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House Federal & State Affairs Committee
Concealed Carry Background
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Mr. Chairman Siegfried and distinguished Members of the House Federal & State Affairs Committee, thank you for allowing me to provide testimony today on behalf of Attorney General Derek Schmidt. I'm here to provide you with a background of concealed carry or "CCH" in Kansas. I am the Assistant Attorney General responsible for the Concealed Carry Licensing Unit (Unit) and its administration of the Kansas Personal and Family Protection Act (KPFPA), K.S.A. 75-7c01 *et seq.*, which allows those who are not disqualified to carry concealed handguns in Kansas. The KPFPA, and firearms laws in general, have several layers to them. Below is a very general recitation of applicable laws.

CCH in Kansas was attempted beginning in about the early 1990's - when several other states like Florida began seeking such allowances. However, it wasn't until 2006, when our Legislature (over a Governor's veto) passed SB 418, that such a protection was allowed for our residents. Together with follow-up bill HB 2118, the KPFPA was formed. Those bills delegated the oversight of the KPFPA to the Attorney General's office. We began receiving applications in the fall of 2006 and the first licenses were issued on January 3, 2007. Since then, we have received approximately 60,000 applications - 20,000 + of those within the past year and our daily numbers keep increasing. We have over 500 certified instructors.

The application process is fairly simple. Most applicants must complete a Kansas-approved, 8-hour training course which includes classroom and live-fire qualifications. Application is then made through the county sheriff where the applicant resides. The completed application form is brought there, fingerprints are taken, and the fees are paid (generally \$32.50 to the sheriff and \$100 to the AG). The AG receives the completed application and submits the fingerprints to the Kansas Bureau of Investigation (KBI) for state and national background checks including a "NICS" check which is the national check run for firearm purchases through dealers - hitting the "III" NCIC and NICS Index databases.

Who can become licensed? K.S.A. 75-7c04 guides us here and these requirements have been modified since their inception in 2006. Today, those who are 21 years of age, residents of Kansas (or fit a recognized exception such as active duty military stationed in Kansas) and free of a background that prohibits them from purchasing, transporting, possessing or receiving firearms are eligible for licensure. The primary statutes we consider when reviewing background are K.S.A. 21-6301 & 21-6304 as well as 18 USC 922(g) & 922(n) from federal law.

What kind of background prohibits? Federal law prohibits felons (unless otherwise restored by the convicting jurisdiction); fugitives; drug addicts; those with mental health adjudications/involuntary commitments; those illegally in the U.S. or nonimmigrant aliens; those who renounced their citizenship (very rare); dishonorably discharged military ('dismissed' for officers); those with qualifying protection orders; certain domestic violence convictions. Kansas law, under 21-6304 sets out IF and/or WHEN a felon can have their firearm rights restored. This largely depends on what kind of conviction occurred, whether a firearm was possessed during that felony and, if applicable, whether enough time has passed. Some are restored after 5 years, some 10 years and some are prohibited for life. Some Kansas prohibitions in 21-6301 mirror prohibitions found in federal law (drug addicts, mental health issues). If an applicant's

application is denied (or licensee's license is suspended or revoked), the KPFPA entitles that person to a hearing in accordance with the Kansas Administrative Procedures Act.


Statutorily we have 90 days to process applications. Because we have been so inundated with new applications, phone calls, emails, and renewal applications – we are now closer to that 90 day allotment than we have ever been – but help is here with more on the way. Since January 1st alone, we have received about 2000 applications – our busiest month to date and the month has not expired (January is not typically our busiest month of the year – it is usually when things start getting busier). This fiscal year we expect to receive 16 to 20 thousand applications.

Where can Licensee's carry? K.S.A. 75-7c10 guides that answer to that question while the licensee is within Kansas. Currently, private business', cities, counties and various other enumerated locations of 75-7c10 may post their buildings to restrict licensed concealed carry. "Buildings" is defined by statute and does not include parking structures. Federal properties are governed by federal law (18 USC 930) and do not require AG signage. Signage was specifically adopted by the AG in 2006. By statutory requirement, signage must be the AG's signage and posted within certain dimensions of all entrances to buildings that desire to restrict licensed carry. The provisions of 75-7c10 also set out what employers may and may not do via employer policies that address licensed employees who are on the job. Licensees are generally allowed, by K.S.A. 12-16,124, to transport firearms in vehicles in any manner (open, concealed, loaded, unloaded) they choose because local laws on that subject do not apply to them. Several other statutes touch CCH regulation but any local restrictions are null and void.

Recognition of Licenses: Kansas does not require true reciprocity. Some states recognize all, some states recognize none and there are states like us somewhere in between. By statute, as of 2010, to recognize another jurisdiction's CCH, the licensing requirements of that jurisdiction must be at least "reasonably similar" to those of Kansas. In prior years the standards had to be at least equal to Kansas. The AG has posted those states whose CCH licenses Kansas will honor (23) and those that currently honor the Kansas CCH (30). Licensees must follow the laws of those states where they are traveling through. If you are a Kansas resident, you must have a Kansas CCH regardless of whether you are in possession of a recognized license (i.e., nonresident license from one of those jurisdictions).

Renewal of a license is a straightforward process. The Unit sends a reminder to the licensee about 4 months ahead of renewal deadline. From there, the licensee must submit the renewal application and fee (\$25) to the AG via certified mail or in person. Another NICS check is performed and the renewal process is complete.

Respectfully,



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