

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

75-7c01

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS

75-7c01. Personal and family protection act; citation of act. K.S.A. 2006 Supp. 75-7c01 through 75-7c18, and amendments thereto, shall be known and may be cited as the personal and family protection act.

History: L. 2006, ch. 32, § 1; July 1.

75-7c02

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
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75-7c02. Definitions. As used in the personal and family protection act:

- (a) "Attorney general" means the attorney general of the state of Kansas.
- (b) "Weapon" means handgun, pistol or revolver.
- (c) "Athletic event" means athletic instruction, practice or competition held at any location and including any number of athletes.

History: L. 2006, ch. 32, § 2; July 1.

75-7c03

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS

75-7c03. License to carry concealed firearm; issuance; form; display on demand of law enforcement officer; reciprocity. (a) On and after January 1, 2007, the attorney general shall issue licenses to carry concealed weapons to persons qualified as provided by this act. Such licenses shall be valid throughout the state for a period of four years from the date of issuance.

(b) The license, at the option of the licensee: (1) Shall be a separate card, in a form prescribed by the attorney general, that is approximately the size of a Kansas driver's license and shall bear the licensee's signature, name, address, date of birth and driver's license number or nondriver's identification card number; or (2) shall be noted on the licensee's valid Kansas driver's license or valid Kansas nondriver's identification license or card. At all times when the licensee is in actual possession of a concealed weapon, the licensee shall carry the license to carry concealed weapons or a valid Kansas driver's license or Kansas nondriver's identification card with the license to carry a concealed weapon noted thereon, which shall constitute the license to carry a concealed weapon. On demand of a law enforcement officer, the licensee shall display the license to carry a concealed weapon and proper identification or, if such license is noted on the person's driver's license or nondriver's identification card, shall display such driver's license or nondriver's identification card. Verification by a law enforcement officer that a person holds a valid license to carry a concealed weapon may be accomplished by a record check using the person's driver's license information.

The license of any person who violates the provisions of this subsection shall be suspended for not less than 30 days upon the first violation and shall be revoked for not less than five years upon the second or a subsequent violation.

(c) A valid license, issued by any other state or the District of Columbia, to carry concealed weapons shall be recognized as valid in this state, but only while the holder is not a resident of Kansas, if the attorney general determines that standards for issuance of such license or permit by such state or district are equal to or greater than the standards imposed by this act. The attorney general shall maintain and publish a list of such states and district which the attorney general determines have standards equal to or greater than the standards imposed by this act.

The provisions of this subsection shall take effect and be in force from and after January 1, 2007.

History: L. 2006, ch. 32, § 3; L. 2006, ch. 210, § 1; July 1.

75-7c04

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
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(a) The attorney general shall issue a license pursuant to this act if the applicant:

(1) Is a resident of the county where application for licensure is made and has been a resident of the state for six months or more immediately preceding the filing of the application, residency to be determined in accordance with K.S.A. 77-201, and amendments thereto;

(2) is 21 years or more of age;

(3) does not suffer from a physical infirmity which prevents the safe handling of a weapon;

(4) *(A) has been convicted or placed on diversion for an act that constitutes a felony under the laws of this state or any other jurisdiction and:*

(i) Such felony is expungeable pursuant to K.S.A. 21-4619, and amendments thereto, or similar provision from another jurisdiction;

(ii) such felony has been expunged; and

(iii) the requirements of subsection (d) are otherwise met;

(B) has not been convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a felony under the laws of this state and such felony is not subject to expungement pursuant to K.S.A. 21-4619, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a felony under the laws of this state if committed by an adult;

(5) has never been convicted, in this or any other jurisdiction, for an act that constitutes a misdemeanor crime of domestic violence, as defined by 18 U.S.C. 921(a)(33)(A) or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor crime of domestic violence under 18 U.S.C. 921(a)(33)(A) if committed by an adult;

(6) has not been, during the five years immediately preceding the date the application is submitted:

(A) Convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a misdemeanor under the provisions of the uniform controlled substances act or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a misdemeanor under such act if committed by an adult;

(B) convicted or placed on diversion, in this or any other jurisdiction, two or more times for an act that constitutes a violation of K.S.A. 8-1567, and amendments thereto;

(C) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a domestic violence misdemeanor under any municipal ordinance or article 34 or 35 of chapter 21 of the Kansas Statutes Annotated or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a domestic violence misdemeanor under article 34 or 35 of chapter 21 of the Kansas Statutes Annotated if committed by an adult; or

