

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2058

By Committee on Federal and State Affairs

1-13

1 AN ACT concerning *crimes, punishment and criminal procedure*;
2 *relating to* firearms; ~~relating to the personal and family protection act~~
3 *reducing the underlying felonies for the crime of criminal possession*
4 *of a weapon by a convicted felon; restoration of the right to possess*
5 *firearms upon expungement of convictions*; recognition of licenses
6 *under the personal and family protection act* issued by other
7 jurisdictions; **{creating a provisional license for persons under the**
8 **age of 21;}** authorizing the issuance of alternative license during a
9 ~~declared state of disaster emergency~~ **{certain circumstances}**;
10 amending K.S.A. ~~{75-7c02,}~~ 75-7c03 ~~and~~ **{75-7c04,}** 75-7c05, **75-**
11 **7c08 and 75-7c21}** and K.S.A. 2020 Supp. **{21-5914, 21-6301,}** 21-
12 6302, **21-6304, 21-6309, 21-6614 and 32-1002}** and repealing the
13 existing sections.

14
15 *WHEREAS, The amendments made to the provisions of K.S.A. 2020*
16 *Supp. 21-6304 and 21-6614 by this act shall be known as the Kansas*
17 *protection of firearms rights act.*

18 *Now, therefore:*

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

20 **{Section 1. K.S.A. 2020 Supp. 21-5914 is hereby amended to read**
21 **as follows: 21-5914. (a) Traffic in contraband in a correctional**
22 **institution or care and treatment facility is, without the consent of the**
23 **administrator of the correctional institution or care and treatment**
24 **facility:**

25 **(1) Introducing or attempting to introduce any item into or upon**
26 **the grounds of any correctional institution or care and treatment**
27 **facility;**

28 **(2) taking, sending, attempting to take or attempting to send any**
29 **item from any correctional institution or care and treatment facility;**

30 **(3) any unauthorized possession of any item while in any**
31 **correctional institution or care and treatment facility;**

32 **(4) distributing any item within any correctional institution or**

1 care and treatment facility;

2 (5) supplying to another who is in lawful custody any object or
3 thing adapted or designed for use in making an escape; or

4 (6) introducing into an institution in which a person is confined
5 any object or thing adapted or designed for use in making any escape.

6 (b) Traffic in contraband in a correctional institution or care and
7 treatment facility is a:

8 (1) Severity level 6, nonperson felony, except as provided in
9 subsection (b)(2) or (b)(3);

10 (2) severity level 5, nonperson felony if such items are:

11 (A) Firearms, ammunition, explosives or a controlled substance
12 ~~which~~ *that* is defined in K.S.A. 2020 Supp. 21-5701, and amendments
13 thereto, except as provided in subsection (b)(3);

14 (B) defined as contraband by rules and regulations adopted by
15 the secretary of corrections, in a state correctional institution or
16 facility by an employee of a state correctional institution or facility,
17 except as provided in subsection (b)(3);

18 (C) defined as contraband by rules and regulations adopted by
19 the secretary for aging and disability services, in a care and treatment
20 facility by an employee of a care and treatment facility, except as
21 provided in subsection (b)(3); or

22 (D) defined as contraband by rules and regulations adopted by
23 the commissioner of the juvenile justice authority, in a juvenile
24 correctional facility by an employee of a juvenile correctional facility,
25 except as provided by subsection (b)(3); and

26 (3) severity level 4, nonperson felony if:

27 (A) Such items are firearms, ammunition or explosives, in a
28 correctional institution by an employee of a correctional institution or
29 in a care and treatment facility by an employee of a care and
30 treatment facility; or

31 (B) a violation of subsection (a)(5) or (a)(6) by an employee or
32 volunteer of the department of corrections, or the employee or
33 volunteer of a contractor who is under contract to provide services to
34 the department of corrections.

35 (c) The provisions of subsection (b)(2)(A) shall not apply to the
36 possession of a firearm or ammunition in a parking lot open to the
37 public if the firearm or ammunition is carried on the person while in a
38 vehicle or while securing the firearm or ammunition in the vehicle, or
39 stored out of plain view in a locked but unoccupied vehicle, *and such*
40 *person is either: (1) 21 years of age or older; or (2) possesses a valid*
41 *provisional license issued pursuant to K.S.A. 75-7c03, and amendments*
42 *thereto, or a valid license to carry a concealed handgun issued by another*
43 *jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and*

1 *amendments thereto.*

2 (d) As used in this section:

3 (1) "Correctional institution" means any state correctional
4 institution or facility, conservation camp, state security hospital,
5 juvenile correctional facility, community correction center or facility
6 for detention or confinement, juvenile detention facility or jail;

7 (2) "care and treatment facility" means the state security hospital
8 provided for under K.S.A. 76-1305 et seq., and amendments thereto,
9 and a facility operated by the Kansas department for aging and
10 disability services for the purposes provided for under K.S.A. 59-
11 29a02 et seq., and amendments thereto; and

12 (3) "lawful custody" means the same as in K.S.A. 2020 Supp. 21-
13 5912, and amendments thereto.

14 Sec. 2. K.S.A. 2020 Supp. 21-6301 is hereby amended to read as
15 follows: 21-6301. (a) Criminal use of weapons is knowingly:

16 (1) Selling, manufacturing, purchasing or possessing any
17 bludgeon, sand club or metal knuckles;

18 (2) possessing with intent to use the same unlawfully against
19 another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife,
20 straight-edged razor, throwing star, stiletto or any other dangerous or
21 deadly weapon or instrument of like character;

22 (3) setting a spring gun;

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

25 (5) selling, manufacturing, purchasing or possessing a shotgun
26 with a barrel less than 18 inches in length, or any firearm designed to
27 discharge or capable of discharging automatically more than once by
28 a single function of the trigger, whether the person knows or has
29 reason to know the length of the barrel or that the firearm is designed
30 or capable of discharging automatically;

31 (6) possessing, manufacturing, causing to be manufactured,
32 selling, offering for sale, lending, purchasing or giving away any
33 cartridge which can be fired by a handgun and which has a plastic-
34 coated bullet that has a core of less than 60% lead by weight, whether
35 the person knows or has reason to know that the plastic-coated bullet
36 has a core of less than 60% lead by weight;

37 (7) selling, giving or otherwise transferring any firearm with a
38 barrel less than 12 inches long to any person under 18 years of age
39 whether the person knows or has reason to know the length of the
40 barrel;

41 (8) selling, giving or otherwise transferring any firearms to any
42 person who is both addicted to and an unlawful user of a controlled
43 substance;

1 **(9) selling, giving or otherwise transferring any firearm to any**
2 **person who is or has been a mentally ill person subject to involuntary**
3 **commitment for care and treatment, as defined in K.S.A. 59-2946, and**
4 **amendments thereto, or a person with an alcohol or substance abuse**
5 **problem subject to involuntary commitment for care and treatment as**
6 **defined in K.S.A. 59-29b46, and amendments thereto;**

7 **(10) possessing any firearm by a person who is both addicted to**
8 **and an unlawful user of a controlled substance;**

9 **(11) possessing any firearm by any person, other than a law**
10 **enforcement officer, in or on any school property or grounds upon**
11 **which is located a building or structure used by a unified school**
12 **district or an accredited nonpublic school for student instruction or**
13 **attendance or extracurricular activities of pupils enrolled in**
14 **kindergarten or any of the grades one through 12 or at any regularly**
15 **scheduled school sponsored activity or event whether the person**
16 **knows or has reason to know that such person was in or on any such**
17 **property or grounds;**

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

23 **(13) possessing any firearm by a person who is or has been a**
24 **mentally ill person subject to involuntary commitment for care and**
25 **treatment, as defined in K.S.A. 59-2946, and amendments thereto, or**
26 **persons with an alcohol or substance abuse problem subject to**
27 **involuntary commitment for care and treatment as defined in K.S.A.**
28 **59-29b46, and amendments thereto;**

