

SENATE BILL No. 21

By Committee on Federal and State Affairs

1-15

1 AN ACT concerning firearms; relating to definition of firearm; criminal
2 possession of a firearm by a convicted felon; expungement; relating to
3 the personal and family protection act; amending K.S.A. 2012 Supp.
4 12-16,124, ~~21-5111~~, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-
5 7c07 and 75-7c25 and repealing the existing section.

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

8 Section 1. K.S.A. 2012 Supp. 12-16,124 is hereby amended to read as
9 follows: 12-16,124. (a) No city or county shall adopt any ordinance,
10 resolution or regulation, and no agent of any city or county shall take any
11 administrative action, governing the purchase, transfer, ownership, storage
12 or transporting of firearms or ammunition, or any component or
13 combination thereof. Except as provided in subsection (b) *of this section*
14 and subsection ~~(a)~~ (b) of K.S.A. 2012 Supp. ~~75-7e11~~ 75-7c10, and
15 amendments thereto, any such ordinance, resolution or regulation adopted
16 prior to the effective date of this 2007 act shall be null and void.

17 (b) Nothing in this section shall:

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

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

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

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

35 (c) Except as provided in subsection (b) of this section and subsection
36 ~~(a)~~ (b) of K.S.A. 2012 Supp. ~~75-7e11~~ 75-7c10, and amendments thereto,

1 no person shall be prosecuted or convicted of a violation of any ordinance,
2 resolution or regulation of a city or county which regulates the storage or
3 transportation of a firearm if such person: (1) Is storing or transporting the
4 firearm without violating any provision of the Kansas criminal code; or (2)
5 is otherwise transporting the firearm in a lawful manner.

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

10 ~~Sec. 2. K.S.A. 2012 Supp. 21-5111 is hereby amended to read as~~
11 ~~follows: 21-5111. The following definitions shall apply when the words~~
12 ~~and phrases defined are used in this code, except when a particular context~~
13 ~~clearly requires a different meaning:~~

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

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

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

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

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

28 (f) ~~"Deprive permanently" means to:~~

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

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

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

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

1 authorized by law.

2 (h) ~~"DNA" means deoxyribonucleic acid.~~

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

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

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

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

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

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

36 (m) ~~"Firearm" means any weapon designed or having the capacity to~~
37 ~~propel a projectile by force of an explosion or combustion, including a~~
38 ~~starter gun, which will or is designed to or may readily be converted to~~
39 ~~expel a projectile by the action of an explosive. "Firearm" does not include~~
40 ~~an antique firearm. For purposes of this subsection, the term "antique~~
41 ~~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 conventional~~
4 ~~centerfire fixed ammunition; or (B) uses rimfire or conventional centerfire~~
5 ~~fixed ammunition which is no longer manufactured in the United States~~
6 ~~and which is not readily available in the ordinary channels of commercial~~
7 ~~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) "Forceible 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. 2012 Supp. 21-5412 and subsection (d) of K.S.A. 2012~~
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 ~~(cc) "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~~. 2. K.S.A. 2012 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. 2012 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. 2012 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. 2012 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.~~ 3. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as
24 follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and
25 (e), any person convicted in this state of a traffic infraction, cigarette or
26 tobacco infraction, misdemeanor or a class D or E felony, or for crimes
27 committed on or after July 1, 1993, nondrug crimes ranked in severity
28 levels 6 through 10, or for crimes committed on or after July 1, 1993, but
29 prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid,
30 or for crimes committed on or after July 1, 2012, any felony ranked in
31 severity level 5 of the drug grid may petition the convicting court for the
32 expungement of such conviction or related arrest records if three or more
33 years have elapsed since the person: (A) Satisfied the sentence imposed; or
34 (B) was discharged from probation, a community correctional services
35 program, parole, postrelease supervision, conditional release or a
36 suspended sentence.

