult would
8 constitute the commission of such felony, was not found to have been in
9 possession of a firearm at the time of the commission of the crime, and has
10 not had the conviction of such crime expunged or been pardoned for such
11 crime. *The provisions of subsection (j)(2) of K.S.A. 2011 Supp. 21-6614,*
12 *and amendments thereto, shall not apply to an individual who has had a*
13 *conviction under this paragraph expunged; or*

14 (B) nonperson felony under the laws of Kansas or a crime under the
15 laws of another jurisdiction which is substantially the same as such
16 nonperson felony, has been released from imprisonment for such
17 nonperson felony or was adjudicated as a juvenile offender because of the
18 commission of an act which if done by an adult would constitute the
19 commission of a nonperson felony, and was found to have been in
20 possession of a firearm at the time of the commission of the crime.

21 (b) Criminal possession of a firearm by a convicted felon is a severity
22 level 8, nonperson felony.

23 Sec. 4. K.S.A. 2011 Supp. 21-6614 is hereby amended to read as
24 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c) ~~and~~ ,
25 (d) *and* (e), any person convicted in this state of a traffic infraction,
26 cigarette or tobacco infraction, misdemeanor or a class D or E felony, or
27 for crimes committed on or after July 1, 1993, nondrug crimes ranked in
28 severity levels 6 through 10 or any felony ranked in severity level 4 of the
29 drug grid, may petition the convicting court for the expungement of such
30 conviction or related arrest records if three or more years have elapsed
31 since the person: (A) Satisfied the sentence imposed; or (B) was
32 discharged from probation, a community correctional services program,
33 parole, postrelease supervision, conditional release or a suspended
34 sentence.

35 (2) Except as provided in subsections (b), (c) ~~and~~ , (d) *and* (e), any
36 person who has fulfilled the terms of a diversion agreement may petition
37 the district court for the expungement of such diversion agreement and
38 related arrest records if three or more years have elapsed since the terms of
39 the diversion agreement were fulfilled.

40 (b) Except as provided in subsections (c) ~~and~~ , (d) *and* (e), no person
41 may petition for expungement until five or more years have elapsed since
42 the person satisfied the sentence imposed, the terms of a diversion
43 agreement or was discharged from probation, a community correctional

1 services program, parole, postrelease supervision, conditional release or a
2 suspended sentence, if such person was convicted of a class A, B or C
3 felony, or for crimes committed on or after July 1, 1993, if convicted of an
4 off-grid felony or any nondrug crime ranked in severity levels 1 through 5
5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

6 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
7 repeal, or K.S.A. 2011 Supp. 21-5406, and amendments thereto, or as
8 prohibited by any law of another state which is in substantial conformity
9 with that statute;

10 (2) driving while the privilege to operate a motor vehicle on the
11 public highways of this state has been canceled, suspended or revoked, as
12 prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by
13 any law of another state which is in substantial conformity with that
14 statute;

15 (3) perjury resulting from a violation of K.S.A. 8-261a, and
16 amendments thereto, or resulting from the violation of a law of another
17 state which is in substantial conformity with that statute;

18 (4) violating the provisions of the fifth clause of K.S.A. 8-142, and
19 amendments thereto, relating to fraudulent applications or violating the
20 provisions of a law of another state which is in substantial conformity with
21 that statute;

22 (5) any crime punishable as a felony wherein a motor vehicle was
23 used in the perpetration of such crime;

24 (6) failing to stop at the scene of an accident and perform the duties
25 required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or
26 required by a law of another state which is in substantial conformity with
27 those statutes;

28 (7) violating the provisions of K.S.A. 40-3104, and amendments
29 thereto, relating to motor vehicle liability insurance coverage; or

30 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

31 (c) No person may petition for expungement until 10 or more years
32 have elapsed since the person satisfied the sentence imposed, the terms of
33 a diversion agreement or was discharged from probation, a community
34 correctional services program, parole, postrelease supervision, conditional
35 release or a suspended sentence, if such person was convicted of a
36 violation of K.S.A. 8-1567, and amendments thereto, including any
37 diversion for such violation.

