

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **HB 2055** be amended on page 1, in line 8, after "in" by inserting "any"; also in line 8, by striking "buildings" and inserting "building"; in line 10, after "building" by inserting "and the building is conspicuously posted in accordance with K.S.A. 2012 Supp. 75-7c10, and amendments thereto"; in line 12, after "security" by inserting "measures"; in line 13, by striking "a concealed"; in line 14, by striking all before the period and inserting "any weapons into such building"; in line 19, by striking all before the period and inserting "and the building is conspicuously posted in accordance with K.S.A. 2012 Supp. 75-7c10, and amendments thereto"; in line 21, by striking "such" and inserting "a state or municipal"; in line 24, by striking all after "measures"; in line 25, by striking all before the period and inserting "and the building is conspicuously posted in accordance with K.S.A. 2012 Supp. 75-7c10, and amendments thereto"; in line 26, after "security" by inserting "measures"; in line 27, by striking "public building and which properly posts a sign" and inserting "state or municipal building and conspicuously posts signage in accordance with K.S.A. 2012 Supp. 75-7c10, and amendments thereto,"; in line 28, by striking "as"; in line 29, by striking all before the comma; in line 34, by striking "in a public" and inserting "measures in a state or municipal";

On page 2, in line 16, by striking "post secondary" and inserting "postsecondary"; in line 23, after "person" by inserting "into any building located";

On page 3, in line 9, by striking all after "firearm"; in line 10, by striking "places";

On page 4, following line 43, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

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

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

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

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

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

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

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

(2) ~~except as provided by subsection (g),~~ a nonrefundable license fee of \$132.50, if the

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

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

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

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

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

submission of such report.

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

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

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

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

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

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

(g) (1) A person who is a retired law enforcement officer, as defined in K.S.A. 2012 Supp. 21-

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

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

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

On page 5, in line 41, after "security" by inserting "measures"; in line 42, by striking "or facility"; also in line 42, by striking "properly posts a sign" and inserting "conspicuously posts signage

in accordance with this section"; in line 43, by striking "on the premises of" and inserting "in"; also in line 43, by striking "or";

On page 6, in line 1, by striking all before "shall"; in line 5, after "security" by inserting "measures"; in line 6, by striking "or facility"; in line 22, by striking "(f)" and inserting "(h)"; following line 23, by inserting:

"(d) Any board of education of a unified school district, governing body of any community college, technical college or the institute of technology, or the chancellor or president of any state educational institution may permit any employee, who is licensed to carry a concealed handgun as authorized by the provisions of K.S.A. 75-7c01 et seq., and amendments thereto, to carry a concealed handgun in any school building if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of K.S.A. 75-7c10, and amendments thereto.";

And by redesignating the remaining subsections accordingly;

Also on page 6, in line 26, by striking "(b)" and inserting "(c)"; in line 27, by striking "(f)" and inserting "(h)"; in line 28, by striking all after "shall"; by striking all in lines 29 and 30; in line 31, by striking all before the period and inserting "not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises"; in line 32, by striking "(b)" and inserting "(c)"; in line 39, after the comma by inserting "or a law enforcement officer from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C,"; in line 40, by striking "(b)" and inserting "(c)";

On page 7, in line 2, by striking the comma and inserting ":

(1) "Adequate security measures" shall have the same meaning as the term is defined in section 1, and amendments thereto;

(2) ";

Also on page 7, in line 10, by striking "(b)" and inserting "(c)"; following line 18, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed handguns for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed handguns for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed handguns by persons licensed under this act except as provided in subsection-~~(b)~~ (c) of K.S.A. 2012 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its repeal, or subsection-~~(e)~~ (f) of K.S.A. 2012 Supp. 21-6309, and amendments thereto. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed handguns by persons licensed under this act except as provided in subsection-~~(b)~~ (c) of K.S.A. 2012 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its repeal, or subsection-~~(e)~~ (f) of K.S.A. 2012 Supp. 21-6309, and amendments thereto, shall be null and void.

(b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on licensees will be done through the district court.

(c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.

(d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.";

And by renumbering sections accordingly;

Also on page 7, in line 19, by striking "and" and inserting ", 75-7c05,"; also in line 19, after "75-7c10" by inserting "and 75-7c17";

On page 1, in the title, in line 2, by striking the first "and" and inserting ", 75-7c05,"; also in line 2, after "75-7c10" by inserting "and 75-7c17"; and the bill be passed as amended.

Chairperson