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

42 (b) Except as provided in subsections (c), (d) and (e), no person may
43 petition for expungement until five or more years have elapsed since the

1 person satisfied the sentence imposed, the terms of a diversion agreement
2 or was discharged from probation, a community correctional services
3 program, parole, postrelease supervision, conditional release or a
4 suspended sentence, if such person was convicted of a class A, B or C
5 felony, or for crimes committed on or after July 1, 1993, if convicted of an
6 off-grid felony or any nondrug crime ranked in severity levels 1 through 5,
7 or for crimes committed on or after July 1, 1993, but prior to July 1, 2012,
8 any felony ranked in severity levels 1 through 3 of the drug grid, or for
9 crimes committed on or after July 1, 2012, any felony ranked in severity
10 levels 1 through 4 of the drug grid, or:

11 (1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its
12 repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as
13 prohibited by any law of another state which is in substantial conformity
14 with that statute;

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

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

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

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

29 (6) failing to stop at the scene of an accident and perform the duties
30 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and
31 amendments thereto, or required by a law of another state which is in
32 substantial conformity with those statutes;

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

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

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

43 (d) There shall be no expungement of convictions for the following

1 offenses or of convictions for an attempt to commit any of the following
2 offenses:

3 (1) Rape as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.
4 2012 Supp. 21-5503, and amendments thereto;

5 (2) indecent liberties with a child or aggravated indecent liberties
6 with a child as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal,
7 or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

8 (3) criminal sodomy as defined in subsection (a)(2) or (a)(3) of
9 K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A.
10 2012 Supp. 21-5504, and amendments thereto;

11 (4) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior
12 to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

13 (5) indecent solicitation of a child or aggravated indecent solicitation
14 of a child as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or
15 K.S.A. 2012 Supp. 21-5508, and amendments thereto;

16 (6) sexual exploitation of a child as defined in K.S.A. 21-3516, prior
17 to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

18 (7) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal,
19 or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

20 (8) endangering a child or aggravated endangering a child as defined
21 in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp.
22 21-5601, and amendments thereto;

23 (9) abuse of a child as defined in K.S.A. 21-3609, prior to its repeal,
24 or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

25 (10) capital murder as defined in K.S.A. 21-3439, prior to its repeal,
26 or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

27 (11) murder in the first degree as defined in K.S.A. 21-3401, prior to
28 its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

29 (12) murder in the second degree as defined in K.S.A. 21-3402, prior
30 to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

31 (13) voluntary manslaughter as defined in K.S.A. 21-3403, prior to its
32 repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

33 (14) involuntary manslaughter as defined in K.S.A. 21-3404, prior to
34 its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

35 (15) sexual battery as defined in K.S.A. 21-3517, prior to its repeal,
36 or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim
37 was less than 18 years of age at the time the crime was committed;

38 (16) aggravated sexual battery as defined in K.S.A. 21-3518, prior to
39 its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

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

42 (18) any conviction for any offense in effect at any time prior to July
43 1, 2011, that is comparable to any offense as provided in this subsection.

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

7 (f) (1) When a petition for expungement is filed, the court shall set a
8 date for a hearing of such petition and shall cause notice of such hearing to
9 be given to the prosecutor and the arresting law enforcement agency. The
10 petition shall state the:

11 (A) Defendant's full name;

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

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

15 (D) crime for which the defendant was arrested, convicted or
16 diverted;

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

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

20 (2) Except as otherwise provided by law, a petition for expungement
21 shall be accompanied by a docket fee in the amount of \$100. On and after
22 April 12, 2012, through June 30, 2013, the supreme court may impose a
23 charge, not to exceed \$19 per case, to fund the costs of non-judicial
24 personnel. The charge established in this section shall be the only fee
25 collected or moneys in the nature of a fee collected for the case. Such
26 charge shall only be established by an act of the legislature and no other
27 authority is established by law or otherwise to collect a fee.

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

34 (g) At the hearing on the petition, the court shall order the petitioner's
35 arrest record, conviction or diversion expunged if the court finds that:

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

39 (2) the circumstances and behavior of the petitioner warrant the
40 expungement; and

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

42 (h) When the court has ordered an arrest record, conviction or
43 diversion expunged, the order of expungement shall state the information

1 required to be contained in the petition. The clerk of the court shall send a
2 certified copy of the order of expungement to the Kansas bureau of
3 investigation which shall notify the federal bureau of investigation, the
4 secretary of corrections and any other criminal justice agency which may
5 have a record of the arrest, conviction or diversion. After the order of
6 expungement is entered, the petitioner shall be treated as not having been
7 arrested, convicted or diverted of the crime, except that:

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

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

13 (A) In any application for licensure as a private detective, private
14 detective agency, certification as a firearms trainer pursuant to K.S.A.
15 2012 Supp. 75-7b21, and amendments thereto, or employment as a
16 detective with a private detective agency, as defined by K.S.A. 75-7b01,
17 and amendments thereto; as security personnel with a private patrol
18 operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with
19 an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of
20 the department of social and rehabilitation services;

