

PERSONAL AND FAMILY PROTECTION ACT
Article 11

16-11-1. Definitions. As used in this article and in the act, the following terms shall have the meanings specified in this regulation:

(a) “Act” means the personal and family protection act, L. 2006, Ch. 32 and amendments thereto.

(b) “Church” or “temple” means any building owned or leased by a religious organization and used primarily as a place for religious worship and other activities ordinarily conducted by a religious organization, whether that building is called a church, temple, mosque, synagogue, or chapel, or a similar name.

(c) “Completed application” means an application for a license to carry a concealed weapon, as required by the act, that contains a legible and fully responsive reply to every question and request for information and is accompanied by all required attachments. The timeline set forth in the act for issuance of a license shall not begin until the date that a completed application is received in the office of the attorney general.

(d) “Domestic violence misdemeanor” means a “misdemeanor crime of domestic violence” as that term is defined in K.S.A. 74-5602 and amendments thereto.

(e) “Full frontal-view photograph” means a passport photograph or a photograph that is equivalent to a passport photograph in the following respects:

(1) Fairly represents the physical appearance of the applicant’s head and shoulders;

(2) is taken with the applicant directly facing the camera; and
(3) shows the applicant's head and shoulders in an area of the picture that is at least two inches square.

(f) "State office building" means the interior of any of the following buildings:

(1) Those buildings named in K.S.A. 21-4218 and amendments thereto;

(2) the following buildings located in Topeka, Kansas:

(A) the memorial building, 120 SW 10th;

(B) the Forbes office building #740;

(C) the division of printing plant, 201 NW MacVicar;

(D) the state office building located at 3440 SE 10th Street;

(E) the Dillon house, 404 SW 9th Street;

(F) the Curtis state office building, 1000 SW Jackson; and

(G) the state office building located at 700 SW Harrison; and

(3) all other state-owned or state-leased buildings in which firearm possession is prohibited by posting as provided in K.A.R. 1-49-11.

Concealed weapon possession may be prohibited in other public buildings as provided in L. 2006, Ch. 32, § 11, and amendments thereto. (Authorized by L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3, L. 2006, Ch. 32, §10, as amended by L. 2006, Ch. 210, §7, and L. 2006, Ch. 32, §16; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11-2. Instructor certification standards. (a) Each applicant for certification by the attorney general as an instructor of weapons safety and training courses shall apply on a form prescribed by the attorney general.

(b) General. Except as provided in subsection (e), each applicant shall meet all of the concealed carry license requirements of subsection (a) of L. 2006, Ch. 210, §2 and amendments thereto, except for those requirements in paragraphs (a)(1), (a)(8), and (a)(9) of §2.

(c) Certification. In addition to meeting the requirements of subsection (b), each applicant shall meet one of the following certification requirements:

(1) Be currently certified as a law enforcement officer by the Kansas law enforcement training commission;

(2) be currently certified as a firearms trainer or firearms instructor by any of the following organizations:

(A) The attorney general, pursuant to K.S.A. 75-7b21 and amendments thereto;

(B) any state or federal law enforcement agency;

(C) the United States armed services;

(D) the Kansas law enforcement training center; or

(E) any organization that certifies firearms instructors, if the organization's certification program is determined by the attorney general to be substantially equivalent to any of the instructor certification programs identified in paragraph (c)(3); or

(3) be currently certified by the national rifle association in any of the following firearms instructor certification categories:

- (A) "Pistol instructor";
- (B) "personal protection instructor";
- (C) "police firearms instructor";
- (D) "law enforcement security firearms instructor";
- (E) "law enforcement tactical handgun instructor"; or
- (F) "law enforcement handgun/shotgun instructor."

Each applicant shall submit a copy of one of the certification documents identified in this subsection with the completed application form. Each certification document shall contain a certification expiration date.

(d) Fee. Each applicant shall pay a certification application fee in the amount of \$100.