(D) convicted or placed on diversion, in this or any other jurisdiction, for an act that constitutes a violation of K.S.A. 2007 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, or adjudicated, in this or any other jurisdiction, of committing as a juvenile an act that would be a violation of K.S.A. 2007 Supp. 75-7c12, and amendments thereto, or a violation of subsection (a)(4) of K.S.A. 21-4201, and amendments thereto, if committed by an adult;

(7) has not been charged with a crime which would render the applicant, if convicted, ineligible for a license or, if so charged, final disposition of the charge has occurred and no other charges are pending which would cause the applicant to be ineligible for a license;

(8) has not been ordered by a court to receive treatment for mental illness pursuant to K.S.A. 59-2966, and amendments thereto, or for an alcohol or substance abuse problem pursuant to K.S.A. 59-29b66, and amendments thereto, or, if a court has ordered such treatment, has not been issued a certificate of

restoration pursuant to K.S.A. 2007 Supp. 75-7c26, and amendments thereto, not less than five years before the date of the application;

(9) desires a legal means to carry a concealed weapon for lawful self-defense;

(10) except as provided by subsection (g) of K.S.A. 2007 Supp. 75-7c05, and amendments thereto, presents evidence satisfactory to the attorney general that the applicant has satisfactorily completed a weapons safety and training course approved by the attorney general pursuant to subsection (b);

(11) has not been adjudged a disabled person under the act for obtaining a guardian or conservator, or both, or under a similar law of another state or the District of Columbia, unless the applicant was ordered restored to capacity three or more years before the date on which the application is submitted;

(12) has not been dishonorably discharged from military service;

(13) is a citizen of the United States;

(14) is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or pursuant to K.S.A. 60-1607, K.S.A. 2007 Supp. 38-2242, 38-2243 or 38-2255, and amendments thereto, or any equivalent order entered in another state or jurisdiction which is entitled to full faith and credit in Kansas; and

(15) is not in contempt of court in a child support proceeding.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour weapons safety and training course required by this section. Such standards shall include:

(A) A requirement that trainees receive training in the safe storage of weapons, actual firing of weapons and instruction in the laws of this state governing the carrying of a concealed weapon and the use of deadly force;

(B) general guidelines for courses which are compatible with the industry standard for basic firearms training for civilians;

(C) qualifications of instructors; and

(D) a requirement that the course be:

(i) A weapons course certified or sponsored by the attorney general; or

(ii) a weapons course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or weapons training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed \$150.

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

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

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

(c) In addition to the requirements of subsection (a), a person holding a license pursuant to this act, prior to renewal of the license provided herein, shall submit evidence satisfactory to the attorney general that the

licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course under subsection (b).

(d) If an applicant has had a conviction or diversion described in subsection (a)(4)(A) or (a)(6) expunged pursuant to K.S.A. 12-4516 or 21-4619, and amendments thereto, or similar provision from another jurisdiction, and the applicant has been eligible for expungement for five years or more immediately preceding the date the application for licensure is submitted, the applicant shall not be disqualified from being issued a license if the applicant is otherwise qualified for licensure pursuant to this section.

History: L. 2006, ch. 32, § 4; L. 2006, ch. 210, § 2; July 1; L. 2007, ch. 166, § 4; L. 2008, ch. 162, § 3, July 1.

75-7c05

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c05. Same; application; fees; fingerprints; sheriff's report; criminal history records report; issuance or denial of license; requirements for retired law enforcement officers. (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) The name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth and occupation of the applicant;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 2006 Supp. 75-7c04, and amendments thereto;

(3) a waiver of the confidentiality of such mental health and medical records as necessary to determine the applicant's qualifications under subsection (a)(7) of K.S.A. 2006 Supp. 75-7c04, and amendments thereto;

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

(5) 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. 21-3805, and amendments thereto; and

(6) a statement that the applicant desires a concealed weapon 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 \$150, 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 checks or money orders of \$40 payable to the sheriff of the county where the applicant resides and \$110 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. 2006 Supp. 75-7c04, 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 or subsection (a) of K.S.A. 2006 Supp. 75-7c08, and amendments thereto, 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 or renewal 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.

(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 law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to meet normal operating expenses of the sheriff's office.