38 (d) There shall be no expungement of convictions for the following
39 offenses or of convictions for an attempt to commit any of the following
40 offenses:

41 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
42 2011 Supp. 21-5503, and amendments thereto;

43 (2) indecent liberties with a child or aggravated indecent liberties

1 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
2 or K.S.A. 2011 Supp. 21-5506, and amendments thereto;

3 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
4 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
5 2011 Supp. 21-5504, and amendments thereto;

6 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
7 to its repeal, or K.S.A. 2011 Supp. 21-5504, and amendments thereto;

8 (5) indecent solicitation of a child or aggravated indecent solicitation
9 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or
10 K.S.A. 2011 Supp. 21-5508, and amendments thereto;

11 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
12 to its repeal, or K.S.A. 2011 Supp. 21-5510, and amendments thereto;

13 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
14 or K.S.A. 2011 Supp. 21-5604, and amendments thereto;

15 (8) endangering a child or aggravated endangering a child as defined
16 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2011 Supp.
17 21-5601, and amendments thereto;

18 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,
19 or K.S.A. 2011 Supp. 21-5602, and amendments thereto;

20 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,
21 or K.S.A. 2011 Supp. 21-5401, and amendments thereto;

22 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to
23 its repeal, or K.S.A. 2011 Supp. 21-5402, and amendments thereto;

24 (12) murder in the second degree as defined in K.S.A. 21-3402, prior
25 to its repeal, or K.S.A. 2011 Supp. 21-5403, and amendments thereto;

26 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its
27 repeal, or K.S.A. 2011 Supp. 21-5404, and amendments thereto;

28 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
29 its repeal, or K.S.A. 2011 Supp. 21-5405, and amendments thereto;

30 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,
31 or K.S.A. 2011 Supp. 21-5505, and amendments thereto, when the victim
32 was less than 18 years of age at the time the crime was committed;

33 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
34 its repeal, or K.S.A. 2011 Supp. 21-5505, and amendments thereto;

35 (17) a violation of K.S.A. 8-2,144, and amendments thereto,
36 including any diversion for such violation; or

37 (18) any conviction for any offense in effect at any time prior to July
38 1, 2011, that is comparable to any offense as provided in this subsection.

39 *(e) Notwithstanding any other law to the contrary, for any offender*
40 *who is required to register as provided in the Kansas offender registration*
41 *act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no*
42 *expungement of any conviction or any part of the offender's criminal*
43 *record while the offender is required to register as provided in the Kansas*

1 *offender registration act.*

2 ~~(e)~~ (f) (1) When a petition for expungement is filed, the court shall set
3 a date for a hearing of such petition and shall cause notice of such hearing
4 to be given to the prosecutor and the arresting law enforcement agency.

5 The petition shall state the:

6 (A) Defendant's full name;

7 (B) full name of the defendant at the time of arrest, conviction or
8 diversion, if different than the defendant's current name;

9 (C) defendant's sex, race and date of birth;

10 (D) crime for which the defendant was arrested, convicted or
11 diverted;

12 (E) date of the defendant's arrest, conviction or diversion; and

13 (F) identity of the convicting court, arresting law enforcement
14 authority or diverting authority.

15 (2) Except as otherwise provided by law, a petition for expungement
16 shall be accompanied by a docket fee in the amount of \$100. On and after
17 ~~April 15, 2010 through June 30, 2011~~ *May 19, 2011, through June 30,*
18 *2012*, the supreme court may impose a charge, not to exceed ~~\$15~~ \$19 per
19 case, to fund the costs of non-judicial personnel. The charge established in
20 this section shall be the only fee collected or moneys in the nature of a fee
21 collected for the case. Such charge shall only be established by an act of
22 the legislature and no other authority is established by law or otherwise to
23 collect a fee.

24 (3) All petitions for expungement shall be docketed in the original
25 criminal action. Any person who may have relevant information about the
26 petitioner may testify at the hearing. The court may inquire into the
27 background of the petitioner and shall have access to any reports or
28 records relating to the petitioner that are on file with the secretary of
29 corrections or the Kansas parole board.

30 ~~(f)~~ (g) At the hearing on the petition, the court shall order the
31 petitioner's arrest record, conviction or diversion expunged if the court
32 finds that:

33 (1) The petitioner has not been convicted of a felony in the past two
34 years and no proceeding involving any such crime is presently pending or
35 being instituted against the petitioner;

36 (2) the circumstances and behavior of the petitioner warrant the
37 expungement;

38 (3) the expungement is consistent with the public welfare.