29 **(14) possessing a firearm with a barrel less than 12 inches long by**
30 **any person less than 18 years of age;**

31 **(15) possessing any firearm while a fugitive from justice;**

32 **(16) possessing any firearm by a person who is an alien illegally**
33 **or unlawfully in the United States;**

34 **(17) possessing any firearm by a person while such person is**
35 **subject to a court order that:**

36 **(A) Was issued after a hearing, of which such person received**
37 **actual notice, and at which such person had an opportunity to**
38 **participate;**

39 **(B) restrains such person from harassing, stalking or threatening**
40 **an intimate partner of such person or a child of such person or such**
41 **intimate partner, or engaging in other conduct that would place an**
42 **intimate partner in reasonable fear of bodily injury to the partner or**
43 **the child; and**

1 (C) (i) includes a finding that such person represents a credible
2 threat to the physical safety of such intimate partner or child; or

3 (ii) by its terms explicitly prohibits the use, attempted use or
4 threatened use of physical force against such intimate partner or child
5 that would reasonably be expected to cause bodily injury; or

6 (18) possessing any firearm by a person who, within the
7 preceding five years, has been convicted of a misdemeanor for a
8 domestic violence offense, or a misdemeanor under a law of another
9 jurisdiction which is substantially the same as such misdemeanor
10 offense.

11 (b) Criminal use of weapons as defined in:

12 (1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is
13 a class A nonperson misdemeanor;

14 (2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9,
15 nonperson felony;

16 (3) subsection (a)(10) or (a)(11) is a class B nonperson select
17 misdemeanor;

18 (4) subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a
19 severity level 8, nonperson felony; and

20 (5) subsection (a)(14) is a:

21 (A) Class A nonperson misdemeanor except as provided in
22 subsection (b)(5)(B);

23 (B) severity level 8, nonperson felony upon a second or
24 subsequent conviction.

25 (c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

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

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

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

36 (4) the manufacture of, transportation to, or sale of weapons to a
37 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
38 such weapons.

39 (d) Subsections (a)(4) and (a)(5) shall not apply to any person
40 who sells, purchases, possesses or carries a firearm, device or
41 attachment which has been rendered unserviceable by steel weld in
42 the chamber and marriage weld of the barrel to the receiver and
43 which has been registered in the national firearms registration and

1 transfer record in compliance with 26 U.S.C. § 5841 et seq. in the
2 name of such person and, if such person transfers such firearm, device
3 or attachment to another person, has been so registered in the
4 transferee's name by the transferor.

5 (e) Subsection (a)(6) shall not apply to a governmental laboratory
6 or solid plastic bullets.

7 (f) Subsection (a)(4) shall not apply to a law enforcement officer
8 who is:

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

11 (2) designated by the head of such officer's law enforcement
12 agency to possess devices described in subsection (a)(4); and

13 (3) in possession of commercially manufactured devices which
14 are:

15 (A) Owned by the law enforcement agency;

16 (B) in such officer's possession only during specific operations;
17 and

18 (C) approved by the bureau of alcohol, tobacco, firearms and
19 explosives of the United States department of justice.

20 (g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any
21 person employed by a laboratory which is certified by the United
22 States department of justice, national institute of justice, while
23 actually engaged in the duties of their employment and on the
24 premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)
25 (6) shall not affect the manufacture of, transportation to or sale of
26 weapons to such certified laboratory.

27 (h) Subsections (a)(4) and (a)(5) shall not apply to or affect any
28 person or entity in compliance with the national firearms act, 26
29 U.S.C. § 5801 et seq.

30 (i) (1) Subsection (a)(4) shall not apply to or affect any person in
31 possession of a device or attachment designed, used or intended for
32 use in suppressing the report of any firearm, if such device or
33 attachment satisfies the description of a Kansas-made firearm
34 accessory as set forth in K.S.A. 2020 Supp. 50-1204, and amendments
35 thereto.

36 (2) The provisions of this subsection shall apply to any violation
37 of subsection (a)(4) that occurred on or after April 25, 2013.

38 (j) Subsection (a)(11) shall not apply to:

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

42 (2) possession of any firearm specifically authorized in writing by
43 the superintendent of any unified school district or the chief

1 administrator of any accredited nonpublic school;

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

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

9 (5) possession of a concealed handgun by an individual who is not
 10 prohibited from possessing a firearm under either federal or state law,
 11 and who is either: (A) 21 years of age or older; or (B) possesses a valid
 12 provisional license issued pursuant to K.S.A. 75-7c03, and amendments
 13 thereto, or a valid license to carry a concealed handgun issued by another
 14 jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and
 15 amendments thereto.

16 (k) Subsections (a)(9) and (a)(13) shall not apply to a person who
 17 has received a certificate of restoration pursuant to K.S.A. 75-7c26,
 18 and amendments thereto.

19 (l) Subsection (a)(14) shall not apply if such person, less than 18
 20 years of age, was:

21 (1) In attendance at a hunter's safety course or a firearms safety
 22 course;

23 (2) engaging in practice in the use of such firearm or target
 24 shooting at an established range authorized by the governing body of
 25 the jurisdiction in which such range is located, or at another private
 26 range with permission of such person's parent or legal guardian;

27 (3) engaging in an organized competition involving the use of
 28 such firearm, or participating in or practicing for a performance by
 29 an organization exempt from federal income tax pursuant to section
 30 501(c)(3) of the internal revenue code of 1986 which uses firearms as a
 31 part of such performance;

32 (4) hunting or trapping pursuant to a valid license issued to such
 33 person pursuant to article 9 of chapter 32 of the Kansas Statutes
 34 Annotated, and amendments thereto;

35 (5) traveling with any such firearm in such person's possession
 36 being unloaded to or from any activity described in subsections (l)(1)
 37 through (l)(4), only if such firearm is secured, unloaded and outside
 38 the immediate access of such person;

39 (6) on real property under the control of such person's parent,
 40 legal guardian or grandparent and who has the permission of such
 41 parent, legal guardian or grandparent to possess such firearm; or

42 (7) at such person's residence and who, with the permission of
 43 such person's parent or legal guardian, possesses such firearm for the

1 purpose of exercising the rights contained in K.S.A. 2020 Supp. 21-
2 5222, 21-5223 or 21-5225, and amendments thereto.

3 (m) As used in this section:

4 (1) "Domestic violence" means the use or attempted use of
5 physical force, or the threatened use of a deadly weapon, committed
6 against a person with whom the offender is involved or has been
7 involved in a dating relationship or is a family or household member.

8 (2) "Fugitive from justice" means any person having knowledge
9 that a warrant for the commission of a felony has been issued for the
10 apprehension of such person under K.S.A. 22-2713, and amendments
11 thereto.

12 (3) "Intimate partner" means, with respect to a person, the
13 spouse of the person, a former spouse of the person, an individual who
14 is a parent of a child of the person or an individual who cohabitates or
15 has cohabitated with the person.

16 (4) "Throwing star" means any instrument, without handles,
17 consisting of a metal plate having three or more radiating points with
18 one or more sharp edges and designed in the shape of a polygon,
19 trefoil, cross, star, diamond or other geometric shape, manufactured
20 for use as a weapon for throwing.}

21 ~~Section 1: {Sec. 3.}~~ K.S.A. 2020 Supp. 21-6302 is hereby amended to
22 read as follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
23 carrying:

24 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

25 (2) concealed on one's person, a billy, blackjack, slungshot or any
26 other dangerous or deadly weapon or instrument of like character;

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

30 (4) any pistol, revolver or other firearm concealed on one's person if
31 such person is under 21 years of age, except when on such person's land or
32 in such person's abode or fixed place of business; or

33 (5) a shotgun with a barrel less than 18 inches in length or any other
34 firearm designed to discharge or capable of discharging automatically
35 more than once by a single function of the trigger whether the person
36 knows or has reason to know the length of the barrel or that the firearm is
37 designed or capable of discharging automatically.