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

(e) Within 180 days after the date of receipt of the items listed in subsection (b), for applications received before July 1, 2007, and within 90 days after the date of receipt of the items listed in subsection (b), for applications received on or after July 1, 2007, 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 fails to qualify under the criteria listed in K.S.A. 2006 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 fees for the cost of the license and the photograph to be placed on the license, which shall be in amounts equal to the fees required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for a driver's license photograph and replacement of a driver's license.

(g) A person who is a retired law enforcement officer, as defined in K.S.A. 21-3110, and amendments thereto, shall be: (1) Required to pay an original license fee of \$100, which fee shall be in the form of two cashier checks or money orders, \$40 payable to the sheriff of the county where the applicant resides and \$60 payable to the attorney general, to be forwarded by the sheriff to the attorney general; (2) exempt from the required completion of a weapons safety and training course if such person was certified by the Kansas law enforcement training commission not more than eight years 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.

History: L. 2006, ch. 32, § 5; L. 2006, ch. 210, § 3; July 1.

75-7c06

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c06. Same; records related to licenses, disclosure; address change or loss or destruction of license, requirements. (a) The attorney general shall be the official custodian of all records relating to licenses issued pursuant to the personal and family protection act.

(b) Except as provided by subsections (c) and (d), records relating to persons issued licenses pursuant to this act, persons applying for licenses pursuant to this act or persons who have had a license denied pursuant to this act shall be confidential and shall not be disclosed in a manner which enables identification of any such person. Any disclosure of a record in violation of this subsection is a class A misdemeanor.

(c) Records of a person whose license has been suspended or revoked pursuant to this act shall be subject to public inspection in accordance with the open records act.

(d) The attorney general shall maintain an automated listing of license holders and pertinent information, and such information shall be available, upon request, at all times to all law enforcement agencies in this state, other states and the District of Columbia.

(e) Within 30 days after the changing of a permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the attorney general of such change, loss or destruction. The attorney general, upon notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, may order a licensee to pay a fine of not more than \$100, or may suspend the licensee's license for not more than 180 days, for failure to notify the attorney general pursuant to the provisions of this subsection.

(f) In the event that a concealed weapon license is lost or destroyed, the license shall be automatically invalid, and the person to whom the license was issued, upon payment of \$15 to the attorney general, may obtain a duplicate, or substitute thereof, upon furnishing a notarized statement to the attorney general that such license has been lost or destroyed.

History: L. 2006, ch. 32, § 6; L. 2006, ch. 210, § 4; July 1.

75-7c07

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Article 7c.--FIREARMS

75-7c07. Same; denial, revocation or suspension. (a) In accordance with the provisions of the Kansas administrative procedure act, the attorney general shall deny a license to any applicant for license who is ineligible under K.S.A. 2006 Supp. 75-7c04, and amendments thereto, and, except as provided by subsection (b), shall revoke at any time the license of any person who would be ineligible under K.S.A. 2006 Supp. 75-7c04, and amendments thereto, if submitting an application for a license at such time or who fails to submit evidence of completion of a weapons safety and training course as required by subsection (c) of K.S.A. 2006 Supp. 75-7c04, and amendments thereto. Any review by the district court in accordance with the act for judicial review and civil enforcement of agency actions shall be in Shawnee county. The revocation shall remain in effect pending any appeal and shall not be stayed by the court.

(b) The license of a person who would be ineligible pursuant to subsection (a)(6) of K.S.A. 2006 Supp. 75-7c04, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge as long as the person is otherwise eligible for a license.

(c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a) (13) of K.S.A. 2006 Supp. 75-7c04, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall revoke such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and revocation of a license under the circumstances described in this subsection.

History: L. 2006, ch. 32, § 7; L. 2006, ch. 210, § 5; July 1.

75-7c08

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES

Article 7c.--FIREARMS

75-7c08. Same; renewal; fees; permanent expiration, when. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the sheriff of the applicant's county of residence the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in K.S.A. 2006 Supp. 75-7c04, and amendments thereto, a full frontal view photograph of the applicant taken within the preceding 30 days and a nonrefundable license renewal fee of \$100 which fee shall be in the form of two cashier checks or money orders, one of \$50 payable to the sheriff of the county where the applicant resides and one of \$50 payable to the attorney general. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees. A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15.

(b) If the licensee is qualified as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a).