(e) Each applicant who holds a license issued by the attorney general to carry a concealed weapon pursuant to the act shall be certified by the attorney general to instruct weapons safety and training courses if the applicant has satisfied the requirements of both subsections (c) and (d).

(f) Any applicant who is currently certified as an instructor by the national rifle association to teach a weapons safety and training course described in L. 2006, Ch. 32, §4(b)(1)(D)(ii), and amendments thereto, may be approved by the attorney general to

instruct that course if a determination is made by the attorney general that the requirements for instructor certification established by the national rifle association meet or exceed the requirements of subsections (b) and (c).

Approval granted pursuant to this provision shall be conditioned upon the instructor's compliance with the requirements of K.A.R. 16-11-3 and K.A.R. 16-11-6.

(g) If an instructor certified by the attorney general, or approved by the attorney general pursuant to subsection (f), fails to remain in compliance with the eligibility requirements set forth in either subsection (b) or subsection (c), the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11-3. Weapons safety and training course; instructors. (a) Each instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), to instruct weapons safety and training courses shall comply with the following standards:

(1) Use only the weapons safety and training courses approved by the attorney general as provided in K.A.R. 16-11-4;

(2) use only examinations approved by the attorney general; and

(3) require trainees to display firing proficiency by successfully completing the shooting requirement established in K.A.R. 16-11-4.

(b) Upon the conclusion of each weapons safety and training course, the instructor of that course shall provide each trainee who successfully completes the course with one of the following documents:

(1) An affidavit signed by the instructor that attests to the successful completion of the course by the applicant; or

(2) a certificate of completion on a form approved by the attorney general.

(c) Each instructor shall forward a list of each trainee who successfully completed a training course taught by that instructor to the office of the attorney general within 10 days of the date on which the training course concludes. Each list shall meet all of the following requirements:

(1) Identify the instructor by name and driver's license number;

(2) contain the date of the training course; and

(3) identify each trainee by name and either Kansas driver's license number or

Kansas nondriver's identification card number.

(d) For each course an instructor teaches, the instructor shall retain the following records for a minimum of five years from the date on which the course concludes:

(1) A record of the date, the time, and the location of the course;

(2) a record of the name of each trainee enrolled in the course and of each trainee's Kansas driver's license number or Kansas nondriver's identification card number;

(3) for each trainee, documentation showing whether the trainee completed the training course specified in K.A.R. 16-11-4; and

(4) a record of the examination results for each trainee, including the results of the firing proficiency test.

(e) Each instructor shall notify the attorney general, in writing, within 10 days of any of the following occurrences:

(1) Changes in the instructor's mailing address;

(2) the expiration, suspension, or revocation of the certification used to meet the certification standard in K.A.R. 16-11-2(c); and

(3) any other circumstance that would make the instructor ineligible for certification pursuant to the standards required in K.A.R. 16-11-2.

(f) If an instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), fails to comply with the requirements of this regulation, the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32,

§4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11-4. Weapons safety and training course. (a) Except as provided in subsection (d), each applicant for a license to carry a concealed weapon, as defined in L. 2006, Ch. 32, § 2 and amendments thereto, shall successfully complete either of the following weapons safety and training courses that have been approved by the attorney general when taught by one or more instructors certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f):

(1) The attorney general's "concealed carry handgun license program lesson plan," dated July 1, 2006 and amended on October 19, 2006, which is hereby adopted by reference; or

(2) any weapons course described in L. 2006, Ch. 32 § 4(b)(1)(D)(ii), and amendments thereto, that is determined by the attorney general to be substantially equivalent to the course identified in paragraph (a)(1). Internet, online, correspondence, and self-study courses shall not be approved.

(b) To "successfully complete" means to obtain a passing score of 100% on an examination approved by the attorney general and to display proficiency with a weapon by shooting a minimum of 18 hits out of 25 rounds on a designated portion of a target approved by either the Kansas commission on peace officers' standards and training or an equivalent body as determined by the attorney general.