38 (b) Criminal carrying of a weapon as defined in:

39 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson
40 misdemeanor; and

41 (2) subsection (a)(5) is a severity level 9, nonperson felony.

42 (c) Subsection (a) shall not apply to:

43 (1) Law enforcement officers, or any person summoned by any such

1 officers to assist in making arrests or preserving the peace while actually
2 engaged in assisting such officer;

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

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

10 (4) the manufacture of, transportation to, or sale of weapons to a
11 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
12 such weapons.

13 *(d) Subsection (a)(4) shall not apply to any person who **is carrying***
14 ***a handgun, as defined in K.S.A. 75-7c02, and amendments thereto,***
15 ***and who} possesses a valid {provisional license issued pursuant to***
16 ***K.S.A. 75-7c03, and amendments thereto, or a valid} license or permit***
17 *to carry a concealed firearm that was issued by another jurisdiction and is*
18 *recognized in this state pursuant to K.S.A. 75-7c03, and amendments*
19 *thereto.*

20 ~~(d)~~(e) Subsection (a)(5) shall not apply to:

21 (1) Any person who sells, purchases, possesses or carries a firearm,
22 device or attachment which has been rendered unserviceable by steel weld
23 in the chamber and marriage weld of the barrel to the receiver and which
24 has been registered in the national firearms registration and transfer record
25 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
26 and, if such person transfers such firearm, device or attachment to another
27 person, has been so registered in the transferee's name by the transferor;

28 (2) any person employed by a laboratory which is certified by the
29 United States department of justice, national institute of justice, while
30 actually engaged in the duties of their employment and on the premises of
31 such certified laboratory. Subsection (a)(5) shall not affect the manufacture
32 of, transportation to or sale of weapons to such certified laboratory; or

33 (3) any person or entity in compliance with the national firearms act,
34 26 U.S.C. § 5801 et seq.

35 ~~(e)~~(f) As used in this section, "throwing star" means the same as
36 prescribed by K.S.A. 2020 Supp. 21-6301, and amendments thereto.

37 *Sec. 4. K.S.A. 2020 Supp. 21-6304 is hereby amended to read as*
38 *follows: 21-6304. (a) Criminal possession of a weapon by a convicted*
39 *felon is possession of any weapon by a person who:*

40 *(1) Has been convicted of a person felony or a violation of article*
41 *57 of chapter 21 of the Kansas Statutes Annotated, and amendments*
42 *thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their*
43 *transfer, or any violation of any provision of the uniform controlled*

1 *substances act prior to July 1, 2009, or a crime under a law of another*
 2 *jurisdiction—*which that is substantially the same as such felony or
 3 *violation, or was adjudicated a juvenile offender because of the*
 4 *commission of an act which if done by an adult would constitute the*
 5 *commission of a person felony or a violation of article 57 of chapter 21*
 6 *of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010*
 7 *Supp. 21-36a01 through 21-36a17, prior to their transfer, or any*
 8 *violation of any provision of the uniform controlled substances act prior*
 9 *to July 1, 2009, and was found by the convicting court to have been in*
 10 *possession of used a firearm at the time of in the commission of the*
 11 *crime;*

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

20 (3) ~~within the preceding 10 years, has been~~

21 (A) (i) *Has been convicted of a person felony, other than those*
 22 *specified in subsection (a)(3)(A)(i), under the laws of Kansas or a crime*
 23 *under the law of another jurisdiction which is substantially the same as*
 24 *such person felony; or*

25 (ii) *was adjudicated as a juvenile offender because of the commission*
 26 *of an act which if done by an adult would constitute the commission of a*
 27 *person felony;*

28 (B) *was not found by the convicting court to have used a firearm in*
 29 *the commission of such crime; and*

30 (C) *less than three years have elapsed since such person satisfied the*
 31 *sentence imposed or the terms of any diversion agreement for such crime,*
 32 *or was discharged from probation, a community correctional services*
 33 *program, parole, postrelease supervision, conditional release or a*
 34 *suspended sentence;*

35 (3) (A) (i) *has been convicted of a:*

36 (A) ~~felony under:~~

37 (a) *K.S.A. 2020 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-*
 38 *5408, subsection (b) or (d) of 21-5412 (b) or (d), subsection (b) or (d) of*
 39 *21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of 21-*
 40 *5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-*
 41 *5505(b), and subsection (b) of 21-5807(b), and amendments thereto;*

42 (b) *article 57 of chapter 21 of the Kansas Statutes Annotated, and*
 43 *amendments thereto;*

1 (c) *K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their*
2 *transfer;*

3 (d) *K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,*
4 *21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-*
5 *3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through*
6 *65-4165 or 65-7006, prior to their repeal;*

7 (e) *an attempt, conspiracy or criminal solicitation as defined in*
8 *K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2020*
9 *Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any*
10 *such felony; or*

11 (f) *a crime under a law of another jurisdiction—*~~which that is~~
12 *substantially the same as such felony,*~~has been;~~ *or*

13 (i) *has been released from imprisonment for such felony, or was*
14 *adjudicated as a juvenile offender because of the commission of an act*
15 *which if done by an adult would constitute the commission of such*
16 *felony,*~~was not found to have been in possession of a firearm at the time of~~
17 ~~the commission of the crime, and has not had the conviction of such crime~~
18 ~~expunged or been pardoned for such crime. The provisions of subsection~~
19 ~~(j)(2) of K.S.A. 2020 Supp. 21-6614, and amendments thereto, shall not~~
20 ~~apply to an individual who has had a conviction under this paragraph~~
21 ~~expunged; or~~

22 (B) ~~nonperson felony under the laws of Kansas or a crime under the~~
23 ~~laws of another jurisdiction which is substantially the same as such~~
24 ~~nonperson felony, has been released from imprisonment for such~~
25 ~~nonperson felony or was adjudicated as a juvenile offender because of the~~
26 ~~commission of an act which if done by an adult would constitute the~~
27 ~~commission of a nonperson felony, and was found to have been in~~
28 ~~possession of a firearm at the time of the commission of the crime; and~~

29 (B) *less than eight years have elapsed since such person satisfied the*
30 *sentence imposed or the terms of any diversion agreement for such crime,*
31 *or was discharged from probation, a community correctional services*
32 *program, parole, postrelease supervision, conditional release or a*
33 *suspended sentence; or*

34 (4) (A) (i) *has been convicted of any other nonperson felony, other*
35 *than those specified in subsections (a)(1) through (a)(3), under the laws of*
36 *Kansas or a crime under the law of another jurisdiction which is*
37 *substantially the same as such nonperson felony; or*

38 (ii) *was adjudicated as a juvenile offender because of the commission*
39 *of an act which if done by an adult would constitute the commission of a*
40 *nonperson felony; and*

41 (B) *less than three months have elapsed since such person satisfied*
42 *the sentence imposed or the terms of any diversion agreement for such*
43 *crime, or was discharged from probation, a community correctional*

1 *services program, parole, postrelease supervision, conditional release or a*
2 *suspended sentence.*

3 **(b) Criminal possession of a weapon by a convicted felon is a**
4 **severity level 8, nonperson felony.**

5 **(c) The provisions of subsections (a)(1), (a)(2) and (a)(4) shall not**
6 **apply to a person who has been convicted of a crime and has had the**
7 **conviction of such crime expunged or has been pardoned for such crime.**

8 **(d) As used in this section:**

9 **(1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-**
10 **edged razor or any other dangerous or deadly cutting instrument of like**
11 **character; and**

