



**K-1
Concealed Carry**

**K-2
Uniform State
Laws—Weapons**

**K-3
Local Government
Regulation of
Weapons**

Joanna Wochner
Research Analyst
785-296-3181
Joanna.Wochner@klrd.ks.gov

Kansas Legislator Briefing Book 2015

Firearms and Weapons

K-1 Concealed Carry

Background

Currently, all 50 states and the District of Columbia allow the concealed carry of handguns (CCH). States may be categorized into a “shall issue” or “may issue” jurisdiction. Entities that are “shall issue” must issue to private citizens a concealed carry permit as long as they meet all legal requirements. Entities that are “may issue” have the authority to determine whether a permit will be issued to a private citizen even after the person has met all other legal requirements.

Some states have reciprocity agreements that honor other entities’ CCH; however, reciprocity varies greatly among the states. Acceptance of another state’s permit may be limited to residents of that state. There also are situations in which one state will recognize another entity’s permit, but that recognition is not reciprocated. For instance, Kansas licensing of CCH is honored in 36 states, but not in 13 other states, nor in the District of Columbia. As of July 1, 2013, Kansas recognizes all valid concealed carry licenses issued by another state or the District of Columbia. This recognition applies only to non-residents of Kansas and only allows the non-Kansas license holder to carry a concealed handgun.

Kansas Licensing Requirements

Anyone in Kansas desiring to obtain a concealed carry license first must qualify for licensing. The pre-qualifications include the following three requirements:

- Must be at least 21 years of age;
- Must be a Kansas state resident of the county where the application is made; and
- Must not be prohibited by either federal or state law from possessing any firearm.

A person may be disqualified from licensing if such person:

- Is deemed to pose a significantly greater threat to law enforcement or the public at large than the average citizen if presented in a voluntary report by the county sheriff or chief law enforcement officer;

- Has been convicted of any crime or has been the subject of any restraining order or any mental health finding that would disqualify the applicant; or
- Does not meet any of the pre-qualification requirements or fails to be recommended after firearms training.

Applicants for concealed carry licensing are required to complete an approved training course and to provide a certificate or affidavit of successful completion that is signed by an instructor who has been approved by the Attorney General to offer such training. The applicants must pay an initial license fee of \$100 to the Attorney General, submitted along with a formal written application, and a \$32.50 fee to the county sheriff. The sheriff will take fingerprints to initiate a criminal records check as part of the application process. The Attorney General then issues a concealed carry handgun license following successful completion of the training course and the application requirements.

The 2013 Legislature also enacted SB 21, which made the following changes to firearms-related statutes and licensing for CCH:

- Clarifies that expungement of felony convictions does not relieve individuals from compliance with state and federal firearms laws for persons previously convicted of a felony;
- Authorizes official recognition of any valid concealed carry permit from another state for individuals traveling through or visiting Kansas; and
- Details the procedure related to the requirement of a 180-day receipt issued from the Attorney General for new Kansas residents who possess permits from other states and wish to obtain a Kansas license.

Kansas Concealed Carry Law

The Legislature passed the Personal and Family Protection Act in 2006, allowing licensed persons to carry concealed weapons on and after January 2, 2007. Kansas is a “shall issue” state wherein a person who meets concealed carry qualifications

cannot be denied a license. In addition, Kansas is a reciprocal state where a person who has a concealed carry license from another jurisdiction is allowed to carry a concealed handgun in Kansas if complying with Kansas laws. This recognition applies only to non-residents of Kansas, those passing through or staying temporarily for business or pleasure. In addition, the recognition only allows the non-Kansas license holder to carry a concealed handgun. All other defensive weapons must be carried in accordance with Kansas law.

Kansas law regarding the concealed carry of handguns has been revised many times since its enactment in 2006. The changes generally have streamlined the process of applying for a license by modifying the basic requirements for licensing and renewing licensure. The term “weapon” was replaced by “handgun” to more accurately reflect the type of firearm covered by the legislation.