(c) Each applicant shall provide to the sheriff of the county in which the applicant resides the documentation of completion of the weapons safety and training course provided to the applicant by the certified instructor as required by K.A.R. 16-11-3(b).

(d) A retired law enforcement officer as defined in K.S.A. 21-3110, and

amendments thereto, shall not be subject to this regulation if the retired law enforcement officer was certified by the Kansas law enforcement training commission not more than eight years before the retired officer submits the application for licensure. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11- 5. Application procedure. (a) Each applicant for a license to carry a concealed handgun pursuant to the act shall submit to the sheriff of the county in which the applicant resides a completed application in accordance with L. 2006, Ch. 32, §5, and amendments thereto, and these regulations.

(b) Within seven days of receiving an application, each sheriff shall submit the following to the attorney general:

- (1) A copy of the applicant's completed application for licensure; and
- (2) the application fee established by L. 2006, Ch. 32, §4, and amendments thereto.

(c) Within seven days of receiving an application, each sheriff shall submit one full set of the fingerprints of the applicant as follows:

- (1) Electronically to the KBI, if the necessary equipment is available for this purpose; or
- (2) to the attorney general using the applicant card provided by the federal bureau of investigation (FBI).

All fingerprint submissions, whether submitted electronically or using the applicant card, shall contain the originating agency identifier (ORI) assigned to the office of attorney general by the FBI.

(d) A state and national criminal history records check shall be promptly completed by the KBI.

(e) The document titled "concealed handgun license sheriff's or chief's voluntary report pursuant to personal and family protection act," dated July 1, 2006, is hereby

adopted by reference. In accordance with the voluntary report, within 45 days of the date on which a sheriff receives any application from a resident of that county, the sheriff or the chief law enforcement officer of any other law enforcement agency in that county may provide information that, when corroborated through public records and 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. (Authorized by L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11-6. Renewal of license; requalification weapons safety and training

course. (a) Each applicant who applies to renew a license to carry a concealed weapon shall successfully complete a course taught by one or more instructors certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f).

(b) Each requalifying weapons safety and training course shall be a minimum of two hours in length and shall review the legal issues identified in the “concealed carry handgun license program lesson plan” adopted by reference in K.A.R. 16-11-4.

(c) Upon the conclusion of each requalification course, the instructor of that course shall provide each trainee who successfully completes the requalification course with one of the following documents:

(1) An affidavit signed by the instructor attesting to completion of the course; or

(2) a copy of a certification of completion on a form approved by the attorney general.

(d) Each instructor shall forward a list of each trainee who successfully completed a requalification course taught by that instructor to the office of the attorney general within 10 days of the date on which the requalification course concludes. Each list shall meet all of the following requirements:

(1) Identify the instructor by name and driver’s license number;

(2) contain the date of the requalification course; and

(3) identify each trainee by name and either Kansas driver’s license number or

Kansas nondriver's identification card number.

(e) Each applicant shall retain a copy of the affidavit or the certificate of completion for a minimum of five years from the date on which the course concluded.

(f) For each requalification course an instructor teaches, the instructor shall retain the following records for a minimum of five years from the date on which the course concludes:

(1) A record of the date, the time, and the location of the course; and

(2) a record of the name of each trainee enrolled in the course and of each trainee's Kansas driver's license number or Kansas nondriver's identification card number.

(g) If an instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), fails to comply with the requirements of this regulation, the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2; effective, T-16-7-5-06, July 5, 2006; effective P-_____.)

K.A.R. 16-11-7. Signs. (a) Each sign posted pursuant to either paragraph (a)(2) or paragraph (a)(3) of L. 2006, ch. 210, § 8, and amendments thereto, shall contain the graphic in the document titled “personal and family protection act:: required signage for K.A.R. 16-11-7,” dated October 19, 2006, and hereby adopted by reference.

(b) The size of the sign shall be eight inches by eight inches or larger. If the sign is eight inches by eight inches, the size of the graphic adopted by reference in subsection (a) shall be six inches in diameter. If the sign is larger than eight inches by eight inches, the size of the graphic shall be proportional to the size of the sign.