12 **(2) "weapon" means a firearm or a knife.**

13 **{Sec. 4. 5. K.S.A. 2020 Supp. 21-6309 is hereby amended to read**
14 **as follows: 21-6309. (a) It shall be unlawful to possess, with no**
15 **requirement of a culpable mental state, a firearm:**

16 **(1) Within any building located within the capitol complex;**

17 **(2) within the governor's residence;**

18 **(3) on the grounds of or in any building on the grounds of the**
19 **governor's residence;**

20 **(4) within any other state-owned or leased building if the**
21 **secretary of administration has so designated by rules and regulations**
22 **and conspicuously placed signs clearly stating that firearms are**
23 **prohibited within such building; or**

24 **(5) within any county courthouse, unless, by county resolution,**
25 **the board of county commissioners authorize the possession of a**
26 **firearm within such courthouse.**

27 **(b) Violation of this section is a class A misdemeanor.**

28 **(c) This section shall not apply to:**

29 **(1) A commissioned law enforcement officer;**

30 **(2) a full-time salaried law enforcement officer of another state or**
31 **the federal government who is carrying out official duties while in this**
32 **state;**

33 **(3) any person summoned by any such officer to assist in making**
34 **arrests or preserving the peace while actually engaged in assisting**
35 **such officer; or**

36 **(4) a member of the military of this state or the United States**
37 **engaged in the performance of duties.**

38 **(d) It is not a violation of this section for:**

39 **(1) The governor, the governor's immediate family, or specifically**
40 **authorized guest of the governor to possess a firearm within the**
41 **governor's residence or on the grounds of or in any building on the**
42 **grounds of the governor's residence;**

43 **(2) the United States attorney for the district of Kansas, the**

1 attorney general, any district attorney or county attorney, any
2 assistant United States attorney if authorized by the United States
3 attorney for the district of Kansas, any assistant attorney general if
4 authorized by the attorney general, or any assistant district attorney
5 or assistant county attorney if authorized by the district attorney or
6 county attorney by whom such assistant is employed, to possess a
7 firearm within any county courthouse and court-related facility,
8 subject to any restrictions or prohibitions imposed in any courtroom
9 by the chief judge of the judicial district;

10 (3) law enforcement officers, as that term is defined in K.S.A. 75-
11 7c22, and amendments thereto, who satisfy the requirements of either
12 K.S.A. 75-7c22(a) or (b), and amendments thereto, to possess a
13 firearm; or

14 (4) an individual to possess a concealed handgun—~~provided if such~~
15 individual is not prohibited from possessing a firearm under either
16 federal or state law, and such individual is either: (A) 21 years of age or
17 older; or (B) possesses a valid provisional license issued pursuant to
18 K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a
19 concealed handgun issued by another jurisdiction that is recognized in
20 this state pursuant to K.S.A. 75-7c03, and amendments thereto.

21 (e) Notwithstanding the provisions of this section, any county may
22 elect by passage of a resolution that the provisions of subsection (d)(2)
23 shall not apply to such county's courthouse or court-related facilities if
24 such:

25 (1) Buildings have adequate security measures to ensure that no
26 weapons are permitted to be carried into such buildings;

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

32 (3) buildings have a sign conspicuously posted at each entryway
33 into such building stating that the provisions of subsection (d)(2) do
34 not apply to such building.

35 (f) As used in this section:

36 (1) "Adequate security measures" shall have the same meaning
37 as the term is defined in K.S.A. 75-7c20, and amendments thereto;

38 (2) "possession" means having joint or exclusive control over a
39 firearm or having a firearm in a place where the person has some
40 measure of access and right of control; and

41 (3) "capitol complex" means the same as in K.S.A. 75-4514, and
42 amendments thereto.

43 (g) For the purposes of subsections (a)(1), (a)(4) and (a)(5),

1 "building" and "courthouse" shall not include any structure, or any
2 area of any structure, designated for the parking of motor vehicles.

3 *Sec. 6. K.S.A. 2020 Supp. 21-6614 is hereby amended to read as*
4 *follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d),*
5 *(e) and (f), any person convicted in this state of a traffic infraction,*
6 *cigarette or tobacco infraction, misdemeanor or a class D or E felony, or*
7 *for crimes committed on or after July 1, 1993, any nongrid felony or*
8 *felony ranked in severity levels 6 through 10 of the nondrug grid, or for*
9 *crimes committed on or after July 1, 1993, but prior to July 1, 2012, any*
10 *felony ranked in severity level 4 of the drug grid, or for crimes*
11 *committed on or after July 1, 2012, any felony ranked in severity level 5*
12 *of the drug grid may petition the convicting court for the expungement*
13 *of such conviction or related arrest records if three or more years have*
14 *elapsed since the person: (A) Satisfied the sentence imposed; or (B) was*
15 *discharged from probation, a community correctional services program,*
16 *parole, postrelease supervision, conditional release or a suspended*
17 *sentence.*

18 *(2) Except as provided in subsections (b), (c), (d), (e) and (f), any*
19 *person who has fulfilled the terms of a diversion agreement may petition*
20 *the district court for the expungement of such diversion agreement and*
21 *related arrest records if three or more years have elapsed since the terms*
22 *of the diversion agreement were fulfilled.*

23 *(b) Any person convicted of prostitution, as defined in K.S.A. 21-*
24 *3512, prior to its repeal, convicted of a violation of K.S.A. 2020 Supp.*
25 *21-6419, and amendments thereto, or who entered into a diversion*
26 *agreement in lieu of further criminal proceedings for such violation,*
27 *may petition the convicting court for the expungement of such*
28 *conviction or diversion agreement and related arrest records if:*

29 *(1) One or more years have elapsed since the person satisfied the*
30 *sentence imposed or the terms of a diversion agreement or was*
31 *discharged from probation, a community correctional services program,*
32 *parole, postrelease supervision, conditional release or a suspended*
33 *sentence; and*

34 *(2) such person can prove they were acting under coercion caused*
35 *by the act of another. For purposes of this subsection, "coercion"*
36 *means: Threats of harm or physical restraint against any person; a*
37 *scheme, plan or pattern intended to cause a person to believe that failure*
38 *to perform an act would result in bodily harm or physical restraint*
39 *against any person; or the abuse or threatened abuse of the legal*
40 *process.*

41 *(c) Except as provided in subsections (e) and (f), no person may*
42 *petition for expungement until five or more years have elapsed since the*
43 *person satisfied the sentence imposed or the terms of a diversion*

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

10 (1) *Vehicular homicide, as defined in K.S.A. 21-3405, prior to its*
11 *repeal, or K.S.A. 2020 Supp. 21-5406, and amendments thereto, or as*
12 *prohibited by any law of another state—~~which~~ that is in substantial*
13 *conformity with that statute;*

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

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

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

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

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

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

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

35 (d) (1) *No person may petition for expungement until five or more*
36 *years have elapsed since the person satisfied the sentence imposed or the*
37 *terms of a diversion agreement or was discharged from probation, a*
38 *community correctional services program, parole, postrelease*
39 *supervision, conditional release or a suspended sentence, if such person*
40 *was convicted of a first violation of K.S.A. 8-1567, and amendments*
41 *thereto, including any diversion for such violation.*

42 (2) *No person may petition for expungement until 10 or more years*
43 *have elapsed since the person satisfied the sentence imposed or was*

1 *discharged from probation, a community correctional services program,*
2 *parole, postrelease supervision, conditional release or a suspended*
3 *sentence, if such person was convicted of a second or subsequent*
4 *violation of K.S.A. 8-1567, and amendments thereto.*

5 (3) *Except as provided further, the provisions of this subsection*
6 *shall apply to all violations committed on or after July 1, 2006. The*
7 *provisions of subsection (d)(2) shall not apply to violations committed on*
8 *or after July 1, 2014, but prior to July 1, 2015.*