39 ~~(g)~~ (h) When the court has ordered an arrest record, conviction or
40 diversion expunged, the order of expungement shall state the information
41 required to be contained in the petition. The clerk of the court shall send a
42 certified copy of the order of expungement to the Kansas bureau of
43 investigation which shall notify the federal bureau of investigation, the

1 secretary of corrections and any other criminal justice agency which may
2 have a record of the arrest, conviction or diversion. After the order of
3 expungement is entered, the petitioner shall be treated as not having been
4 arrested, convicted or diverted of the crime, except that:

5 (1) Upon conviction for any subsequent crime, the conviction that
6 was expunged may be considered as a prior conviction in determining the
7 sentence to be imposed;

8 (2) the petitioner shall disclose that the arrest, conviction or diversion
9 occurred if asked about previous arrests, convictions or diversions:

10 (A) In any application for licensure as a private detective, private
11 detective agency, certification as a firearms trainer pursuant to K.S.A.
12 2011 Supp. 75-7b21, and amendments thereto, or employment as a
13 detective with a private detective agency, as defined by K.S.A. 75-7b01,
14 and amendments thereto; as security personnel with a private patrol
15 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
16 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
17 the department of social and rehabilitation services;

18 (B) in any application for admission, or for an order of reinstatement,
19 to the practice of law in this state;

20 (C) to aid in determining the petitioner's qualifications for
21 employment with the Kansas lottery or for work in sensitive areas within
22 the Kansas lottery as deemed appropriate by the executive director of the
23 Kansas lottery;

24 (D) to aid in determining the petitioner's qualifications for executive
25 director of the Kansas racing and gaming commission, for employment
26 with the commission or for work in sensitive areas in parimutuel racing as
27 deemed appropriate by the executive director of the commission, or to aid
28 in determining qualifications for licensure or renewal of licensure by the
29 commission;

30 (E) to aid in determining the petitioner's qualifications for the
31 following under the Kansas expanded lottery act: (i) Lottery gaming
32 facility manager or prospective manager, racetrack gaming facility
33 manager or prospective manager, licensee or certificate holder; or (ii) an
34 officer, director, employee, owner, agent or contractor thereof;

35 (F) upon application for a commercial driver's license under K.S.A.
36 8-2,125 through 8-2,142, and amendments thereto;

37 (G) to aid in determining the petitioner's qualifications to be an
38 employee of the state gaming agency;

39 (H) to aid in determining the petitioner's qualifications to be an
40 employee of a tribal gaming commission or to hold a license issued
41 pursuant to a tribal-state gaming compact;

42 (I) in any application for registration as a broker-dealer, agent,
43 investment adviser or investment adviser representative all as defined in

1 K.S.A. 17-12a102, and amendments thereto;

2 (J) in any application for employment as a law enforcement officer as
3 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

4 (K) for applications received on and after July 1, 2006, to aid in
5 determining the petitioner's qualifications for a license to carry a concealed
6 weapon pursuant to the personal and family protection act, K.S.A. 2011
7 Supp. 75-7c01 *et seq.*, and amendments thereto;

8 (3) the court, in the order of expungement, may specify other
9 circumstances under which the conviction is to be disclosed;

10 (4) the conviction may be disclosed in a subsequent prosecution for
11 an offense which requires as an element of such offense a prior conviction
12 of the type expunged; and

13 (5) upon commitment to the custody of the secretary of corrections,
14 any previously expunged record in the possession of the secretary of
15 corrections may be reinstated and the expungement disregarded, and the
16 record continued for the purpose of the new commitment.

17 (⊕) (i) Whenever a person is convicted of a crime, pleads guilty and
18 pays a fine for a crime, is placed on parole, postrelease supervision or
19 probation, is assigned to a community correctional services program, is
20 granted a suspended sentence or is released on conditional release, the
21 person shall be informed of the ability to expunge the arrest records or
22 conviction. Whenever a person enters into a diversion agreement, the
23 person shall be informed of the ability to expunge the diversion.

24 (⊕) (j) (1) Subject to the disclosures required pursuant to subsection (⊕)
25 (h), in any application for employment, license or other civil right or
26 privilege, or any appearance as a witness, a person whose arrest records,
27 conviction or diversion of a crime has been expunged under this statute
28 may state that such person has never been arrested, convicted or diverted
29 of such crime, ~~but the expungement of a felony conviction does not relieve~~
30 ~~an individual of complying with any state or federal law relating to the use~~
31 ~~or possession of firearms by persons convicted of a felony.~~

32 (2) *Notwithstanding the provisions of subsection (j)(1), and except as*
33 *provided in subsection (a)(3)(A) of K.S.A. 2011 Supp. 21-6304, and*
34 *amendments thereto, the expungement of a prior felony conviction does*
35 *not relieve the individual of complying with any state or federal law*
36 *relating to the use, shipment, transportation, receipt or possession of*
37 *firearms by persons previously convicted of a felony.*