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

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

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

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

38 (F) upon application for a commercial driver's license under K.S.A.
39 8-2,125 through 8-2,142, and amendments thereto;

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

42 (H) to aid in determining the petitioner's qualifications to be an
43 employee of a tribal gaming commission or to hold a license issued

1 pursuant to a tribal-state gaming compact;

2 (I) in any application for registration as a broker-dealer, agent,
3 investment adviser or investment adviser representative all as defined in
4 K.S.A. 17-12a102, and amendments thereto;

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

7 (K) for applications received on and after July 1, 2006, to aid in
8 determining the petitioner's qualifications for a license to carry a concealed
9 weapon pursuant to the personal and family protection act, K.S.A. 2012
10 Supp. 75-7c01 et seq., and amendments thereto;

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

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

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

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

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

35 (2) *Notwithstanding the provisions of subsection (j)(1), and except as*
36 *provided in subsection (a)(3)(A) of K.S.A. 2012 Supp. 21-6304, and*
37 *amendments thereto, the expungement of a prior felony conviction does*
38 *not relieve the individual of complying with any state or federal law*
39 *relating to the use, shipment, transportation, receipt or possession of*
40 *firearms by persons previously convicted of a felony.*

41 (k) Whenever the record of any arrest, conviction or diversion has
42 been expunged under the provisions of this section or under the provisions
43 of any other existing or former statute, the custodian of the records of

1 arrest, conviction, diversion and incarceration relating to that crime shall
2 not disclose the existence of such records, except when requested by:

3 (1) The person whose record was expunged;

4 (2) a private detective agency or a private patrol operator, and the
5 request is accompanied by a statement that the request is being made in
6 conjunction with an application for employment with such agency or
7 operator by the person whose record has been expunged;

8 (3) a court, upon a showing of a subsequent conviction of the person
9 whose record has been expunged;

10 (4) the secretary of social and rehabilitation services, or a designee of
11 the secretary, for the purpose of obtaining information relating to
12 employment in an institution, as defined in K.S.A. 76-12a01, and
13 amendments thereto, of the department of social and rehabilitation services
14 of any person whose record has been expunged;

15 (5) a person entitled to such information pursuant to the terms of the
16 expungement order;

17 (6) a prosecutor, and such request is accompanied by a statement that
18 the request is being made in conjunction with a prosecution of an offense
19 that requires a prior conviction as one of the elements of such offense;

20 (7) the supreme court, the clerk or disciplinary administrator thereof,
21 the state board for admission of attorneys or the state board for discipline
22 of attorneys, and the request is accompanied by a statement that the
23 request is being made in conjunction with an application for admission, or
24 for an order of reinstatement, to the practice of law in this state by the
25 person whose record has been expunged;

26 (8) the Kansas lottery, and the request is accompanied by a statement
27 that the request is being made to aid in determining qualifications for
28 employment with the Kansas lottery or for work in sensitive areas within
29 the Kansas lottery as deemed appropriate by the executive director of the
30 Kansas lottery;

31 (9) the governor or the Kansas racing and gaming commission, or a
32 designee of the commission, and the request is accompanied by a
33 statement that the request is being made to aid in determining
34 qualifications for executive director of the commission, for employment
35 with the commission, for work in sensitive areas in parimutuel racing as
36 deemed appropriate by the executive director of the commission or for
37 licensure, renewal of licensure or continued licensure by the commission;

38 (10) the Kansas racing and gaming commission, or a designee of the
39 commission, and the request is accompanied by a statement that the
40 request is being made to aid in determining qualifications of the following
41 under the Kansas expanded lottery act: (A) Lottery gaming facility
42 managers and prospective managers, racetrack gaming facility managers
43 and prospective managers, licensees and certificate holders; and (B) their

1 officers, directors, employees, owners, agents and contractors;

2 (11) the Kansas sentencing commission;

3 (12) the state gaming agency, and the request is accompanied by a
4 statement that the request is being made to aid in determining
5 qualifications: (A) To be an employee of the state gaming agency; or (B)
6 to be an employee of a tribal gaming commission or to hold a license
7 issued pursuant to a tribal-gaming compact;

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

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

18 (15) a law enforcement agency and the request is accompanied by a
19 statement that the request is being made to aid in determining eligibility
20 for employment as a law enforcement officer as defined by K.S.A. 22-
21 2202, and amendments thereto;

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

26 (17) the Kansas bureau of investigation for the purposes of:

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

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

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

35 ~~Sec. 5.~~ 4. K.S.A. 2012 Supp. 75-7c03 is hereby amended to read as
36 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
37 concealed handguns to persons who comply with the application and
38 training requirements of this act and who are not disqualified under K.S.A.
39 2012 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
40 throughout the state for a period of four years from the date of issuance.