9 (e) *There shall be no expungement of convictions for the following*
10 *offenses or of convictions for an attempt to commit any of the following*
11 *offenses:*

12 (1) *Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A.*
13 *2020 Supp. 21-5503, and amendments thereto;*

14 (2) *indecent liberties with a child or aggravated indecent liberties*
15 *with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their*
16 *repeal, or K.S.A. 2020 Supp. 21-5506, and amendments thereto;*

17 (3) *criminal sodomy, as defined in K.S.A. 21-3505(a)(2) or (a)(3),*
18 *prior to its repeal, or K.S.A. 2020 Supp. 21-5504(a)(3) or (a)(4), and*
19 *amendments thereto;*

20 (4) *aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior*
21 *to its repeal, or K.S.A. 2020 Supp. 21-5504, and amendments thereto;*

22 (5) *indecent solicitation of a child or aggravated indecent*
23 *solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to*
24 *their repeal, or K.S.A. 2020 Supp. 21-5508, and amendments thereto;*

25 (6) *sexual exploitation of a child, as defined in K.S.A. 21-3516,*
26 *prior to its repeal, or K.S.A. 2020 Supp. 21-5510, and amendments*
27 *thereto;*

28 (7) *internet trading in child pornography or aggravated internet*
29 *trading in child pornography, as defined in K.S.A. 2020 Supp. 21-5514,*
30 *and amendments thereto;*

31 (8) *aggravated incest, as defined in K.S.A. 21-3603, prior to its*
32 *repeal, or K.S.A. 2020 Supp. 21-5604, and amendments thereto;*

33 (9) *endangering a child or aggravated endangering a child, as*
34 *defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A.*
35 *2020 Supp. 21-5601, and amendments thereto;*

36 (10) *abuse of a child, as defined in K.S.A. 21-3609, prior to its*
37 *repeal, or K.S.A. 2020 Supp. 21-5602, and amendments thereto;*

38 (11) *capital murder, as defined in K.S.A. 21-3439, prior to its*
39 *repeal, or K.S.A. 2020 Supp. 21-5401, and amendments thereto;*

40 (12) *murder in the first degree, as defined in K.S.A. 21-3401, prior*
41 *to its repeal, or K.S.A. 2020 Supp. 21-5402, and amendments thereto;*

42 (13) *murder in the second degree, as defined in K.S.A. 21-3402,*
43 *prior to its repeal, or K.S.A. 2020 Supp. 21-5403, and amendments*

1 *thereto;*

2 (14) *voluntary manslaughter, as defined in K.S.A. 21-3403, prior to*
3 *its repeal, or K.S.A. 2020 Supp. 21-5404, and amendments thereto;*

4 (15) *involuntary manslaughter, as defined in K.S.A. 21-3404, prior*
5 *to its repeal, or K.S.A. 2020 Supp. 21-5405, and amendments thereto;*

6 (16) *sexual battery, as defined in K.S.A. 21-3517, prior to its repeal,*
7 *or K.S.A. 2020 Supp. 21-5505, and amendments thereto, when the victim*
8 *was less than 18 years of age at the time the crime was committed;*

9 (17) *aggravated sexual battery, as defined in K.S.A. 21-3518, prior*
10 *to its repeal, or K.S.A. 2020 Supp. 21-5505, and amendments thereto;*

11 (18) *a violation of K.S.A. 8-2,144, and amendments thereto,*
12 *including any diversion for such violation; or*

13 (19) *any conviction for any offense in effect at any time prior to*
14 *July 1, 2011, that is comparable to any offense as provided in this*
15 *subsection.*

16 (f) *Notwithstanding any other law to the contrary, for any offender*
17 *who is required to register as provided in the Kansas offender*
18 *registration act, K.S.A. 22-4901 et seq., and amendments thereto, there*
19 *shall be no expungement of any conviction or any part of the offender's*
20 *criminal record while the offender is required to register as provided in*
21 *the Kansas offender registration act.*

22 (g) (1) *When a petition for expungement is filed, the court shall set*
23 *a date for a hearing of such petition and shall cause notice of such*
24 *hearing to be given to the prosecutor and the arresting law enforcement*
25 *agency. The petition shall state the:*

26 (A) *Defendant's full name;*

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

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

30 (D) *crime for which the defendant was arrested, convicted or*
31 *diverted;*

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

33 (F) *identity of the convicting court, arresting law enforcement*
34 *authority or diverting authority.*

35 (2) *Except as otherwise provided by law, a petition for expungement*
36 *shall be accompanied by a docket fee in the amount of \$176. On and*
37 *after July 1, 2019, through June 30, 2025, the supreme court may*
38 *impose a charge, not to exceed \$19 per case, to fund the costs of non-*
39 *judicial personnel. The charge established in this section shall be the*
40 *only fee collected or moneys in the nature of a fee collected for the case.*
41 *Such charge shall only be established by an act of the legislature and no*
42 *other authority is established by law or otherwise to collect a fee.*

43 (3) *All petitions for expungement shall be docketed in the original*

1 *criminal action. Any person who may have relevant information about*
2 *the petitioner may testify at the hearing. The court may inquire into the*
3 *background of the petitioner and shall have access to any reports or*
4 *records relating to the petitioner that are on file with the secretary of*
5 *corrections or the prisoner review board.*

6 *(h) At the hearing on the petition, the court shall order the*
7 *petitioner's arrest record, conviction or diversion expunged if the court*
8 *finds that:*

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

12 *(2) the circumstances and behavior of the petitioner warrant the*
13 *expungement; and*

14 *(3) the expungement is consistent with the public welfare; and*

15 *(4) with respect to petitions seeking expungement of a felony*
16 *conviction, possession of a firearm by the petitioner is not likely to pose a*
17 *threat to the safety of the public.*

18 *(i) When the court has ordered an arrest record, conviction or*
19 *diversion expunged, the order of expungement shall state the*
20 *information required to be contained in the petition. The clerk of the*
21 *court shall send a certified copy of the order of expungement to the*
22 *Kansas bureau of investigation—~~which~~ that shall notify the federal*
23 *bureau of investigation, the secretary of corrections and any other*
24 *criminal justice agency—~~which~~ that may have a record of the arrest,*
25 *conviction or diversion. If the case was appealed from municipal court,*
26 *the clerk of the district court shall send a certified copy of the order of*
27 *expungement to the municipal court. The municipal court shall order*
28 *the case expunged once the certified copy of the order of expungement is*
29 *received. After the order of expungement is entered, the petitioner shall*
30 *be treated as not having been arrested, convicted or diverted of the*
31 *crime, except that:*

32 *(1) Upon conviction for any subsequent crime, the conviction that*
33 *was expunged may be considered as a prior conviction in determining*
34 *the sentence to be imposed;*

35 *(2) the petitioner shall disclose that the arrest, conviction or*
36 *diversion occurred if asked about previous arrests, convictions or*
37 *diversions:*

38 *(A) In any application for licensure as a private detective, private*
39 *detective agency, certification as a firearms trainer pursuant to K.S.A.*
40 *75-7b21, and amendments thereto, or employment as a detective with a*
41 *private detective agency, as defined by K.S.A. 75-7b01, and amendments*
42 *thereto; as security personnel with a private patrol operator, as defined*
43 *by K.S.A. 75-7b01, and amendments thereto; or with an institution, as*

1 *defined in K.S.A. 76-12a01, and amendments thereto, of the Kansas*
2 *department for aging and disability services;*

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

5 *(C) to aid in determining the petitioner's qualifications for*
6 *employment with the Kansas lottery or for work in sensitive areas within*
7 *the Kansas lottery as deemed appropriate by the executive director of the*
8 *Kansas lottery;*

9 *(D) to aid in determining the petitioner's qualifications for*
10 *executive director of the Kansas racing and gaming commission, for*
11 *employment with the commission or for work in sensitive areas in*
12 *parimutuel racing as deemed appropriate by the executive director of the*
13 *commission, or to aid in determining qualifications for licensure or*
14 *renewal of licensure by the commission;*

