

Senate Substitute for HOUSE BILL No. 2056

By Committee on Federal and State Affairs

3-20

1 AN ACT concerning firearms; relating to the possession thereof; clarifying
2 the eligibility requirements to obtain a license to carry a concealed
3 handgun under the personal and family protection act; requiring that a
4 license be surrendered to the attorney general upon suspension or
5 revocation of such license; amending K.S.A. 75-7c07 and K.S.A. 2023
6 Supp. 75-7c04 and repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2023 Supp. 75-7c04 is hereby amended to read as
10 follows: 75-7c04. (a) The attorney general shall not issue a license
11 pursuant to this act if the applicant:

12 (1) Is not a resident of the county where application for licensure is
13 made or is not a resident of the state;

14 (2) is prohibited from shipping, transporting, possessing or receiving
15 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
16 thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 21-6301(a)(10)
17 ~~through~~, (a)(13) or (a)(15) through (a)(18) or K.S.A. 21-6304(a)(1)
18 through ~~(a)(3)~~ (a)(4), and amendments thereto; or

19 (3) (A) For a provisional license, is less than 18 years of age; or

20 (B) for a standard license, is less than 21 years of age.

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

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

28 (B) general guidelines for courses ~~which~~ that are compatible with the
29 industry standard for basic handgun training for civilians;

30 (C) qualifications of instructors; and

31 (D) a requirement that the course be:

32 (i) A handgun course certified or sponsored by the attorney general;
33 or

34 (ii) a handgun course certified or sponsored by the national rifle
35 association or by a law enforcement agency, college, private or public
36 institution or organization or handgun training school, if the attorney

1 general determines that such course meets or exceeds the standards
2 required by rules and regulations adopted by the attorney general and is
3 taught by instructors certified by the attorney general or by the national
4 rifle association, if the attorney general determines that the requirements
5 for certification of instructors by such association meet or exceed the
6 standards required by rules and regulations adopted by the attorney
7 general.

8 (2) Any person wanting to be certified by the attorney general as an
9 instructor shall submit to the attorney general an application in the form
10 required by the attorney general and a fee *of* not to exceed \$150.

11 ~~(2)~~(3) The cost of the handgun safety and training course required by
12 this section shall be paid by the applicant. The following shall constitute
13 satisfactory evidence of satisfactory completion of an approved handgun
14 safety and training course:

15 (A) Evidence of completion of a course that satisfies the requirements
16 of subsection (b)(1), in the form provided by rules and regulations adopted
17 by the attorney general;

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

21 (C) evidence of completion of a course offered in another jurisdiction
22 ~~which~~ *that* is determined by the attorney general to have training
23 requirements that are equal to or greater than those required by this act; or

24 (D) a determination by the attorney general pursuant to subsection
25 (c).

26 (c) (1) The attorney general may:

27 (A) Create a list of concealed carry handgun licenses or permits
28 issued by other jurisdictions that the attorney general finds have training
29 requirements that are equal to or greater than those of this state; and

30 (B) review each application received pursuant to K.S.A. 75-7c05, and
31 amendments thereto, to determine if the applicant's previous training
32 qualifications were equal to or greater than those of this state.

33 (2) For the purposes of this subsection:

34 (A) "Equal to or greater than" means the applicant's prior training
35 meets or exceeds the training established in this section by having
36 required, at a minimum, the applicant to:

37 (i) Receive instruction on the laws of self-defense; and

38 (ii) demonstrate training and competency in the safe handling, storage
39 and actual firing of handguns.

40 (B) "Jurisdiction" means another state or the District of Columbia.

41 (C) "License or permit" means a concealed carry handgun license or
42 permit from another jurisdiction that has not expired and, except for any
43 residency requirement of the issuing jurisdiction, is currently in good

1 standing.

2 Sec. 2. K.S.A. 75-7c07 is hereby amended to read as follows: 75-
3 7c07. (a) In accordance with the provisions of the Kansas administrative
4 procedure act, the attorney general shall deny a license *or the renewal*
5 *thereof* to any applicant ~~for license~~ who is ineligible *for such license* under
6 K.S.A. 75-7c04, and amendments thereto, and, except as provided by
7 subsection (b), shall revoke at any time the license of any person who
8 ~~would be~~ *becomes* ineligible *for such license* under K.S.A. 75-7c04, and
9 amendments thereto, ~~if submitting an application for a license at such time.~~
10 Review by the district court in accordance with the Kansas judicial review
11 act shall be, at the option of the party seeking review, in Shawnee county
12 or the county ~~in which~~ *where* the petitioner resides. The revocation shall
13 remain in effect pending any appeal and shall not be stayed by the court.

14 (b) The license of a person who is charged for an offense or is subject
15 to a proceeding that could render the person ineligible pursuant to
16 ~~subsection (a) of~~ K.S.A. 75-7c04(a), and amendments thereto, shall be
17 subject to suspension and ~~shall be~~ reinstated upon final disposition of the
18 charge or outcome of the proceeding as long as the arrest or proceeding
19 does not result in a disqualifying conviction, commitment, finding or
20 order.

21 (c) The sheriff of the county where a restraining order is issued that
22 would prohibit issuance of a license under ~~subsection (a)(2) of~~ K.S.A. 75-
23 7c04(a)(2), and amendments thereto, shall notify the attorney general
24 immediately upon receipt of such order. If the person subject to the
25 restraining order holds a license issued pursuant to this act, the attorney
26 general immediately shall suspend such license upon receipt of notice of
27 the issuance of such order. The attorney general shall adopt rules and
28 regulations establishing procedures ~~which~~ *that* allow for 24-hour
29 notification and suspension of a license under the circumstances described
30 in this subsection. The attorney general shall immediately reinstate the
31 license, if it has not otherwise expired, upon proof of the cancellation of
32 the order.

33 (d) *Upon the suspension or revocation of a license issued pursuant to*
34 *this act, the licensee shall surrender the physical license card or*
35 *authorization document issued pursuant to K.S.A. 75-7c03(d), and*
36 *amendments thereto, to the attorney general. If suspended, such physical*
37 *license card or authorization document shall be returned to the licensee at*
38 *the conclusion of such suspension.*

39 (e) (1) If the provisions of paragraph (2) are met, a license issued
40 pursuant to this act shall not be revoked until 90 days after the person
41 issued such license is no longer a resident of this state, if being a
42 nonresident of this state is the only grounds for revocation.

43 (2) A license issued pursuant to this act shall be considered valid for

1 90 days after a licensee is no longer a resident of Kansas, provided that:

2 (A) Prior to the change in residency, the licensee notified the attorney
3 general in writing of the pending change; and

4 (B) the licensee's new state of residence, or any other state or
5 jurisdiction that such licensee travels to during the 90-day period, would
6 recognize such license as valid.

7 ~~(e)~~*(f)* A person who has been issued a license pursuant to this act and
8 who gave up residency in this state; but has returned to reside in this state
9 shall be eligible to have their license reinstated as valid provided that:

10 (1) The license has not expired; and

11 (2) (A) the licensee notified the attorney general in writing of both the
12 residency departure and relocation back to this state; or

13 (B) if such licensee failed to comply with the notification
14 requirements of this subsection, the penalty provisions of ~~subsection (e)~~ of
15 K.S.A. 75-7c06~~(e)~~, and amendments thereto, have been satisfied.

16 Sec. 3. K.S.A. 75-7c07 and K.S.A. 2023 Supp. 75-7c04 are hereby
17 repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.