38 (⊕) (k) Whenever the record of any arrest, conviction or diversion has
39 been expunged under the provisions of this section or under the provisions
40 of any other existing or former statute, the custodian of the records of
41 arrest, conviction, diversion and incarceration relating to that crime shall
42 not disclose the existence of such records, except when requested by:

43 (1) The person whose record was expunged;

- 1 (2) a private detective agency or a private patrol operator, and the
2 request is accompanied by a statement that the request is being made in
3 conjunction with an application for employment with such agency or
4 operator by the person whose record has been expunged;
- 5 (3) a court, upon a showing of a subsequent conviction of the person
6 whose record has been expunged;
- 7 (4) the secretary of social and rehabilitation services, or a designee of
8 the secretary, for the purpose of obtaining information relating to
9 employment in an institution, as defined in K.S.A. 76-12a01, and
10 amendments thereto, of the department of social and rehabilitation services
11 of any person whose record has been expunged;
- 12 (5) a person entitled to such information pursuant to the terms of the
13 expungement order;
- 14 (6) a prosecutor, and such request is accompanied by a statement that
15 the request is being made in conjunction with a prosecution of an offense
16 that requires a prior conviction as one of the elements of such offense;
- 17 (7) the supreme court, the clerk or disciplinary administrator thereof,
18 the state board for admission of attorneys or the state board for discipline
19 of attorneys, and the request is accompanied by a statement that the
20 request is being made in conjunction with an application for admission, or
21 for an order of reinstatement, to the practice of law in this state by the
22 person whose record has been expunged;
- 23 (8) the Kansas lottery, and the request is accompanied by a statement
24 that the request is being made to aid in determining qualifications for
25 employment with the Kansas lottery or for work in sensitive areas within
26 the Kansas lottery as deemed appropriate by the executive director of the
27 Kansas lottery;
- 28 (9) the governor or the Kansas racing and gaming commission, or a
29 designee of the commission, and the request is accompanied by a
30 statement that the request is being made to aid in determining
31 qualifications for executive director of the commission, for employment
32 with the commission, for work in sensitive areas in parimutuel racing as
33 deemed appropriate by the executive director of the commission or for
34 licensure, renewal of licensure or continued licensure by the commission;
- 35 (10) the Kansas racing and gaming commission, or a designee of the
36 commission, and the request is accompanied by a statement that the
37 request is being made to aid in determining qualifications of the following
38 under the Kansas expanded lottery act: (A) Lottery gaming facility
39 managers and prospective managers, racetrack gaming facility managers
40 and prospective managers, licensees and certificate holders; and (B) their
41 officers, directors, employees, owners, agents and contractors;
- 42 (11) the Kansas sentencing commission;
- 43 (12) the state gaming agency, and the request is accompanied by a

1 statement that the request is being made to aid in determining
2 qualifications: (A) To be an employee of the state gaming agency; or (B)
3 to be an employee of a tribal gaming commission or to hold a license
4 issued pursuant to a tribal-gaming compact;

5 (13) the Kansas securities commissioner or a designee of the
6 commissioner, and the request is accompanied by a statement that the
7 request is being made in conjunction with an application for registration as
8 a broker-dealer, agent, investment adviser or investment adviser
9 representative by such agency and the application was submitted by the
10 person whose record has been expunged;

11 (14) the Kansas commission on peace officers' standards and training
12 and the request is accompanied by a statement that the request is being
13 made to aid in determining certification eligibility as a law enforcement
14 officer pursuant to K.S.A. 74-5601 *et seq.*, and amendments thereto;

15 (15) a law enforcement agency and the request is accompanied by a
16 statement that the request is being made to aid in determining eligibility
17 for employment as a law enforcement officer as defined by K.S.A. 22-
18 2202, and amendments thereto; or

19 (16) the attorney general and the request is accompanied by a
20 statement that the request is being made to aid in determining
21 qualifications for a license to carry a concealed weapon pursuant to the
22 personal and family protection act; or

23 (17) *the Kansas bureau of investigation for the purposes of:*

24 (A) *Completing a person's criminal history record information within*
25 *the central repository, in accordance with K.S.A. 22-4701 et seq., and*
26 *amendments thereto; or*

27 (B) *providing information or documentation to the federal bureau of*
28 *investigation, in connection with the national instant criminal background*
29 *check system, to determine a person's qualification to possess a firearm.*

30 (l) *The provisions of subsection (k)(17) shall apply to records created*
31 *prior to, on and after July 1, 2011.*

32 Sec. 5. K.S.A. 2011 Supp. 75-7c03 is hereby amended to read as
33 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
34 concealed handguns to persons who comply with the application and
35 training requirements of this act and who are not disqualified under K.S.A.
36 2011 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
37 throughout the state for a period of four years from the date of issuance.

