

## Frequently Asked Questions

# FAQ's

Updated 7/1/2009

### Kansas Personal and Family Protection Act [K.S.A 75-7c01 et. seq]



- When did the Kansas Personal and Family Protection Act (concealed carry) become law?
  - Answer: The act became law on July 1, 2006; however, the law specified that no permits would be issued prior to January 1, 2007.
- When were the first concealed carry handgun (CCH) licenses issued under the Act?
  - Answer: January 3, 2007.
- Where can I get an application?
  - Answer: You can access an online application from the Attorney General's website, print off a copy of the application from the website or obtain a paper copy of the application form at the sheriff's office in your county of residence.
- Where do I submit my application?
  - Answer: Individuals who wish to apply for a Kansas CCH license must apply at the sheriff's office in the county where they live, regardless of whether their applications were completed online, downloaded from the Attorney General's website or obtained from the sheriff.
- How long will a Kansas CCH license be valid?
  - Answer: Kansas CCH licenses will be valid for a period of 4 years (provided the license is not suspended or revoked for some reason.)

- Is there any training required?
  - Answer: Yes. The Kansas Personal and Family Protection Act (KPFPA) requires that all CCH license applicants must successfully complete an 8-hour training program approved by the Attorney General before they may obtain a Kansas CCH license.
  
- How much will a license cost?
  - Answer: The application fee totals \$150 dollars. Additionally, the 8-hr training course will cost an applicant approximately \$100 – but that price varies amongst instructors and is at their discretion. When a person applies for a Kansas CCH license, he/she will be required to submit a money order or cashier's check in the amount of \$40 payable to the sheriff's office in the county where the applicant resides, and a second money order or cashier's check in the amount of \$110 payable to the Office of the Attorney General (\$40 + \$110 = \$150 application fee).
  
- Where do I go to get the required 8-hour training?
  - Answer: Under the KPFPA the Attorney General is responsible for the certification of instructors approved to teach the required 8-hour training program. A directory of certified instructors (listed by county) is posted on the Attorney General's web site-
  
- How much will the training class cost?
  - Answer: Because the training classes are taught by private individuals the cost of a class will vary from trainer to trainer. Applicants may receive their training from any certified trainer and applicants may certainly "shop around" for the most convenient or economical class.
  
- Do I have to complete the required training program before or after I submit my application?
  - Answer: The required 8-hour training class must be completed before a person can submit an application to the sheriff's office. Once a person has completed the required class, the instructor will sign a form certifying that the person has completed the class and a copy of that form must be attached when an application is submitted to the sheriff's office.
  
- Do I have to be a resident of the State of Kansas to obtain a Kansas CCH license?
  - Answer: Yes. All applicants must be a resident of the State of Kansas for at least 6 months immediately prior to making application for a CCH license. Kansas will not issue CCH licenses to non-residents. **NEW:** Without getting too technical, active duty military are now allowed to apply for a Kansas CCH and keep their out-of-state identification cards.

- How long does it take to process a license application, and when can I expect to receive an approval notice?
  - Answer: The Attorney General must process an application and notify the applicant within 90 days of receiving the application. At a minimum, applicants will not receive a notice of approval until approximately 60 days has elapsed. This is to allow the chiefs of police and sheriffs time to submit additional information in support of a license denial. Unless an applicant receives a written request for additional information, the person should not expect to hear from the Attorney General for at least 45 - 60 days.
  
- I have a criminal history, can I still apply?
  - Answer: Yes, but not if you have (1) an adult felony conviction or diversion, (2) been adjudicated as a juvenile for a felony, or (3) had a misdemeanor conviction for domestic violence. Other misdemeanor convictions, diversions or adjudications (involving controlled substances, DUI, domestic violence and firearms), if occurring within five years of application will disqualify the applicant. Applicants are encouraged to read the application forms carefully to determine their eligibility. Some expungable criminal convictions could result in a permanent ban on possession of firearms. Persons with a criminal history should consult an attorney before applying. **The following exceptions allow persons with expunged adult felonies and misdemeanors and expunged juvenile adjudications to apply.**
    - If an individual has an expunged adult felony level conviction or diversion in their criminal history, that individual will be able to apply for a CCH license once 5 years have elapsed since the date that they were **eligible** to expunge that conviction or diversion;
    - if an individual has an expunged adult misdemeanor conviction or diversion, for an offense as described under K.S.A. 75-7c04(a)(5) and (a)(6), and amendments thereto, then that individual will be able to apply for a CCH license once 5 years have elapsed since the date of the conviction or diversion;
    - if an individual has a non-expungeable felony conviction or diversion in their criminal history, as outlined under K.S.A. 21-4619, then that individual **is still ineligible** for CCH licensure; and
    - if an individual has an expunged juvenile adjudication for any of the above categories of offenses, that individual is eligible for CCH licensure upon expungement of the adjudication.
  