(c) No license shall be renewed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure and fees pursuant to K.S.A. 2006 Supp. 75-7c05, and amendments thereto, shall be submitted, and a background investigation shall be conducted pursuant to the provisions of that section.

History: L. 2006, ch. 32, § 8; L. 2006, ch. 210, § 6; July 1.

75-7c09

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c09. False statements, warning on application. The application form for an original license and for a renewal license shall include, in a conspicuous place, the following: "WARNING: A false statement on this application may subject the applicant to prosecution for the crime of perjury (K.S.A. 21-3805, and amendments thereto)."

History: L. 2006, ch. 32, § 9; July 1.

75-7c10

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c10. Same; places where carrying concealed weapon not authorized; penalties for violations. (a) Provided that the premises are conspicuously posted in accordance with rules and regulations adopted by the attorney general as premises where carrying a concealed weapon is prohibited, no license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse;
- (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
- (6) any polling place on the day an election is held;
- (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- (8) on the state fairgrounds;
- (9) any state office building;
- (10) any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (11) any professional athletic event not related to or involving firearms;
- (12) any portion of a drinking establishment as defined by K.S.A. 41-2601, and amendments thereto, except that this provision shall not apply to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
- (13) any elementary or secondary school, attendance center, administrative office, services center or other facility;
- (14) any community college, college or university facility;
- (15) any place where the carrying of firearms is prohibited by federal or state law;
- (16) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;

(17) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(18) any city hall;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420;

(21) any church or temple; or

(22) any place in violation of K.S.A. 21-4218, and amendments thereto.

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

History: L. 2006, ch. 32, § 10; L. 2006, ch. 210, § 7; July 1; L. 2007, ch. 166, § 5.

75-7c11

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c11. Same; restrictions on carrying on certain property, when; penalties for violations; posting of property. (a) Nothing in this act shall be construed to prevent:

(1) any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises; or

(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed under this act from carrying a concealed weapon within a building or buildings of such entity, provided that the premises are posted, in accordance with rules and regulations adopted by the attorney general pursuant to this section, as premises where carrying a concealed weapon is prohibited; or

(b) Carrying a concealed weapon in violation of any restriction or prohibition allowed by subsection (a), if the premises are posted in accordance with rules and regulations adopted by the attorney general, is a class B misdemeanor.

(c) The attorney general shall adopt rules and regulations prescribing the location, content, size and other characteristics of signs to be posted on premises where carrying a concealed weapon is prohibited pursuant to subsection (a) of K.S.A. 2006 Supp. 75-7c10 and paragraph (2) of subsection (a) of K.S.A. 2006 Supp. 75-7c11 and amendments thereto.

History: L. 2006, ch. 32, § 11; L. 2006, ch. 210, § 8; July 1; L. 2007, ch. 166, § 6.

75-7c12

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c12. Carrying concealed weapon while under influence of alcohol or drugs prohibited; evidence; testing; revocation of license, when. (a) It is a class A nonperson misdemeanor for a person licensed pursuant to this act to carry a concealed weapon while under the influence of alcohol or drugs, or both.

(b) In any criminal prosecution for carrying a concealed weapon while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:

(1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.

(2) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol.

(3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs.

(c) The provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.

(d) Any person licensed pursuant to this act is deemed to have given consent to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to under this subsection shall include all quantitative and qualitative tests for alcohol and drugs. A law enforcement officer shall request a person to submit to a test or tests deemed consented to under this subsection if such person is arrested or otherwise taken into custody for any offense involving carrying of a concealed weapon while under the influence of alcohol or drugs, or both, in violation of this section and the arresting officer has reasonable grounds to believe that prior to arrest the person was carrying a concealed weapon under the influence of alcohol or drugs, or both. The test or tests shall be administered in the manner provided by for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto, and the person performing or assisting in the performance of any such test and the law enforcement officer requesting any such test shall be immune from civil and criminal liability to the same extent as in the case of tests performed pursuant to that statute.

(e) Before a test or tests are administered under this section, the person shall be given oral and written notice that:

(1) Kansas law requires the person to submit to and complete one or more tests of breath, blood or urine to determine if the person is under the influence of alcohol or drugs, or both;

(2) the opportunity to consent to or refuse a test is not a constitutional right;

(3) there is no constitutional right to consult with an attorney regarding whether to submit to testing;

(4) if the person refuses to submit to and complete any test of breath, blood or urine hereafter requested by a law enforcement officer, the person's license to carry a concealed weapon will be revoked for a minimum of three years; and

(5) after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities and physicians.