38 (b) The license shall be a separate card, in a form prescribed by the
39 attorney general, that is approximately the size of a Kansas driver's license
40 and shall bear the licensee's signature, name, address, date of birth and
41 driver's license number or nondriver's identification card number except
42 that the attorney general shall assign a unique number for military
43 applicants or their dependents described in subsection (a)(1)(B) of K.S.A.

1 2011 Supp. 75-7c05, and amendments thereto. At all times when the
2 licensee is in actual possession of a concealed handgun, the licensee shall
3 carry the valid license to carry concealed handguns. On demand of a law
4 enforcement officer, the licensee shall display the license to carry
5 concealed handguns and proper identification. Verification by a law
6 enforcement officer that a person holds a valid license to carry a concealed
7 handgun may be accomplished by record check using the person's driver's
8 license information or the person's concealed carry license number.

9 The license of any person who violates the provisions of this subsection
10 shall be suspended for not less than 30 days upon the first violation and
11 shall be revoked for not less than five years upon a second or subsequent
12 violation. However, a violation of this subsection shall not constitute a
13 violation of subsection (a)(4) of K.S.A. 21-4201, prior to its repeal, or
14 subsection (a)(4) of K.S.A. 2011 Supp. 21-6302, and amendments thereto,
15 if the licensee's license is valid.

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

25 *(c) (1) Subject to the provisions of subsection (c)(2), a valid license*
26 *or permit to carry concealed weapons, issued by another jurisdiction,*
27 *shall be recognized by this state, but only while the holder is not a resident*
28 *of Kansas.*

29 *(2) A valid license or permit that is recognized by this subsection,*
30 *and a 180-day receipt that has been issued in accordance with subsection*
31 *(d), shall only entitle the lawful holder thereof to carry concealed*
32 *handguns, as defined by K.S.A. 2011 Supp. 75-7c02, and amendments*
33 *thereto, in this state and the holder thereof shall otherwise conduct*
34 *themselves in accordance with the laws of this state while they are present*
35 *in this state.*

36 ~~(d) A person who establishes residency in this state may carry~~
37 ~~concealed handguns under the terms of this act until the person's~~
38 ~~application for a license under this act is approved or denied, provided that~~
39 ~~the person has been issued and possesses a valid license or permit to carry~~
40 ~~a firearm from a jurisdiction recognized by the attorney general under~~
41 ~~subsection (c) and carries with that license or permit a receipt issued by the~~
42 ~~attorney general, which states the person's application for licensure under~~
43 ~~this act has been received. For purposes of such application, possession of~~

1 ~~the valid nonresident license or permit to carry a firearm shall satisfy the~~
2 ~~requirements of subsection (b)(2) of K.S.A. 2011 Supp. 75-7c04, and~~
3 ~~amendments thereto.~~

4 *(d) (1) The attorney general shall issue a 180-day receipt to a person*
5 *who:*

6 *(A) Establishes residency in this state on and after July 1, 2010;*

7 *(B) except as provided in subsection (d)(2), submits an application*
8 *for licensure under this act in accordance with subsection (b) of K.S.A.*
9 *2011 K.S.A. 75-7c05, and amendments thereto; and*

10 *(C) submits with their application for licensure a photocopy of a*
11 *valid license or permit to carry concealed handguns issued by another*
12 *jurisdiction.*

13 *(2) Prior to the expiration of the 180-day receipt, an applicant for*
14 *licensure under this subsection shall submit proof of training to the*
15 *attorney general which was: (A) Completed in accordance with subsection*
16 *(b)(1) of K.S.A. 2011 Supp. 75-7c04, and amendments thereto; or (B)*
17 *utilized to obtain the applicant's license or permit from another*
18 *jurisdiction and the attorney general determines that such prior training is*
19 *equal to or greater than the training standards required by this act.*
20 *Submission of an applicant's proof of training under this paragraph is*
21 *considered complete when either hand-delivered to the attorney general*
22 *or, if sent by mail, the date the mailing is post-marked.*

23 *(3) Except as provided in subsection (d)(3)(B), an applicant for*
24 *licensure under this subsection may continue to carry concealed handguns*
25 *in this state upon receiving a 180-day receipt issued by the attorney*
26 *general.*

27 *(A) At all times the applicant is carrying a concealed handgun, the*
28 *applicant shall carry with them: (i) Their valid license or permit from*
29 *another jurisdiction; and (ii) the 180-day receipt issued by the attorney*
30 *general.*