- I have an expunged felony conviction and a misdemeanor diversion for offenses that would otherwise disqualify me for a concealed carry license. Do I have to

disclose my expunged conviction and diversion on the concealed carry application?

- Answer: Yes, the Personal and Family Protection Act gives the attorney general access to expunged adult felony and misdemeanor records for the purpose of determining eligibility for licensure. Additionally, as mandated by 2008 changes to the expungement laws, K.S.A. 12-4516 and 21-4619, individuals applying for a Kansas concealed carry license must disclose the existence of any expunged felony conviction or diversion or any expunged misdemeanor offense which is a disqualifying offense listed under K.S.A. 75-7c04(a)(5) and (a)(6). Failure to disclose an applicable offense could be viewed as an attempt to make a false information, which is a felony offense (K.S.A. 21-3711).
- Two years ago, I attempted suicide. Can I apply for a Kansas CCH license?
  - Answer: No. CCH applicants must now be 5 years removed from any attempted suicide – whether the attempt was committed with a firearm or not.
- What if I have a change of address or name?
  - Answer: Licensees must notify the Attorney General in writing within 30 days of changing a permanent address. Likewise, they must advise the Attorney General of any change to their name. Notifications made to a driver's license station will not suffice for notification to the Attorney General. Once notified, the Attorney General will generate an approval notice to re-issue the license. The licensee will have to go to an approved driver's license station to obtain the re-issued license. The driver's license station will charge a fee to generate a new license card.
- What if my license is lost or stolen?
  - Answer: Licensees must notify the Attorney General in writing within 30 days of losing or having a license stolen. The notice to the Attorney General must include a notarized statement setting forth the circumstances of the loss. A fee of \$15.00 in the form of a cashiers check or money order made payable to the Office of Attorney General must accompany the notarized statement. On notified, the Attorney General will generate an approval notice to re-issue the license. The licensee will have to go to an approved driver's license station to obtain the re-issued license. The driver's license station will charge a fee to generate the new license card.
- Does Kansas recognize CCH licenses from other states?
  - Answer: Yes. The law specifies that the Kansas Attorney General is to review the laws of other states and make a determination on whether or not to grant recognition to CCH licenses issued by other states. **Note:** Kansas is not a 'true reciprocity' jurisdiction; meaning, just because Kansas recognizes a CCH license from State A, that does not mean that State A will automatically recognize Kansas' CCH license.

- A list of other states' CCH licenses that Kansas recognizes is posted on the Attorney General's web site along with lists of states who do and do not recognize the Kansas CCH license. These lists are updated virtually immediately whenever there is a change.
- Some states have not made a determination of whether they will recognize the Kansas CCH license; in the interim, assume that your carry in that state will be unlawful.
- If I am a Kansas resident and have a valid CCH license from a state recognized by the state of Kansas, can I carry a concealed handgun in Kansas based on that out-of-state license?
  - Answer: No. The Attorney General has published a list of states whose CCH licenses will be recognized in Kansas, however, if a person is a Kansas resident, he/she must have a Kansas issued CCH in order to carry a concealed handgun in the State of Kansas. Kansas residents will not be legal to carry concealed based on a license issued by another state. Non-resident licensees must be licensed through a state that is recognized by Kansas.
- What will the actual CCH license look like?
  - Answer: **NEW:** Under the KPFPA a Kansas CCH license holder will have to get their CCH license on a separate license card. The card will appear very similar to a Kansas driver's license, except the card will have "Concealed Carry License" clearly printed on it, along with an expiration date. For those individuals who had their CCH designation added to his/her Kansas driver's license or non-driver's ID card prior to July 1, 2009, this notation will remain valid but upon renewal, the licensee will have to move the notation to a separate card.
- Where will the actual license cards be obtained?
  - Answer: If an applicant has been approved to obtain a Kansas CCH license, the applicant will receive a "license approval notice" from the Office of the Attorney General informing the applicant that he/she has been approved to obtain a license and directing the applicant to go to a Kansas Department of Revenue state driver's license station in order to be photographed for the new CCH license card. The new CCH license will then be manufactured and mailed to the CCH licensee at the licensee's DL address.
- Will there be a cost for the new CCH license card?
  - Answer: Yes. The applicant will be required to pay a fee \$16.00 to the Kansas Department of Revenue for producing the license card. The same fee is required for reissued cards.
- If I do apply for and receive a Kansas CCH license, will I be able to carry a handgun anywhere in the State of Kansas?
  - Answer: No. Under K.S.A. 75-7c10 and K.S.A. 75-7c11 there are a number of places where a CCH licensee will still not be allowed to carry a firearm. All licensees are advised to become knowledgeable about the legal restrictions on all locations where firearms will be prohibited.