15 *(E) to aid in determining the petitioner's qualifications for the*
16 *following under the Kansas expanded lottery act: (i) Lottery gaming*
17 *facility manager or prospective manager, racetrack gaming facility*
18 *manager or prospective manager, licensee or certificate holder; or (ii) an*
19 *officer, director, employee, owner, agent or contractor thereof;*

20 *(F) upon application for a commercial driver's license under K.S.A.*
21 *8-2,125 through 8-2,142, and amendments thereto;*

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

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

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

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

32 *(K) to aid in determining the petitioner's qualifications for a license to*
33 *carry a concealed weapon pursuant to the personal and family protection*
34 *act, K.S.A. 75-7e01 et seq., and amendments thereto; or*

35 ~~*(L) to aid in determining the petitioner's qualifications for a license*~~
36 ~~*to act as a bail enforcement agent pursuant to K.S.A. 75-7e01 through*~~
37 ~~*75-7e09, and amendments thereto, and K.S.A. 2020 Supp. 50-6,141, and*~~
38 ~~*amendments thereto;*~~

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

41 *(4) the conviction may be disclosed in a subsequent prosecution for*
42 *an offense which that requires as an element of such offense a prior*
43 *conviction of the type expunged; and*

1 ***(5) upon commitment to the custody of the secretary of corrections,***
2 ***any previously expunged record in the possession of the secretary of***
3 ***corrections may be reinstated and the expungement disregarded, and the***
4 ***record continued for the purpose of the new commitment.***

5 ***(j) Whenever a person is convicted of a crime, pleads guilty and***
6 ***pays a fine for a crime, is placed on parole, postrelease supervision or***
7 ***probation, is assigned to a community correctional services program, is***
8 ***granted a suspended sentence or is released on conditional release, the***
9 ***person shall be informed of the ability to expunge the arrest records or***
10 ***conviction. Whenever a person enters into a diversion agreement, the***
11 ***person shall be informed of the ability to expunge the diversion.***

12 ***(k) (1) Subject to the disclosures required pursuant to subsection***
13 ***(i), in any application for employment, license or other civil right or***
14 ***privilege, or any appearance as a witness, a person whose arrest records,***
15 ***conviction or diversion of a crime has been expunged under this statute***
16 ***may state that such person has never been arrested, convicted or diverted***
17 ***of such crime.***

18 ***(2) Notwithstanding the provisions of subsection (k)(1), and except as***
19 ***provided in K.S.A. 2020 Supp. 21-6304(a)(3)(A), and amendments***
20 ***thereto, the expungement of a prior felony conviction does not relieve the***
21 ***individual of complying with any state or federal law relating to the use,***
22 ***shipment, transportation, receipt or possession of firearms by persons***
23 ***previously convicted of a felony. A person whose arrest record, conviction***
24 ***or diversion of a crime that resulted in such person being prohibited by***
25 ***state or federal law from possessing a firearm has been expunged under***
26 ***this statute shall be deemed to have had such person's right to keep and***
27 ***bear arms fully restored. This restoration of rights shall include, but not be***
28 ***limited to, the right to use, transport, receive, purchase, transfer and***
29 ***possess firearms. The provisions of this paragraph shall apply to all***
30 ***orders of expungement, including any orders issued prior to July 1, 2021.***

31 ***(l) Whenever the record of any arrest, conviction or diversion has***
32 ***been expunged under the provisions of this section or under the***
33 ***provisions of any other existing or former statute, the custodian of the***
34 ***records of arrest, conviction, diversion and incarceration relating to that***
35 ***crime shall not disclose the existence of such records, except when***
36 ***requested by:***

37 ***(1) The person whose record was expunged;***

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

42 ***(3) a court, upon a showing of a subsequent conviction of the***
43 ***person whose record has been expunged;***

1 (4) *the secretary for aging and disability services, or a designee of*
2 *the secretary, for the purpose of obtaining information relating to*
3 *employment in an institution, as defined in K.S.A. 76-12a01, and*
4 *amendments thereto, of the Kansas department for aging and disability*
5 *services of any person whose record has been expunged;*

6 (5) *a person entitled to such information pursuant to the terms of*
7 *the expungement order;*

8 (6) *a prosecutor, and such request is accompanied by a statement*
9 *that the request is being made in conjunction with a prosecution of an*
10 *offense that requires a prior conviction as one of the elements of such*
11 *offense;*

12 (7) *the supreme court, the clerk or disciplinary administrator*
13 *thereof, the state board for admission of attorneys or the state board for*
14 *discipline of attorneys, and the request is accompanied by a statement*
15 *that the request is being made in conjunction with an application for*
16 *admission, or for an order of reinstatement, to the practice of law in this*
17 *state by the person whose record has been expunged;*

18 (8) *the Kansas lottery, and the request is accompanied by a*
19 *statement that the request is being made to aid in determining*
20 *qualifications for employment with the Kansas lottery or for work in*
21 *sensitive areas within the Kansas lottery as deemed appropriate by the*
22 *executive director of the Kansas lottery;*

23 (9) *the governor or the Kansas racing and gaming commission, or a*
24 *designee of the commission, and the request is accompanied by a*
25 *statement that the request is being made to aid in determining*
26 *qualifications for executive director of the commission, for employment*
27 *with the commission, for work in sensitive areas in parimutuel racing as*
28 *deemed appropriate by the executive director of the commission or for*
29 *licensure, renewal of licensure or continued licensure by the*
30 *commission;*

31 (10) *the Kansas racing and gaming commission, or a designee of*
32 *the commission, and the request is accompanied by a statement that the*
33 *request is being made to aid in determining qualifications of the*
34 *following under the Kansas expanded lottery act: (A) Lottery gaming*
35 *facility managers and prospective managers, racetrack gaming facility*
36 *managers and prospective managers, licensees and certificate holders;*
37 *and (B) their officers, directors, employees, owners, agents and*
38 *contractors;*

39 (11) *the Kansas sentencing commission;*

40 (12) *the state gaming agency, and the request is accompanied by a*
41 *statement that the request is being made to aid in determining*
42 *qualifications: (A) To be an employee of the state gaming agency; or (B)*
43 *to be an employee of a tribal gaming commission or to hold a license*

1 *issued pursuant to a tribal-gaming compact;*

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

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

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

17 *(16) (A) the attorney general and the request is accompanied by a*
18 *statement that the request is being made to aid in determining*
19 *qualifications for a license to:*

20 ~~*(A) Carry a concealed weapon pursuant to the personal and family*~~
21 ~~*protection act; or*~~

22 ~~*(B) act as a bail enforcement agent pursuant to K.S.A. 75-7e01*~~
23 ~~*through 75-7e09, and amendments thereto, and K.S.A. 2020 Supp. 50-*~~
24 ~~*6,141, and amendments thereto; or*~~

25 ~~*(B) the attorney general for any other purpose authorized by law,*~~
26 ~~*except that an expungement record shall not be the basis for denial of a*~~
27 ~~*license to carry a concealed handgun under the personal and family*~~
28 ~~*protection act; or*~~

29 ~~*(17) the Kansas bureau of investigation, for the purposes purpose*~~
30 ~~*of:*~~

31 ~~*(A) completing a person's criminal history record information*~~
32 ~~*within the central repository, in accordance with K.S.A. 22-4701 et seq.,*~~
33 ~~*and amendments thereto; or*~~

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

37 ~~*(m) (1) The provisions of subsection (l)(17) shall apply to records*~~
38 ~~*created prior to, on and after July 1, 2011.*~~