Recent Changes to Kansas Concealed Carry Laws

For a more comprehensive list of changes made to firearms laws in recent years, see the memorandum entitled “Recent Changes to Firearms Laws” located on the KLRD website.

In 2013, the Legislature enacted Senate Sub. for HB 2052, which revised the Personal and Family Protection Act, primarily authorizing concealed carry of handguns by licensees into certain public buildings enumerated in the legislation. Also passed in 2013 was SB 21, which enacted other firearms-related amendments.

Most recently on the subject of concealed carry, the 2014 Legislature enacted HB 2578, which included the following provisions:

- Municipal employers of concealed carry license holders cannot require those employees to disclose their license status;
- Municipalities cannot terminate, demote, discipline, or otherwise discriminate against an employee based on the employee’s refusal to disclose the employee’s status as a concealed carry license holder;

- Municipal employers are prohibited from creating a record of any employee's possession or disclosure of a concealed carry license and any such records created before the effective date of the bill were to be destroyed by July 31, 2014.
- KSA 2013 Supp. 21-6304 (criminal possession of a weapon) is amended to replace "firearm" with "weapon," adding to the reasons the Attorney General will deny an application for a concealed carry license for offenses listed in KSA 2013 Supp. 21-6304(a)(1) to include all "weapons," and not only firearms; and
- The Attorney General is required to deny the concealed carry application of an applicant whose juvenile offenses, had the offenses been committed by an adult, would have constituted the commission of any of the offenses in KSA 2013 Supp. 21-6304(a)(1).

HB 2140 also was passed during the 2014 Legislative Session. The bill modified existing law by:

- Creating new law allowing in-state, off-duty and retired law enforcement officers, as well as out-of-state law enforcement officers and retired law enforcement officers, to carry a concealed handgun in any building where an on-duty law enforcement officer is authorized to do so, as long as the individual meets the requirements of the federal Law Enforcement Safety Act;
- Allowing qualified active and retired officers to carry concealed handguns in buildings that prohibit concealed carry and conform to the security and signage requirements in KSA 2013 Supp. 75-7c10 (restrictions on carrying) or 75-7c20 (concealed handguns in public hearings);
- Requiring in-state officers and retired officers to remain in compliance with the firearms policies of their law enforcement agency, to possess identification as required by that agency, and to present such identification when requested by other law enforcement officers or persons

of authority for the building where they wish to conceal carry;

- Requiring out-of-state officers and retired officers meeting the requirements of the federal Law Enforcement Officers Safety Act to possess identification as required by the federal law and to present that identification when requested by other law-enforcement officers or persons of authority for the buildings where they are concealed carrying;
- Defining "law enforcement officer" to include any person employed by a law enforcement agency and who is in good standing and certified under the Kansas Law Enforcement Training Act, a law enforcement officer who obtained a similar designation in a jurisdiction outside the state of Kansas and within the United States, or a federal law enforcement officer who as part of such officer's duties is permitted to make arrests and to be armed;
- Defining "person of authority" as any person who is tasked with screening persons entering the building or who otherwise has the authority to determine whether a person may enter or remain in the building; and
- Clarifying that the provisions of the indemnification section for municipalities in 2014 HB 2578 do not apply to those employees required to carry a firearm as a condition of their employment.

The new provisions enacted in HB 2140 do not apply to any officer or retired officer who is denied a concealed carry handgun license or whose license has been suspended or revoked under the provisions of the Personal and Family Protection Act. The new law also is not applicable to buildings where the possession of firearms is prohibited or restricted by order of the chief judge of a judicial district or by federal law or regulation.

For further information please contact:

Joanna Wochner, Research Analyst
Joanna.Wochner@klrd.ks.gov

Natalie Nelson, Research Analyst
Natalie.Nelson@klrd.ks.gov

Heather O'Hara, Principal Research Analyst
Heather.OHara@klrd.ks.gov

Kansas Legislative Research Department
300 SW 10th Ave., Room 68-West, Statehouse
Topeka, KS 66612
Phone: (785) 296-3181
Fax: (785) 296-3824