41 (b) The license shall be a separate card, in a form prescribed by the
42 attorney general, that is approximately the size of a Kansas driver's license
43 and shall bear the licensee's signature, name, address, date of birth and

1 driver's license number or nondriver's identification card number except
2 that the attorney general shall assign a unique number for military
3 applicants or their dependents described in subsection (a)(1)(B) of K.S.A.
4 2012 Supp. 75-7c05, and amendments thereto. At all times when the
5 licensee is in actual possession of a concealed handgun, the licensee shall
6 carry the valid license to carry concealed handguns. On demand of a law
7 enforcement officer, the licensee shall display the license to carry
8 concealed handguns and proper identification. Verification by a law
9 enforcement officer that a person holds a valid license to carry a concealed
10 handgun may be accomplished by record check using the person's driver's
11 license information or the person's concealed carry license number.

12 The license of any person who violates the provisions of this subsection
13 shall be suspended for not less than 30 days upon the first violation and
14 shall be revoked for not less than five years upon a second or subsequent
15 violation. However, a violation of this subsection shall not constitute a
16 violation of subsection (a)(4) of K.S.A. 21-4201, prior to its repeal, or
17 subsection (a)(4) of K.S.A. 2012 Supp. 21-6302, and amendments thereto,
18 if the licensee's license is valid.

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

28 ~~(d) A person who establishes residency in this state may carry~~
29 ~~concealed handguns under the terms of this act until the person's~~
30 ~~application for a license under this act is approved or denied, provided that~~
31 ~~the person has been issued and possesses a valid license or permit to carry~~
32 ~~a firearm from a jurisdiction recognized by the attorney general under~~
33 ~~subsection (c) and carries with that license or permit a receipt issued by the~~
34 ~~attorney general, which states the person's application for licensure under~~
35 ~~this act has been received. For purposes of such application, possession of~~
36 ~~the valid nonresident license or permit to carry a firearm shall satisfy the~~
37 ~~requirements of subsection (b)(2) of K.S.A. 2012 Supp. 75-7e04, and~~
38 ~~amendments thereto.~~

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

43 *(2) A valid license or permit that is recognized by this subsection,*

1 *and a 180-day receipt that has been issued in accordance with this*
2 *section, shall only entitle the lawful holder thereof to carry concealed*
3 *handguns, as defined by K.S.A. 2012 Supp. 75-7c02, and amendments*
4 *thereto, in this state and the holder thereof shall otherwise act in*
5 *accordance with the laws of this state while such holder is present in this*
6 *state.*

7 *(d) The attorney general shall issue a 180-day receipt to a person*
8 *who:*

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

10 *(2) except as provided in subsection (e), submits an application for*
11 *licensure under this act in accordance with subsection (b) of K.S.A. 2012*
12 *75-7c05, and amendments thereto; and*

13 *(3) submits with such person's application for licensure a photocopy*
14 *of a valid license or permit to carry concealed handguns issued by another*
15 *jurisdiction.*

16 *(e) Prior to the expiration of the 180-day receipt, an applicant for*
17 *licensure under this section shall submit proof of training to the attorney*
18 *general which was:*

19 *(1) Completed in accordance with subsection (b)(1) of K.S.A. 2012*
20 *Supp. 75-7c04, and amendments thereto; or*

21 *(2) utilized to obtain the applicant's license or permit from another*
22 *jurisdiction and the attorney general determines that such prior training is*
23 *equal to or greater than the training standards required by this act.*

24 *Submission of an applicant's proof of training under this subsection is*
25 *considered complete on the date the proof of training is either hand-*
26 *delivered to the attorney general or, if sent by mail, on the date the mailing*
27 *is postmarked.*

28 *(f) (1) Except as provided in subsection (f)(3), an applicant for*
29 *licensure under this section may continue to carry concealed handguns in*
30 *this state upon receiving a 180-day receipt issued by the attorney general.*