31 *(B) An applicant whose concealed carry license or permit from*
32 *another jurisdiction becomes invalid prior to the expiration of the attorney*
33 *general's 180-day receipt may not carry concealed handguns unless*
34 *otherwise allowed by law.*

35 *(4) The attorney general may:*

36 *(A) Create a list of concealed carry handgun licenses or permits*
37 *issued by other jurisdictions which the attorney general finds have*
38 *training requirements that are equal to or greater than those of this state*
39 *and will automatically qualify for recognition under this subsection; and*

40 *(B) review each application received under this subsection to*
41 *determine if the applicant's previous training qualifications were equal to*
42 *or greater than those of this state.*

43 *(5) Prior to the expiration of the applicant's 180-day receipt, the*

1 attorney general shall either approve or deny an application under this
2 subsection.

3 (A) Upon successful review of a background check in accordance
4 with K.S.A. 2011 Supp. 75-7c05, and amendments thereto, and upon
5 receipt of all required documentation and moneys outlined in this
6 subsection, the attorney general shall approve an application received
7 under this subsection.

8 (B) If an applicant under this subsection is disqualified under the
9 provisions of K.S.A. 2011 Supp. 75-7c04, and amendments thereto, or fails
10 to submit sufficient proof of training, the attorney general shall deny the
11 application in accordance with K.S.A. 2011 Supp. 75-7c07, and
12 amendments thereto.

13 (e) For the purposes of this section:

14 (1) "Jurisdiction" means another state or the District of Columbia.

15 (2) A "valid license or permit" means a concealed carry handgun
16 license or permit from another jurisdiction which has not expired and,
17 except for any residency requirement of the issuing jurisdiction, is
18 currently in good standing.

19 (3) "Equal to or greater than" means the applicant's prior training
20 meets or exceeds the training established in this act by having required, at
21 a minimum, the applicant to: (A) Receive instruction on the laws of self-
22 defense; and (B) demonstrate training and competency in the safe
23 handling, storage and actual firing of handguns.

24 Sec. 6. K.S.A. 2011 Supp. 75-7c04 is hereby amended to read as
25 follows: 75-7c04.(a) The attorney general shall not issue a license pursuant
26 to this act if the applicant:

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

29 (2) is prohibited from shipping, transporting, possessing or receiving
30 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
31 thereto, or K.S.A. 21-4204, prior to its repeal, or subsection (a)(10)
32 through (a)(13) of K.S.A. 2011 Supp. 21-6301 (a)(1) through (a)(3) of
33 K.S.A. 2011 Supp. 21-6304, and amendments thereto; or

34 (3) is less than 21 years of age.

35 (b) (1) The attorney general shall adopt rules and regulations
36 establishing procedures and standards as authorized by this act for an
37 eight-hour handgun safety and training course required by this section.
38 Such standards shall include: (A) A requirement that trainees receive
39 training in the safe storage of handguns, actual firing of ~~weapons~~
40 *handguns* and instruction in the laws of this state governing the carrying of
41 concealed handguns and the use of deadly force; (B) general guidelines for
42 courses which are compatible with the industry standard for basic ~~firearms~~
43 *handgun* training for civilians; (C) qualifications of instructors; and (D) a

1 requirement that the course be: (i) A handgun course certified or sponsored
2 by the attorney general; or (ii) a handgun course certified or sponsored by
3 the national rifle association or by a law enforcement agency, college,
4 private or public institution or organization or handgun training school, if
5 the attorney general determines that such course meets or exceeds the
6 standards required by rules and regulations adopted by the attorney general
7 and is taught by instructors certified by the attorney general or by the
8 national rifle association, if the attorney general determines that the
9 requirements for certification of instructors by such association meet or
10 exceed the standards required by rules and regulations adopted by the
11 attorney general. Any person wanting to be certified by the attorney
12 general as an instructor shall submit to the attorney general an application
13 in the form required by the attorney general and a fee not to exceed \$150.

