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# Kansas Legislator Briefing Book 2017

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## Federal and State Affairs

### D-1 Carrying of Firearms

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 state wherein a person who meets concealed carry qualifications cannot be denied a license. In addition, Kansas is a 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 law.

### Concealed Carry

Under this act:

- To qualify for a concealed carry license in Kansas, a person must:
  - Be at least 21 years of age;
  - Be a Kansas resident of the county where the application is made; and
  - Not be prohibited by either federal or state law from possessing any firearm.
- Furthermore, even if the above pre-qualifications are met, a person may be disqualified from licensure 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 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 application requirements.

- Possession of a Kansas concealed carry license will allow a Kansas citizen to lawfully carry a concealed handgun in 36 states in the United States that have agreed to recognize Kansas' concealed carry handgun licenses.

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.

## Recent Changes to Concealed Carry

The 2015 Legislature in HB 2331 removed a provision in the Personal and Family Protection Act that permanently prohibited any person convicted of certain crimes from qualifying for a concealed carry license.

Also in the 2015 Session, the Legislature voted to allow the concealed carrying of a firearm without a concealed carry license issued by the State, as long as the individual is not prohibited from possessing a firearm under federal or state law. This type of measure is often referred to as "constitutional carry." The legislation specified the carrying of a concealed handgun cannot be prohibited in any building unless the prohibition is posted in accordance with rules and regulations adopted by the Attorney General.

While concealed carry licenses will continue to be issued by the State, the availability of those licenses may not be construed to prohibit the carrying of handguns without a license. Further, as noted in hearings on 2015 SB 45, possessing a concealed carry license would allow a Kansas citizen to carry a concealed weapon in 36 other states pursuant to reciprocity agreements.

## Open Carry

A person 18-years-old or older may carry a firearm openly on their person or in a vehicle if they are in lawful possession of that firearm and are not otherwise prohibited by law or by Attorney General approved signage.

## Recent Changes to Firearms Laws

2016 HB 2502 made changes to several laws concerning firearms:

**Air Guns.** The bill amended the Weapons Free Schools Act to prohibit school districts from adopting policies preventing organizations from conducting activities on school property solely because the activities involve the possession and use of air guns. The definition of "weapon" was amended to specifically exclude air guns. The bill defined "airgun" to mean any device that will or is designed to or may be readily converted to expel a projectile by the release of compressed air or gas, and that is of .18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.

**Active Duty Military Personnel.** The bill made several amendments to concealed carry statutes to allow active duty military personnel to apply for and receive a concealed carry license while stationed outside of Kansas. The bill also specified that a person presenting proof that such person is on active duty with any branch of the U.S. armed forces and is stationed at a military installation outside the state can submit a concealed carry application and supporting materials by mail.

**Public Employers and Employees.** The bill prohibited public employers from restricting or prohibiting through personnel policies any employee legally qualified to conceal carry from carrying a concealed handgun while engaged in employment duties outside the employer's place of business, including while in a means of conveyance. School districts are specifically exempted from the definition of public employer.

**Public Buildings.** Under previous law, the concealed carrying of firearms could be prohibited throughout the entirety of state and municipal buildings by the governing body or chief administrative officer of the building. The bill made the requirements for prohibiting concealed carry in public areas the same as those for prohibiting concealed carry in public buildings: the building or public area must have adequate security at all public access entrances to ensure no weapons are permitted to be carried in the area or building and must conspicuously post the prohibition. The

bill specifies such prohibition could be posted with either permanent or temporary signage approved by the governing body or the chief administrative officer if no governing body exists. "Public area" is defined as any portion of a state or municipal building that is open to and accessible by the public or is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such a building. The bill also stated that exemptions from the Personal and Family Protection Act for state and municipal buildings found in previous law expire July 1, 2017. No specific expiration date was included in law previously.

**Restricted Access Entrances.** The bill amended the Personal and Family Protection Act to allow

entry through restricted access entrances for persons who are not state or municipal employees or otherwise authorized to enter a state or municipal building through a restricted access entrance. "Authorized personnel" is defined to mean employees of a state agency or municipality and any person who is, under the provisions of the bill, authorized to enter a state or municipal building through a restricted access entrance.

**Adequate Security Measures.** The bill amended the definition of "adequate security measures" to specify that personnel used at public entrances of buildings prohibiting concealed carry within the building must be armed.

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