31 *(2) At all times when the applicant is carrying a concealed handgun,*
32 *the applicant shall carry: (A) Such applicant's valid license or permit from*
33 *another jurisdiction; and (B) the 180-day receipt issued by the attorney*
34 *general.*

35 *(3) An applicant whose concealed carry license or permit from*
36 *another jurisdiction becomes invalid prior to the expiration of the attorney*
37 *general's 180-day receipt may not carry concealed handguns unless*
38 *otherwise allowed by law.*

39 *(g) The attorney general may:*

40 *(1) Create a list of concealed carry handgun licenses or permits*
41 *issued by other jurisdictions which the attorney general finds have*
42 *training requirements that are equal to or greater than those of this state*
43 *and will automatically qualify for recognition under this section; and*

1 (2) review each application received under this section to determine
2 if the applicant's previous training qualifications were equal to or greater
3 than those of this state.

4 (h) (1) Prior to the expiration of the applicant's 180-day receipt, the
5 attorney general shall either approve or deny an application under this
6 section.

7 (2) Upon successful review of a background check in accordance
8 with K.S.A. 2012 Supp. 75-7c05, and amendments thereto, and upon
9 receipt of all required documentation and moneys outlined in this section,
10 the attorney general shall approve an application received under this
11 section.

12 (3) If an applicant under this section is disqualified under the
13 provisions of K.S.A. 2012 Supp. 75-7c04, and amendments thereto, or fails
14 to submit sufficient proof of training, the attorney general shall deny the
15 application in accordance with K.S.A. 2012 Supp. 75-7c07, and
16 amendments thereto.

17 (i) For the purposes of this section:

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

23 (2) "Jurisdiction" means another state or the District of Columbia.

24 (3) "Valid license or permit" means a concealed carry handgun
25 license or permit from another jurisdiction which has not expired and,
26 except for any residency requirement of the issuing jurisdiction, is
27 currently in good standing.

28 Sec. ~~6~~ 5. K.S.A. 2012 Supp. 75-7c04 is hereby amended to read as
29 follows: 75-7c04. (a) The attorney general shall not issue a license
30 pursuant to this act if the applicant:

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

33 (2) is prohibited from shipping, transporting, possessing or receiving
34 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
35 thereto, or K.S.A. 21-4204, prior to its repeal, or subsection (a)(10)
36 through (a)(13) of K.S.A. 2012 Supp. 21-6301 (a)(1) through (a)(3) of
37 K.S.A. 2012 Supp. 21-6304, and amendments thereto; or

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

39 (b) (1) The attorney general shall adopt rules and regulations
40 establishing procedures and standards as authorized by this act for an
41 eight-hour handgun safety and training course required by this section.
42 Such standards shall include: (A) A requirement that trainees receive
43 training in the safe storage of handguns, actual firing of ~~weapons~~

1 *handguns* and instruction in the laws of this state governing the carrying of
2 concealed handguns and the use of deadly force; (B) general guidelines for
3 courses which are compatible with the industry standard for basic ~~firearms~~
4 *handgun* training for civilians; (C) qualifications of instructors; and (D) a
5 requirement that the course be: (i) A handgun course certified or sponsored
6 by the attorney general; or (ii) a handgun course certified or sponsored by
7 the national rifle association or by a law enforcement agency, college,
8 private or public institution or organization or handgun training school, if
9 the attorney general determines that such course meets or exceeds the
10 standards required by rules and regulations adopted by the attorney general
11 and is taught by instructors certified by the attorney general or by the
12 national rifle association, if the attorney general determines that the
13 requirements for certification of instructors by such association meet or
14 exceed the standards required by rules and regulations adopted by the
15 attorney general. Any person wanting to be certified by the attorney
16 general as an instructor shall submit to the attorney general an application
17 in the form required by the attorney general and a fee not to exceed \$150.