14 (2) The cost of the handgun safety and training course required by
15 this section shall be paid by the applicant. The following shall constitute
16 satisfactory evidence of satisfactory completion of an approved handgun
17 safety and training course:

18 (A) Evidence of completion of the course, in the form provided by
19 rules and regulations adopted by the attorney general;

20 (B) an affidavit from the instructor, school, club, organization or
21 group that conducted or taught such course attesting to the completion of
22 the course by the applicant; or

23 ~~(C) for the purposes of subsection (d) of K.S.A. 2011 Supp. 75-7c03,~~
24 ~~and amendments thereto, a copy of a valid license to carry a firearm issued~~
25 ~~by another jurisdiction, as described in that subsection a determination by~~
26 ~~the attorney general pursuant to subsection (d) of K.S.A. 2011 Supp. 75-~~
27 ~~7c03, and amendments thereto.~~

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

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

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

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

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

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

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

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

12 (2) except as provided by subsection (g), a nonrefundable license fee
13 of \$132.50, if the applicant has not previously been issued a statewide
14 license or if the applicant's license has permanently expired, which fee
15 shall be in the form of two cashier's checks, personal checks or money
16 orders of \$32.50 payable to the sheriff of the county where the applicant
17 resides and \$100 payable to the attorney general;

18 (3) ~~a photocopy of a certificate or an affidavit or document as~~
19 ~~described in subsection (b) of K.S.A. 2011 Supp. 75-7c04, and~~
20 ~~amendments thereto, or if applicable, of a license to carry a firearm as~~
21 ~~described in if applicable, a photocopy of the proof of training required by~~
22 subsection (d)(2) of K.S.A. 2011 Supp. 75-7c03, and amendments thereto;
23 and

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

26 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) of
27 this section, shall provide for the full set of fingerprints of the applicant to
28 be taken and forwarded to the attorney general for purposes of a criminal
29 history records check as provided by subsection (d). In addition, the sheriff
30 shall forward to the attorney general ~~a copy of~~ the application and the
31 portion of the original license fee which is payable to the attorney general.
32 The cost of taking such fingerprints shall be included in the portion of the
33 fee retained by the sheriff. Notwithstanding anything in this section to the
34 contrary, an applicant shall not be required to submit fingerprints for a
35 renewal application under K.S.A. 2011 Supp. 75-7c08, and amendments
36 thereto.

37 (2) The sheriff of the applicant's county of residence or the chief law
38 enforcement officer of any law enforcement agency, at the sheriff's or chief
39 law enforcement officer's discretion, may participate in the process by
40 submitting a voluntary report to the attorney general containing readily
41 discoverable information, corroborated through public records, which,
42 when combined with another enumerated factor, establishes that the
43 applicant poses a significantly greater threat to law enforcement or the

1 public at large than the average citizen. Any such voluntary reporting shall
2 be made within 45 days after the date the sheriff receives the application.
3 Any sheriff or chief law enforcement officer submitting a voluntary report
4 shall not incur any civil or criminal liability as the result of the good faith
5 submission of such report.

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

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

19 (e) *Except as provided in K.S.A. 2011 Supp. 75-7c03, and*
20 *amendments thereto*, within 90 days after the date of receipt of the items
21 listed in subsection (b), the attorney general shall:

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

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

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

36 (g) (1) A person who is a retired law enforcement officer, as defined
37 in K.S.A. 2011 Supp. 21-5111, and amendments thereto, shall be: (A)
38 Required to pay an original license fee of \$75, which fee shall be in the
39 form of two cashier checks, *personal checks* or money orders, \$25 payable
40 to the sheriff of the county where the applicant resides and \$50 payable to
41 the attorney general, to be forwarded by the sheriff to the attorney general;
42 (B) exempt from the required completion of a ~~weapons~~ *handgun* safety
43 and training course if such person was certified by the Kansas commission

1 on peace officer's standards and training, or similar body from another
2 jurisdiction, not more than eight years prior to submission of the
3 application; (C) required to pay the license renewal fee; (D) required to
4 pay to the department of revenue the fees required by subsection (f); and
5 (E) required to comply with the criminal history records check
6 requirement of this section.

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

14 Sec. 8. K.S.A. 2011 Supp. 75-7c07 is hereby amended to read as
15 follows: 75-7c07. (a) In accordance with the provisions of the Kansas
16 administrative procedure act, the attorney general shall deny a license to
17 any applicant for license who is ineligible under K.S.A. 2011 Supp. 75-
18 7c04, and amendments thereto, and, except as provided by subsection (b),
19 shall revoke at any time the license of any person who would be ineligible
20 under K.S.A. 2011 Supp. 75-7c04, and amendments thereto, if submitting
21 an application for a license at such time. Review by the district court in
22 accordance with the Kansas judicial review act shall be, at the option of
23 the party seeking review, in Shawnee county or the county in which the
24 petitioner resides. The revocation shall remain in effect pending any appeal
25 and shall not be stayed by the court.