(f) After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the person refuses to submit to and complete a test as requested pursuant to this section, additional testing shall not be given unless the law enforcement officer has probable cause to believe that the person while under the influence of alcohol or drugs, or both, was carrying a concealed weapon used in killing or seriously injuring another person. If the test results show a blood or breath alcohol concentration of .08 or greater, the person's license to carry a concealed weapon shall be subject to suspension or revocation pursuant to this act.

(g) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of carrying a concealed weapon while under the influence of alcohol or drugs, or both.

(h) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(i) (1) If the person refuses to submit to testing when requested pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both, and a statement of such grounds; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by this section; and (D) the person refused to submit to and complete a test as requested by a law enforcement officer.

(2) If the person fails a test administered pursuant to this section, the person's weapon and license shall be seized by the law enforcement officer and the person's license shall be forwarded to the attorney

general, together with the officer's certification of the following: (A) There existed reasonable grounds to believe the person was carrying a concealed weapon while under the influence of alcohol or drugs, or both; (B) the person had been placed under arrest or was in custody; (C) a law enforcement officer had presented the person with the oral and written notice required by K.S.A. 8-1001, and amendments thereto; and (D) the result of the test showed that the person had an alcohol concentration of .08 or greater in such person's blood or breath.

(3) With regard to failure of a breath test, in addition to those matters required to be certified under subsection (h)(2), the law enforcement officer shall certify that: (A) The testing equipment used was certified by the Kansas department of health and environment; (B) the testing procedures used were in accordance with the requirements set out by the Kansas department of health and environment; and (C) the person who operated the testing equipment was certified by the Kansas department of health and environment to operate such equipment.

(4) For purposes of this subsection, certification shall be complete upon signing, and no additional acts of oath, affirmation, acknowledgment or proof of execution shall be required. The signed certification or a copy or photostatic reproduction thereof shall be admissible in evidence in all proceedings brought pursuant to this act, and receipt of any such certification, copy or reproduction shall accord the department authority to proceed as set forth herein. Any person who signs a certification submitted to the attorney general knowing it contains a false statement is guilty of a class B nonperson misdemeanor.

(5) Upon receipt of a certification in accordance with this section, the attorney general shall revoke the person's license for three years.

(j) It shall not be a defense that the person did not understand the written or oral notice required by this section.

(k) No test results shall be suppressed because of technical irregularities in the consent or notice required pursuant to this act.

(l) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant.

(m) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.

History: L. 2006, ch. 32, § 12; L. 2006, ch. 210, § 9; July 1.

75-7c13

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c13. Concealed weapon licensure fund; uses of moneys. (a) All moneys received by the attorney general pursuant to this act shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit it to the concealed weapon licensure fund, which is hereby created in the state treasury.

(b) Moneys in the concealed weapon licensure fund shall be used only for: (1) Payment of the expenses of administration of the personal and family protection act; and (2) transfers to the county law enforcement equipment fund and to the forensic laboratory and materials fee fund as provided by subsection (e).

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the concealed weapon licensure fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a, and amendments thereto, that is attributable to moneys in the concealed weapon licensure fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the concealed weapon licensure fund for the preceding month; and (2) the net earnings for the pooled money investment portfolio for the preceding month.

(d) All expenditures from the concealed weapon licensure fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general for the purposes set forth in this section.

(e) The attorney general shall certify to the director of accounts and reports on each July 1 and January 1 after moneys are first credited to the concealed weapons licensure fund the amount of moneys in such fund needed to administer this act. On or before the 15th day of each month after moneys are first credited to the concealed weapons licensure fund, the director of accounts and reports shall transfer moneys in the concealed weapons licensure fund as follows: (1) Of the amount in excess of the amount certified by the attorney general, 20% shall be credited to the county law enforcement equipment fund; and (2) the remaining 80% shall be credited to a separate account in the forensic laboratory and materials fee fund cited in K.S.A. 28-176, and amendments thereto, to be used solely to assist city and county law enforcement agencies to obtain prompt laboratory services from the bureau. Moneys credited to the forensic laboratory and materials fee fund as provided by this subsection shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the attorney general.

History: L. 2006, ch. 32, § 13; July 1.

75-7c14

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c14. County law enforcement equipment fund; uses of moneys. (a) There is hereby created in the state treasury the county law enforcement equipment fund.