18 (2) The cost of the handgun safety and training course required by
19 this section shall be paid by the applicant. The following shall constitute
20 satisfactory evidence of satisfactory completion of an approved handgun
21 safety and training course:

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

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

27 ~~(C) for the purposes of subsection (d) of K.S.A. 2012 Supp. 75-7c03,~~
28 ~~and amendments thereto, a copy of a valid license to carry a firearm issued~~
29 ~~by another jurisdiction, as described in that subsection~~ *a determination by*
30 *the attorney general pursuant to subsection (d) of K.S.A. 2012 Supp. 75-*
31 *7c03, and amendments thereto.*

32 ~~Sec. 7. 6.~~ K.S.A. 2012 Supp. 75-7c05 is hereby amended to read as
33 follows: 75-7c05. (a) The application for a license pursuant to this act shall
34 be completed, under oath, on a form prescribed by the attorney general and
35 shall only include:

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

1 Kansas driver's license or Kansas nondriver's license identification, the
2 number of such license or identification shall not be required;

3 (2) a statement that the applicant is in compliance with criteria
4 contained within K.S.A. 2012 Supp. 75-7c04, and amendments thereto;

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

7 (4) a conspicuous warning that the application is executed under oath
8 and that a false answer to any question, or the submission of any false
9 document by the applicant, subjects the applicant to criminal prosecution
10 under K.S.A. 2012 Supp. 21-5903, and amendments thereto; and

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

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

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

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

22 ~~(3) a photocopy of a certificate or an affidavit or document as~~
23 ~~described in subsection (b) of K.S.A. 2012 Supp. 75-7c04, and~~
24 ~~amendments thereto, or if applicable, of a license to carry a firearm as~~
25 ~~described in if applicable, a photocopy of the proof of training required by~~
26 subsection (d)(2) of K.S.A. 2012 Supp. 75-7c03, and amendments thereto;
27 and

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

30 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) of
31 this section, shall provide for the full set of fingerprints of the applicant
32 to be taken and forwarded to the attorney general for purposes of a criminal
33 history records check as provided by subsection (d). In addition, the sheriff
34 shall forward to the attorney general ~~a copy~~ of the application and the
35 portion of the original license fee which is payable to the attorney general.
36 The cost of taking such fingerprints shall be included in the portion of the
37 fee retained by the sheriff. Notwithstanding anything in this section to the
38 contrary, an applicant shall not be required to submit fingerprints for a
39 renewal application under K.S.A. 2012 Supp. 75-7c08, and amendments
40 thereto.

41 (2) The sheriff of the applicant's county of residence or the chief law
42 enforcement officer of any law enforcement agency, at the sheriff's or chief
43 law enforcement officer's discretion, may participate in the process by

1 submitting a voluntary report to the attorney general containing readily
2 discoverable information, corroborated through public records, which,
3 when combined with another enumerated factor, establishes that the
4 applicant poses a significantly greater threat to law enforcement or the
5 public at large than the average citizen. Any such voluntary reporting shall
6 be made within 45 days after the date the sheriff receives the application.
7 Any sheriff or chief law enforcement officer submitting a voluntary report
8 shall not incur any civil or criminal liability as the result of the good faith
9 submission of such report.

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

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

23 (e) *Except as provided in K.S.A. 2012 Supp. 75-7c03, and*
24 *amendments thereto*, within 90 days after the date of receipt of the items
25 listed in subsection (b), the attorney general shall:

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

28 (2) deny the application based solely on: (A) The report submitted by
29 the sheriff or other chief law enforcement officer under subsection (c)(2)
30 for good cause shown therein; or (B) the ground that the applicant is
31 disqualified under the criteria listed in K.S.A. 2012 Supp. 75-7c04, and
32 amendments thereto. If the attorney general denies the application, the
33 attorney general shall notify the applicant in writing, stating the ground for
34 denial and informing the applicant the opportunity for a hearing pursuant
35 to the Kansas administrative procedure act.

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

40 (g) (1) A person who is a retired law enforcement officer, as defined
41 in K.S.A. 2012 Supp. 21-5111, and amendments thereto, shall be: (A)
42 Required to pay an original license fee of \$75, which fee shall be in the
43 form of two cashier checks, *personal checks* or money orders, \$25 payable

1 to the sheriff of the county where the applicant resides and \$50 payable to
2 the attorney general, to be forwarded by the sheriff to the attorney general;
3 (B) exempt from the required completion of a ~~weapons~~ *handgun* safety
4 and training course if such person was certified by the Kansas commission
5 on peace officer's standards and training, or similar body from another
6 jurisdiction, not more than eight years prior to submission of the
7 application; (C) required to pay the license renewal fee; (D) required to
8 pay to the department of revenue the fees required by subsection (f); and
9 (E) required to comply with the criminal history records check
10 requirement of this section.