26 (b) The license of a person who is charged for an offense or is subject
27 to a proceeding that could render the person ineligible pursuant to
28 subsection (a) of K.S.A. 2011 Supp. 75-7c04, and amendments thereto,
29 shall be subject to suspension and shall be reinstated upon final disposition
30 of the charge or outcome of the proceeding as long as the arrest or
31 proceeding does not result in a disqualifying conviction, commitment,
32 finding or order.

33 (c) The sheriff of the county where a restraining order is issued that
34 would prohibit issuance of a license under subsection (a)(2) of K.S.A.
35 2011 Supp. 75-7c04, and amendments thereto, shall notify the attorney
36 general immediately upon receipt of such order. If the person subject to the
37 restraining order holds a license issued pursuant to this act, the attorney
38 general immediately shall suspend such license upon receipt of notice of
39 the issuance of such order. The attorney general shall adopt rules and
40 regulations establishing procedures which allow for 24-hour notification
41 and suspension of a license under the circumstances described in this
42 subsection. The attorney general shall immediately reinstate the license, if
43 it has not otherwise expired, upon proof of the cancellation of the order.

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

5 (2) A license issued pursuant to this act shall be considered valid for
6 90 days after a licensee is no longer a resident of Kansas, provided that:
7 (A) Prior to the change in residency, the licensee notified the attorney
8 general in writing of the pending change; and (B) the licensee's new state
9 of residence, or any other state or jurisdiction that such licensee travels to
10 during the 90-day period, would recognize such license as valid.

11 (e) A person who has been issued a license pursuant to this act and
12 who gave up residency in this state, but has returned to reside in this state
13 shall be eligible to have their license reinstated as valid provided that: (1)
14 The license has not expired; and (2)(A) the licensee notified the attorney
15 general in writing of both the residency departure and relocation back to
16 this state; or (B) if such licensee failed to comply with the notification
17 requirements of this subsection, the penalty provisions of subsection (e) of
18 K.S.A. 2011 Supp. ~~75-7e05~~ 75-7c06, and amendments thereto, have been
19 satisfied.

20 Sec. 9. K.S.A. 2011 Supp. 75-7c25 is hereby amended to read as
21 follows: 75-7c25. ~~(a) On or before July 1, 2007, every district court shall~~
22 ~~review all files dated on or after July 1, 1998, concerning mentally ill~~
23 ~~persons subject to involuntary commitment for care and treatment as~~
24 ~~defined in K.S.A. 59-2946, and amendments thereto, or persons with an~~
25 ~~alcohol or substance abuse problem subject to involuntary commitment for~~
26 ~~care and treatment as defined in K.S.A. 59-29b46, and amendments~~
27 ~~thereto.~~

28 ~~(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-~~
29 ~~29b66, and amendments thereto, the clerk of the court shall report such~~
30 ~~order and all available information identifying the patient including, but~~
31 ~~not limited to, birth, gender and race, to the Kansas bureau of~~
32 ~~investigation.~~

33 ~~(e) A copy of such orders shall be delivered by the clerk of the court~~
34 ~~to the Kansas bureau of investigation on or before July 1, 2007. The~~
35 ~~Kansas bureau of investigation shall immediately cause the order to be~~
36 ~~entered into the appropriate state and federal databases.~~

37 ~~(d) The Kansas bureau of investigation shall ensure the accuracy of~~
38 ~~the entries and the court shall ensure the validity of the orders.~~

39 ~~(e) (a) After July 1, 2007, all orders of involuntary commitment for~~
40 ~~care and treatment pursuant to K.S.A. 59-2966 or 59-29b66, and~~
41 ~~amendments thereto, and any orders of termination of discharge shall be~~
42 ~~immediately forwarded to the Kansas bureau of investigation for entry into~~
43 ~~the appropriate state and federal databases.~~

1 (†) (b) Upon a finding that the mentally ill person is a danger to self
2 or others, the court shall notify the mentally ill person subject to
3 involuntary commitment for care and treatment that it is a violation of the
4 law to possess a firearm. Upon a finding that a proposed patient is a person
5 with an alcohol or substance abuse problem subject to involuntary
6 commitment for care and treatment, the court shall notify the person that it
7 is a violation of the law to possess a firearm. Upon release, the state
8 hospital shall notify the patient that it is a violation of the law for the
9 patient to possess a firearm and provide information to the patient
10 regarding the restoration procedure.

11 Sec. 10. K.S.A. 2011 Supp. 12-16,124, 21-5111, 21-6304, 21-6614,
12 21-6614a, 21-6614b, 21-6614c, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and
13 75-7c25 are hereby repealed.

14 Sec. 11. This act shall take effect and be in force from and after its
15 publication in the statute book.