

HOUSE BILL No. 2098

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning the personal and family protection act; relating to the
2 licensure of certain officers; amending K.S.A. 2012 Supp. 75-7c05 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 75-7c05 is hereby amended to read as
7 follows: 75-7c05. (a) The application for a license pursuant to this act shall
8 be completed, under oath, on a form prescribed by the attorney general and
9 shall only include:

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

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

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

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

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

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

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

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

1 orders of \$32.50 payable to the sheriff of the county where the applicant
2 resides and \$100 payable to the attorney general;

3 (3) a photocopy of a certificate or an affidavit or document as
4 described in subsection (b) of K.S.A. 2012 Supp. 75-7c04, and
5 amendments thereto, or if applicable, of a license to carry a firearm as
6 described in subsection (d) of K.S.A. 2012 Supp. 75-7c03, and
7 amendments thereto; and

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

10 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) of
11 this section, shall provide for the full set of fingerprints of the applicant to
12 be taken and forwarded to the attorney general for purposes of a criminal
13 history records check as provided by subsection (d). In addition, the sheriff
14 shall forward to the attorney general a copy of the application and the
15 portion of the original license fee which is payable to the attorney general.
16 The cost of taking such fingerprints shall be included in the portion of the
17 fee retained by the sheriff. Notwithstanding anything in this section to the
18 contrary, an applicant shall not be required to submit fingerprints for a
19 renewal application under K.S.A. 2012 Supp. 75-7c08, and amendments
20 thereto.

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

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

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

1 state or national criminal history record check to determine the applicant's
2 eligibility for such license.

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

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

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

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

19 (g) (1) A person who is a retired law enforcement officer, as defined
20 in K.S.A. 2012 Supp. 21-5111, and amendments thereto, shall be: (A)
21 Required to pay an original license fee of \$75, which fee shall be in the
22 form of two cashier checks or money orders, \$25 payable to the sheriff of
23 the county where the applicant resides and \$50 payable to the attorney
24 general, to be forwarded by the sheriff to the attorney general as provided
25 in subsection (b)(2); (B) exempt from the required completion of a
26 ~~weapons~~ handgun safety and training course if such person was certified
27 by the Kansas commission on peace officer's standards and training, or
28 similar body from another jurisdiction, not more than eight years prior to
29 submission of the application; (C) required to pay the license renewal fee;
30 (D) required to pay to the department of revenue the fees required by
31 subsection (f); and (E) required to comply with the criminal history
32 records check requirement of this section.

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

40 (h) *A person who is a corrections officer, a parole officer or a*
41 *corrections officer employed by the federal bureau of prisons, as defined*
42 *by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay*
43 *an original license fee as provided in subsection (b)(2); (2) exempt from*

1 *the required completion of a handgun safety and training course if such*
2 *person was issued a certificate of firearms training by the department of*
3 *corrections or the federal bureau of prisons or similar body not more than*
4 *one year prior to submission of the application; (3) required to pay the*
5 *license renewal fee; (4) required to pay to the department of revenue the*
6 *fees required by subsection (f); and (5) required to comply with the*
7 *criminal history records check requirement of this section.*

8 Sec. 2. K.S.A. 2012 Supp. 75-7c05 is hereby repealed.

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