- If I obtain a Kansas CCH license, will I have to carry my CCH license card with me at all times?
  - Answer: All CCH licensees will be required to have their CCH license with them at any time they are actually carrying a firearm concealed. Failure to do so could result in the licensee having his/her CCH license suspended or revoked and could result in criminal charges.
  
- If I have a Kansas CCH license and I am stopped by a law enforcement officer, do I have to tell the officer I have a CCH license and/or firearm?
  - Answer: No, although it is highly recommended! Under the KPFPA, upon demand of a law enforcement officer, the licensee must display the license if they are carrying concealed.
  
- Can business owners restrict the concealed carry of firearms by Licensees through posting their property?
  - Answer: Yes. However, as per K.S.A. 75-7c11 (as amended by H.B. 2528, published May 3, 2007 in Kansas Register Vol. 26, No. 18, p. 666) private business owners as well as city, county, or political subdivisions may only restrict the concealed carry of firearms within the building or buildings of that entity.
  
- If I'm licensed to carry concealed and I enter a business that is not posted as prohibiting concealed carry, do I have to leave if the owner or an employee sees my gun and asks me to leave?
  - Answer: Yes. While you would not be violating the concealed carry law, if you refuse to leave an establishment that has asked you to leave, you could be cited for trespassing. Trespassing occurs when you remain in an establishment after the owner or employee tells you to leave (K.S.A. 21-3721).
  
- Can an employer restrict the concealed carry of firearms by Licensees?
  - Answer: **Updated:** Yes. Through personnel policies an employer may prohibit Licensees from carrying concealed while on the premises of the employer's business or while otherwise engaged in the duties of the Licensee's employ. Employers may not create a personnel policy which makes it a criminal violation of 75-7c11 for a licensee to store firearms in the licensee's private means of conveyance even if parked on the employer's premises.
  
- Can a city, county or political subdivision post signs restricting the concealed carry of firearms by Licensee's?
  - Answer: Yes. However, again, cities, counties and other political subdivisions may only post their buildings. Parks, parking lots, and other open public property are no longer able to be restricted through signage.

- Can I, as a Licensee, store a loaded firearm in my vehicle should I need to enter a property that is posted with the “no concealed carry” sign?
  - Answer: Yes. There is no state law against having loaded weapons in an unoccupied vehicle and H.B. 2528 amended the “transportation law” so that the local ordinances and resolutions regarding transportation of firearms do not apply to concealed carry Licensees. Note: It is highly recommended not to leave a loaded weapon unattended in a vehicle for an extended period of time. It is always best to store the weapon unloaded and preferably in a lockable container.
  
- Can I, as a Licensee, remove my loaded weapon from its concealed position if I am traveling in my vehicle and not be subject to criminal violations?
  - Answer: Yes. Again, the changes to the transportation law allow a Licensee to remove the weapon from a concealed position while they are traveling in their vehicle even if the Licensee is in a jurisdiction where “open carry” has been prohibited.
  
- I’ve heard that there is a law requiring me to keep my firearm outside of 1,000 feet of a school...as a licensee of Kansas, is this true?
  - Answer: No. The federal law, 18 U.S.C. 922(q), requiring firearms to remain outside of 1,000 feet of a “school zone” has exceptions for individuals who are licensed to carry a firearm by the jurisdiction (state or local) where the school zone sits. Therefore, Kansas licensees have a built in exception to the general rule...licensees from other states, however, do not have this same exception. **Note:** Kansas licensees, do however, need to be aware of schools that have posted their properties with A.G. approved signage (see next question).
  