(c) Each sign shall meet all of the following requirements:

(1) The background shall be white.

(2) The portion of the graphic depicting the handgun shall be black.

(3) The portion of the graphic depicting the circle and diagonal slash across the handgun shall be red.

(4) No text shall be placed within the one-inch area surrounding the graphic.

(d) Each sign shall be displayed in a manner that makes the sign reasonably likely to come to the attention of persons entering the premises. (Authorized by L. 2006, Ch. 32, § 16 and L. 2006, Ch. 210, § 8; implementing L. 2006, Ch. 210, § 8; effective P- _____.)

K.A.R. 16-11-8. Restraining order; effect of; procedure. (a) For purposes of this regulation, the terms in this subsection shall be defined as follows:

(1) "Director" means the director of the concealed carry unit of the attorney general's office.

(2) "Restraining order" means any of the following:

(A) An emergency order, a temporary order, a consent agreement, or an order issued pursuant to the protection from abuse act, K.S.A. 60-3101 et seq. and amendments thereto;

(B) a temporary order or other order issued pursuant to the protection from stalking act, K.S.A. 60-31a01 et seq. and amendments thereto;

(C) an interlocutory restraining order issued in connection with a divorce proceeding pursuant to K.S.A. 60-1607 and amendments thereto;

(D) a restraining order issued in connection with an order of protective custody pursuant to K.S.A. 38-1542 and amendments thereto;

(E) a restraining order issued in connection with an order of temporary custody of a child in a child in need of care case pursuant to K.S.A. 38-1543 or K.S.A. 38-1563, and amendments thereto;

(F) a restraining order issued in connection with any authorized disposition of a child in a child in need of care case pursuant to K.S.A. 38-1543 or K.S.A. 38-1563, and amendments thereto; or

(G) an order from another state or jurisdiction that is similar to any order described in paragraphs (a)(2)(A) through (F) and is entitled to full faith and credit in this

state.

(b) Within 24 hours of a sheriff's receipt of any restraining order, the sheriff shall determine whether the restraining order has been issued against a person who holds a concealed carry license.

(c) Whenever a sheriff determines that a restraining order has been issued against a person who holds a concealed carry license, the sheriff shall immediately notify the director by faxing or e-mailing the restraining order to the director.

(d) Within eight working hours of the director's receipt of the restraining order from a sheriff, the following actions shall be taken by the director:

(1) Verification of whether the restraining order has been issued against a person who holds a concealed carry license; and

(2) if the director verifies that the restraining order has been issued against a person who holds a concealed carry license, issuance of a written order revoking the concealed carry license of the person named as the subject of the restraining order. The order shall be effective immediately upon issuance.

(e) The order of revocation shall be served by the director on the concealed carry license holder by United States mail at the address on record at the concealed carry unit. In addition, the subject of the restraining order may be notified by telephone or e-mail, or both, by the director that the individual's concealed carry license has been revoked.

(f) The order of revocation shall include a notice that the concealed carry license holder may, within 10 calendar days of receipt of the written order of revocation, submit

a written request for a hearing to the director.

(g) Upon the director's receipt of a written request for a hearing, a hearing shall be arranged by the director to occur within 30 calendar days. However, for good cause shown, the hearing may be continued to a later date.

(h) The presiding officer at the hearing shall be the attorney general or a designee of the attorney general.

(i) If clear and convincing evidence is not presented at the hearing to justify revocation of the concealed carry license, the order of revocation shall be rescinded by the presiding officer.

(j) A copy of each order revoking a concealed carry license shall be provided by the director to the division of motor vehicles of the Kansas department of revenue.

(k) Any concealed carry license that was revoked pursuant to this regulation shall be reinstated by the director upon the director's receipt of a certified copy of a court order that dissolves the restraining order, if the person remains otherwise eligible for the concealed carry license. (Authorized by and implementing L. 2006, ch. 210, sec. 5(c); effective P-_____.)