39 ~~*(2) Upon the issuance of an order of expungement that resulted in the*~~
40 ~~*restoration of a person's right to keep and bear arms, the Kansas bureau*~~
41 ~~*of investigation shall report to the federal bureau of investigation that*~~
42 ~~*such expunged record be withdrawn from the national instant criminal*~~
43 ~~*background check system. The Kansas bureau of investigation shall*~~

1 *include such order of expungement in the person's criminal history record*
2 *for purposes of documenting the restoration of such person's right to keep*
3 *and bear arms.*

4 **Sec. ~~5~~ 7. K.S.A. 2020 Supp. 32-1002 is hereby amended to read as**
5 **follows: 32-1002. (a) Unless and except as permitted by law or rules**
6 **and regulations adopted by the secretary in accordance with K.S.A.**
7 **32-805, and amendments thereto, it is unlawful for any person to:**

8 **(1) Hunt, fish, furharvest or take any wildlife in this state by any**
9 **means or manner;**

10 **(2) possess any wildlife, dead or alive, at any time or in any**
11 **number, in this state;**

12 **(3) purchase, sell, exchange, ship or offer for sale, exchange or**
13 **shipment any wildlife in this state;**

14 **(4) take any wildlife in this state for sale, exchange or other**
15 **commercial purposes;**

16 **(5) possess any seine, trammel net, hoop net, fyke net, fish gig,**
17 **fish spear, fish trap or other device, contrivance or material for the**
18 **purpose of taking wildlife; or**

19 **(6) take or use, at any time or in any manner, any game bird,**
20 **game animal, coyote or furbearing animal, whether pen-raised or**
21 **wild, in any field trial or for training dogs.**

22 **(b) The provisions of subsections (a)(2) and (a)(3) do not apply to**
23 **animals sold in surplus property disposal sales of department exhibit**
24 **herds or animals legally taken outside this state, except the provisions**
25 **of subsection (a)(3) shall apply to:**

26 **(1) The meat of game animals legally taken outside this state; and**

27 **(2) other restrictions as provided by rule and regulation of the**
28 **secretary.**

29 **(c) The provisions of this section shall not be construed to**
30 **prevent:**

31 **(1) Any person from taking starlings or English and European**
32 **sparrows;**

33 **(2) owners or legal occupants of land from killing any animals**
34 **when found in or near buildings on their premises or when destroying**
35 **property, subject to the following: (A) The provisions of all federal**
36 **laws and regulations governing protected species and the provisions of**
37 **K.S.A. 32-957 through 32-963, and amendments thereto, and rules and**
38 **regulations adopted thereunder; (B) it is unlawful to use, or possess**
39 **with intent to use, any such animal so killed unless authorized by rules**
40 **and regulations of the secretary; and (C) such owners or legal**
41 **occupants shall make reasonable efforts to alleviate their problems**
42 **with any such animals before killing them;**

43 **(3) any person who lawfully possesses a handgun from carrying**

1 **such handgun, whether concealed or openly carried, while lawfully**
 2 **hunting, fishing or furharvesting, if such person is either: (A) 21 years**
 3 **of age or older; or (B) possesses a valid provisional license issued**
 4 **pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license to**
 5 **carry a concealed handgun issued by another jurisdiction that is**
 6 **recognized in this state pursuant to K.S.A. 75-7c03, and amendments**
 7 **thereto; or**

8 **(4) any person who lawfully possesses a device or attachment of**
 9 **any kind designed, used or intended for use in suppressing the report**
 10 **of any firearm from using such device or attachment in conjunction**
 11 **with lawful hunting, fishing or furharvesting.**

12 **(d) Any person convicted of violating provisions of this section**
 13 **shall be subject to the penalties prescribed in K.S.A. 32-1031, and**
 14 **amendments thereto, except as provided in K.S.A. 32-1032, and**
 15 **amendments thereto, relating to big game and wild turkey.**

16 **Sec. ~~6~~ 8. K.S.A. 75-7c02 is hereby amended to read as follows:**
 17 **75-7c02. As used in the personal and family protection act, *except as***
 18 ***otherwise provided:***

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

21 **(b) "Handgun" means a "firearm," as defined in K.S.A. 75-7b01,**
 22 **and amendments thereto.**

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

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

29 **(e) "License" means a provisional or standard license issued by the**
 30 **attorney general pursuant to K.S.A. 75-7c03, and amendments thereto.}**

31 **Sec. ~~2-7-7~~ 9. K.S.A. 75-7c03 is hereby amended to read as follows:**
 32 **75-7c03. (a) The attorney general shall issue licenses to carry concealed**
 33 **handguns to persons who comply with the application and training**
 34 **requirements of this act and who are not disqualified under K.S.A. 75-**
 35 **7c04, and amendments thereto. Such licenses shall be valid throughout the**
 36 **state for a period of four years from the date of issuance. The availability**
 37 **of licenses to carry concealed handguns under this act shall not be**
 38 **construed to impose a general prohibition on the carrying of handguns**
 39 **without such license, whether carried openly or concealed, or loaded or**
 40 **unloaded.**

41 **(b) Except as otherwise provided in subsection (d), the license**
 42 **shall be a separate card, in a form prescribed by the attorney general, that**
 43 **is approximately the size of a Kansas driver's license{, shall indicate**

1 **whether the license is a provisional or standard license}** and shall bear
2 the licensee's signature, name, address, date of birth and driver's license
3 number or nondriver's identification card number except that the attorney
4 general shall assign a unique number for military applicants or their
5 dependents described in K.S.A. 75-7c05(a)(1)(B), and amendments
6 thereto.

7 *(c) (1) Subject to the provisions of subsection (c)(2), a valid license*
8 *or permit to carry a concealed firearm issued by another jurisdiction shall*
9 *be recognized in this state, but only while the holder is not a resident of*
10 *Kansas.*

11 *(2) A valid license or permit that is recognized pursuant to this*
12 *subsection shall only entitle the lawful holder thereof to carry concealed*
13 *handguns, as defined by K.S.A. 75-7c02, and amendments thereto, ~~in this~~*
14 *state, and the holder thereof shall otherwise act in accordance with the*
15 *laws of this state while such holder is present in this state. The recognition*
16 *of a license or permit pursuant to this subsection shall not be construed to*
17 *impose a general prohibition on the carrying of handguns without such*
18 *license, whether carried openly or concealed, or loaded or unloaded.*

19 *(3) As used in this subsection, the terms "jurisdiction" and "license or*
20 *permit" shall have the same meanings as provided in K.S.A. 75-7c04, and*
21 *amendments thereto.*

22 **(d) If at any time it becomes impractical for the division of**
23 **vehicles of the department of revenue to issue physical cards**
24 **consistent with the requirements of this act and the attorney general**
25 **determines that the conditions for such impracticality have existed for**
26 **at least 30 days, the attorney general shall issue an authorization**
27 **document to each licensee that authorizes the licensee to exercise the**
28 **rights and privileges to carry a concealed handgun as set forth in this**
29 **act. Such document shall include the licensee information required**
30 **under subsection (b) and state that the document is proof that the**
31 **licensee holds a valid license to carry concealed handguns. All such**
32 **documents issued during any such period that it is impractical for the**
33 **division of vehicles of the department of revenue to issue a physical**
34 **card shall expire 90 days after such conditions have ceased and it is**
35 **practical for the division of vehicles to resume issuing physical cards.**

36 **{Sec. ~~8~~ 10. K.S.A. 75-7c04 is hereby amended to read as follows:**
37 **75-7c04. (a) The attorney general shall not issue a license pursuant to**
38 **this act if the applicant:**

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

41 **(2) is prohibited from shipping, transporting, possessing or**
42 **receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n),**
43 **and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or**

1 K.S.A. 2020 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2020
2 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

3 (3) (A) *For a provisional license, is less than ~~21~~ 18 years of age; or*

4 (B) *for a standard license, is less than 21 years of age.*

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

28 (2) The cost of the handgun safety and training course required
29 by this section shall be paid by the applicant. The following shall
30 constitute satisfactory evidence of satisfactory completion of an
31 approved handgun safety and training course:

32 (A) Evidence of completion of a course that satisfies the
33 requirements of subsection (b)(1), in the form provided by rules and
34 regulations adopted by the attorney general;

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

38 (C) evidence of completion of a course offered in another
39 jurisdiction which is determined by the attorney general to have
40 training requirements that are equal to or greater than those required
41 by this act; or

42 (D) a determination by the attorney general pursuant to
43 subsection (c).