(b) Moneys in the county law enforcement equipment fund shall be used only to fund grants to sheriffs' departments for purchases of law enforcement equipment other than motor vehicles. Such grants shall be administered by the attorney general. Such grants shall be based on applications submitted by sheriffs' departments that demonstrate the need for the equipment for which the grant is sought and substantiate that grant moneys will not be used to supplant existing funding of the recipient sheriff's department.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the county law enforcement equipment fund interest earnings based on: (1) The average daily balance of moneys in the county law enforcement equipment fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) All expenditures from the county law enforcement equipment fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general for the purposes set forth in this section.

History: L. 2006, ch. 32, § 14; July 1.

75-7c15

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c15. Liability insurance, persons conducting weapons safety and training courses. The committee on surety bonds and insurance, within the limitations of appropriations made therefor, shall purchase such liability insurance as it deems necessary for the protection of persons engaged in conducting an approved weapons safety and training course against any liability for injuries or damages arising from the conducting of such course of instruction by such persons.

History: L. 2006, ch. 32, § 15; July 1.

75-7c16

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c16. Rules and regulations; annual report. (a) The attorney general shall adopt such rules and regulations as necessary to administer the provisions of this act.

(b) On or before January 1 of each year, the attorney general shall submit a statistical report to the governor, president of the senate, the senate minority leader, the speaker of the house of representatives and the house minority leader indicating the number of licenses issued, revoked, suspended and denied during the preceding fiscal year and the reasons for the revocations, suspensions and denials.

History: L. 2006, ch. 32, § 16; July 1.

75-7c17

**Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS**

75-7c17. Legislative findings regarding uniform standards for licensing and regulation; certain local ordinances and resolutions inapplicable to licensees; limitations on authority of attorney general; liberal construction of act. (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 weapons for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed weapons 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 weapons by persons licensed under this act except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, 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 weapons by persons licensed under this act except as provided in subsections (a)(1) and (a)(2) of K.S.A. 2006 Supp. 75-7c11, 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.

History: L. 2006, ch. 32, § 17; July 1; L. 2007, ch. 166, § 7.

75-7c18

**Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS**

75-7c18. Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

History: L. 2006, ch. 32, § 18; July 1.

75-7c19 to 75-7c24

**Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS**

75-7c19 to 75-7c24. Reserved.

75-7c25

**Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 7c.--FIREARMS**

75-7c25. Orders of involuntary commitment for treatment of mental illness or alcohol or substance abuse; entry in certain databases; possession of firearms prohibited, when. (a) On or before July 1, 2007, every district court shall review all files dated on or after July 1, 1998, concerning mentally ill persons subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or persons with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto.

(b) If the court ordered treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, the clerk of the court shall report such order and all available information identifying the patient including, but no limited to, birth, gender, and race to the Kansas bureau of investigation.

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

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

(e) After July 1, 2007, all orders of involuntary commitment for care and treatment pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, and any orders of termination of discharge shall be immediately forwarded to the Kansas bureau of investigation for entry into the appropriate state and federal databases.

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

History: L. 2006, ch. 210, § 11; July 1; L. 2007, ch. 166, § 8.

75-7c26

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 7c.--FIREARMS

75-7c26. Discharge of person involuntarily committed for treatment for mental illness or alcohol or substance abuse; restoration of ability to legally possess firearm, when. On and after July 1, 2007, (a) a person who has been discharged pursuant to K.S.A. 59-2973 or 59-29b73, and amendments thereto, may file a petition in the court where treatment was ordered pursuant to K.S.A. 59-2966 or 59-29b66, and amendments thereto, for the restoration of the ability to legally possess a firearm.

(b) Notice of the filing of such petition shall be served on the petitioner who originally filed the action pursuant to K.S.A. 59-2952, 59-2957, 59-29b52 or 59-29b57, and amendments thereto, or the petitioner's attorney and the county or district attorney as appropriate.

(c) If the court finds the person is no longer likely to cause harm to such person's self or others, the court shall issue a certificate of restoration to the person. Such restoration shall have the effect of restoring the person's ability to legally possess a firearm, and the certification of restoration shall so state.

(d) The certificate of registration issued pursuant to this section shall only apply to the possession of a firearm for the purposes of an alleged violation of subsection (a)(7) of K.S.A. 21-4204, and amendments thereto.

History: L. 2006, ch. 210, § 12; July 1.