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

18 ~~Sec. 8.~~ 7. K.S.A. 2012 Supp. 75-7c07 is hereby amended to read as
19 follows: 75-7c07. (a) In accordance with the provisions of the Kansas
20 administrative procedure act, the attorney general shall deny a license to
21 any applicant for license who is ineligible under K.S.A. 2012 Supp. 75-
22 7c04, and amendments thereto, and, except as provided by subsection (b),
23 shall revoke at any time the license of any person who would be ineligible
24 under K.S.A. 2012 Supp. 75-7c04, and amendments thereto, if submitting
25 an application for a license at such time. Review by the district court in
26 accordance with the Kansas judicial review act shall be, at the option of
27 the party seeking review, in Shawnee county or the county in which the
28 petitioner resides. The revocation shall remain in effect pending any appeal
29 and shall not be stayed by the court.

30 (b) The license of a person who is charged for an offense or is subject
31 to a proceeding that could render the person ineligible pursuant to
32 subsection (a) of K.S.A. 2012 Supp. 75-7c04, and amendments thereto,
33 shall be subject to suspension and shall be reinstated upon final disposition
34 of the charge or outcome of the proceeding as long as the arrest or
35 proceeding does not result in a disqualifying conviction, commitment,
36 finding or order.

37 (c) The sheriff of the county where a restraining order is issued that
38 would prohibit issuance of a license under subsection (a)(2) of K.S.A.
39 2012 Supp. 75-7c04, and amendments thereto, shall notify the attorney
40 general immediately upon receipt of such order. If the person subject to the
41 restraining order holds a license issued pursuant to this act, the attorney
42 general immediately shall suspend such license upon receipt of notice of
43 the issuance of such order. The attorney general shall adopt rules and

1 regulations establishing procedures which allow for 24-hour notification
2 and suspension of a license under the circumstances described in this
3 subsection. The attorney general shall immediately reinstate the license, if
4 it has not otherwise expired, upon proof of the cancellation of the order.

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

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

15 (e) A person who has been issued a license pursuant to this act and
16 who gave up residency in this state, but has returned to reside in this state
17 shall be eligible to have their license reinstated as valid provided that: (1)
18 The license has not expired; and (2)(A) the licensee notified the attorney
19 general in writing of both the residency departure and relocation back to
20 this state; or (B) if such licensee failed to comply with the notification
21 requirements of this subsection, the penalty provisions of subsection (e) of
22 K.S.A. 2012 Supp. ~~75-7e05~~ 75-7c06, and amendments thereto, have been
23 satisfied.

24 **Sec. 9. 8.** K.S.A. 2012 Supp. 75-7c25 is hereby amended to read as
25 follows: 75-7c25. (a) ~~On or before July 1, 2007, every district court shall~~
26 ~~review all files dated on or after July 1, 1998, concerning mentally ill~~
27 ~~persons subject to involuntary commitment for care and treatment as~~
28 ~~defined in K.S.A. 59-2946, and amendments thereto, or persons with an~~
29 ~~alcohol or substance abuse problem subject to involuntary commitment for~~
30 ~~care and treatment as defined in K.S.A. 59-29b46, and amendments~~
31 ~~thereto.~~

32 (b) ~~If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-~~
33 ~~29b66, and amendments thereto, the clerk of the court shall report such~~
34 ~~order and all available information identifying the patient including, but~~
35 ~~not limited to, birth, gender and race, to the Kansas bureau of~~
36 ~~investigation.~~

37 (c) ~~A copy of such orders shall be delivered by the clerk of the court~~
38 ~~to the Kansas bureau of investigation on or before July 1, 2007. The~~
39 ~~Kansas bureau of investigation shall immediately cause the order to be~~
40 ~~entered into the appropriate state and federal databases.~~

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

43 (e) ~~After July 1, 2007, all orders of involuntary commitment for care~~

1 and treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments
2 thereto, and any orders of termination of discharge shall be immediately
3 forwarded to the Kansas bureau of investigation for entry into the
4 appropriate state and federal databases.

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

15 ~~Sec. 9.~~ **9.** K.S.A. 2012 Supp. 12-16,124, ~~21-5111~~, 21-6304, 21-6614,
16 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 are hereby repealed.

17 ~~Sec. 10.~~ **10.** This act shall take effect and be in force from and after
18 its publication in the statute book.

19