1 (c) (1) The attorney general may:

2 ~~(+)~~(A) Create a list of concealed carry handgun licenses or
 3 permits issued by other jurisdictions ~~which~~ that the attorney general
 4 finds have training requirements that are equal to or greater than
 5 those of this state; and

6 ~~(2)~~(B) review each application received pursuant to K.S.A. 75-
 7 7c05, and amendments thereto, to determine if the applicant's
 8 previous training qualifications were equal to or greater than those of
 9 this state.

10 ~~(d)~~(2) For the purposes of this ~~section~~ subsection:

11 ~~(+)~~(A) "Equal to or greater than" means the applicant's prior
 12 training meets or exceeds the training established in this section by
 13 having required, at a minimum, the applicant to: ~~(A)~~(i) Receive
 14 instruction on the laws of self-defense; and ~~(B)~~(ii) demonstrate
 15 training and competency in the safe handling, storage and actual
 16 firing of handguns.

17 ~~(2)~~(B) "Jurisdiction" means another state or the District of
 18 Columbia.

19 ~~(3)~~(C) "License or permit" means a concealed carry handgun
 20 license or permit from another jurisdiction ~~which~~ that has not expired
 21 and, except for any residency requirement of the issuing jurisdiction,
 22 is currently in good standing.}

23 ~~Sec. 3-9.7~~ 11. K.S.A. 75-7c05 is hereby amended to read as
 24 follows: 75-7c05. (a) The application for a license pursuant to this act
 25 shall be completed, under oath, on a form prescribed by the attorney
 26 general and shall only include:

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

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

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

42 (4) a conspicuous warning that the application is executed under
 43 oath and that a false answer to any question, or the submission of any

1 false document by the applicant, subjects the applicant to criminal
2 prosecution under K.S.A. 2020 Supp. 21-5903, and amendments
3 thereto; and

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

6 (b) Except as otherwise provided in subsection (i), the applicant
7 shall submit to the sheriff of the county where the applicant resides,
8 during any normal business hours:

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

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

16 (3) if applicable, a photocopy of the proof of training required by
17 K.S.A. 75-7c04(b)(1), and amendments thereto; and

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

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

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

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

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

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

17 **(1) (A) Issue the license and certify the issuance to the department**
18 **of revenue; and**

19 **(B) if it is impractical for the division of vehicles of the department of**
20 **revenue to issue physical cards consistent with the requirements of this act**
21 **and the attorney general has determined that the conditions for such**
22 **impracticality have existed for at least 30 days, the attorney general shall**
23 **issue an authorization document in accordance with K.S.A. 75-7c03(d),**
24 **and amendments thereto; or**

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

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

38 **(g) (1) A person who is a retired law enforcement officer, as**
39 **defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, shall**
40 **be: (A) Required to pay an original license fee as provided in**
41 **subsection (b)(2), to be forwarded by the sheriff to the attorney**
42 **general; (B) exempt from the required completion of a handgun safety**
43 **and training course if such person was certified by the Kansas**

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

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

14 (h) A person who is a corrections officer, a parole officer or a
15 corrections officer employed by the federal bureau of prisons, as
16 defined by K.S.A. 75-5202, and amendments thereto, shall be: (1)
17 Required to pay an original license fee as provided in subsection (b)
18 (2); (2) exempt from the required completion of a handgun safety and
19 training course if such person was issued a certificate of firearms
20 training by the department of corrections or the federal bureau of
21 prisons or similar body not more than one year prior to submission of
22 the application; (3) required to pay the license renewal fee; (4)
23 required to pay to the department of revenue the fees required by
24 subsection (f); and (5) required to comply with the criminal history
25 records check requirement of this section.

26 (i) A person who presents proof that such person is on active duty
27 with any branch of the armed forces of the United States and is
28 stationed at a United States military installation located outside this
29 state, may submit by mail an application described in subsection (a)
30 and the other materials required by subsection (b) to the sheriff of the
31 county where the applicant resides. Provided the applicant is
32 fingerprinted at a United States military installation, the applicant
33 may submit a full set of fingerprints of such applicant along with the
34 application. Upon receipt of such items, the sheriff shall forward to
35 the attorney general the application and the portion of the original
36 license fee which is payable to the attorney general.

37 {~~Sec. 10~~ 12. K.S.A. 75-7c08 is hereby amended to read as follows:
38 75-7c08. (a) Not less than 90 days prior to the expiration date of the
39 license, the attorney general shall mail to the licensee a written notice
40 of the expiration and a renewal form prescribed by the attorney
41 general. The licensee shall renew the license on or before the
42 expiration date by filing with the attorney general the renewal form, a
43 notarized affidavit, either in person or by certified mail, stating that

1 the licensee remains qualified pursuant to the criteria specified in
2 K.S.A. 75-7c04, and amendments thereto, a full frontal view
3 photograph of the applicant taken within the preceding 30 days and a
4 nonrefundable license renewal fee of \$25 payable to the attorney
5 general. The attorney general shall complete a name-based
6 background check, including a search of the national instant criminal
7 background check system database. A licensee who fails to file a
8 renewal application on or before the expiration date of the license
9 must pay an additional late fee of \$15. A renewal application is
10 considered filed on the date the renewal form, affidavit, and required
11 fees are delivered in person to the attorney general's office or on the
12 date a certified mailing to the attorney general's office containing
13 these items is postmarked.

14 (b) Upon receipt of a renewal application as specified in
15 subsection (a), a background check in accordance with ~~subsection (d)~~
16 ~~of K.S.A. 75-7c05(d)~~, and amendments thereto, shall be completed.
17 Fingerprints shall not be required for renewal applications. If the
18 licensee is not disqualified as provided by this act, the license shall be
19 renewed upon receipt by the attorney general of the items listed in
20 subsection (a) and the completion of the background check. *If the*
21 *licensee holds a valid provisional license at the time the renewal*
22 *application is submitted, then the attorney general shall issue a standard*
23 *license to the licensee if the licensee is not disqualified as provided by this*
24 *act.*

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

33 ~~Sec. 11. 13.~~ K.S.A. 75-7c21 is hereby amended to read as follows:
34 75-7c21. (a) An individual may carry a concealed handgun in the state
35 capitol, ~~provided if such individual is not prohibited from possessing a~~
36 ~~firearm under either federal or state law, and is either: (A) 21 years of~~
37 ~~age or older; or (B) possesses a valid provisional license issued pursuant~~
38 ~~to K.S.A. 75-7c03, and amendments thereto, or a valid license to carry a~~
39 ~~concealed handgun issued by another jurisdiction that is recognized in~~
40 ~~this state pursuant to K.S.A. 75-7c03, and amendments thereto.~~

41 (b) This section shall be a part of and supplemental to the
42 personal and family protection act.}

43 ~~Sec. 3-4. {12.} 14.~~ K.S.A. {75-7c02,} 75-7c03 ~~and~~, {75-7c04,} 75-

- 1 **7c05**{, **75-7c08 and 75-7c21**} and K.S.A. 2020 Supp. {**21-5914, 21-6301,**
2 **21-6302**{, **21-6304, 21-6309, 21-6614 and 32-1002**} are hereby repealed.
3 ~~Sec. 4-5-13.~~ **15.** This act shall take effect and be in force from and
4 after its publication in the statute book.