- I was picking up my child from elementary/high school the other day, and I noticed on the fence outside of the driveway to the school’s entryway the school had an A.G. approved sign posted. I thought only buildings were allowed to be posted...is this a proper posting?
  - Answer: Yes. Under K.S.A. 75-7c10(a)(15) it is proper to post an A.G. approved sign anywhere federal or state law prohibits firearms. Kansas law, through K.S.A. 21-4204(a)(5), generally prohibits firearms in or on the grounds of any K-12 school; therefore, state law prohibits firearms outside of a school’s building structure to include the school’s grounds and a posting under 7c10(a)(15) is proper.
  - **Note:** It has long been lawful for a parent/guardian to have a securely stored firearm in their vehicle when they are picking up or dropping off their child from school (K.S.A. 21-4204(b)(3) – if a licensee is merely picking up or dropping off their child, they should store the firearm in a secure manner while doing so. If, however, the reason for entering the school is a more prolonged one, the parent/guardian should park off-grounds and secure their firearm in the vehicle.
  - **Note:** A parent or guardian could also obtain written permission from the school superintendant or chief administrator.

- I am a student at a Kansas Board of Regents university/college. I am also a Kansas CCH licensee. Outside of the main entrances to campus properties are A.G. approved signs restricting concealed carry. Additionally, the school has student policies prohibiting firearms even those carried by CCH licensees. Is this proper?
  - Answer: Probably. A college or university's ability to post its properties is governed by K.S.A. 75-7c10(a)(14) where it states such entities can post their "facilit[ies]." The term 'facility' was not defined under the Personal and Family Protection Act and therefore, any of the universities grounds or buildings could be found by a court as encompassed within the term 'facility.' Additionally, regardless of criminal penalties, students must be cognizant of administrative penalties which could be handed down for violating university policy. It is best for student licensees to heed the university's stance and keep their firearms off of all university properties.
- Where can I obtain an application to become a certified concealed carry instructor?
  - Answer: An application form can be downloaded from the Attorney General's web site.
- I am a certified law enforcement officer, do I need a concealed carry license in Kansas?
  - Answer: No. Law enforcement officers are authorized to carry concealed firearms, whether on or off duty, through a different authority (see K.S.A. 21-4201).
- Are law enforcement officers prohibited from carrying concealed handguns onto premises prohibited by K.S.A. 75-7c10, or posted by business or property owners pursuant to K.S.A. 75-7c11?
  - Answer: No. The concealed carry law does not change how law enforcement officers go about their business. In accordance with K.S.A. 21-4201(b)(1) and 18 U.S.C. 926B, "law enforcement officers" are allowed to carry concealed. However, if a LEO is off-duty and not on the premises in accordance with their LEO duties, then a request to leave the premises by the property owner must still be complied with otherwise criminal trespass charges can result.
- Can a retired law enforcement officer, if authorized to carry concealed pursuant to 18 U.S.C. 926C, carry concealed onto a property prohibited by state law or posted with the "no concealed carry" sign?
  - Answer: No. The federal law under 18 U.S.C. 926C contains a specific provision that recognizes state laws granting private entities and individuals the right to decline the concealed carry privilege on their property. In short, the prohibited places cited in K.S.A. 75-7c10 and K.S.A. 75-7c11 apply to retired law enforcement officers.

- Are there any exemptions to the required 8-hour training class?
  - Answer: Yes. Law enforcement officers retired less than 8 years are not required to take the training class, all others must complete the required training.
  
- Is there a reduced application fee for retired law enforcement officers?
  - Answer: Yes. The fee for retired law enforcement officers is \$100.00 (\$40.00 to the County Sheriff, \$60.00 to the Attorney General).
  
- While Kansas does not have a general law against carrying a loaded firearm in a vehicle, how can I legally transport a firearm in my vehicle anywhere in Kansas?
  - Answer: K.S.A. 2005 Supp 12-16,124(d) provides that “no person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.” Again, concealed carry licensees are not subject to local ordinances or resolutions regarding the manner of transporting a loaded firearm.