

{As Amended by House Committee of the Whole}

Session of 2019

HOUSE BILL No. 2326

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; **{age requirement for licensure;}** recognition of
3 licenses issued by other jurisdictions; amending K.S.A. 2018 Supp. 21-
4 6302 ~~and~~{,} 75-7c03 **{and 75-7c04}** and repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 21-6302 is hereby amended to read as
8 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
9 carrying:

10 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

11 (2) concealed on one's person, a billy, blackjack, slungshot or any
12 other dangerous or deadly weapon or instrument of like character;

13 (3) on one's person or in any land, water or air vehicle, with intent to
14 use the same unlawfully, a tear gas or smoke bomb or projector or any
15 object containing a noxious liquid, gas or substance; ~~or~~

16 (4) any pistol, revolver or other firearm concealed on one's person if
17 such person is under 21 years of age, except when on such person's land or
18 in such person's abode or fixed place of business; or

19 (5) a shotgun with a barrel less than 18 inches in length or any other
20 firearm designed to discharge or capable of discharging automatically
21 more than once by a single function of the trigger whether the person
22 knows or has reason to know the length of the barrel or that the firearm is
23 designed or capable of discharging automatically.

24 (b) Criminal carrying of a weapon as defined in:

25 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson
26 misdemeanor; and

27 (2) subsection (a)(5) is a severity level 9, nonperson felony.

28 (c) Subsection (a) shall not apply to:

29 (1) Law enforcement officers, or any person summoned by any such
30 officers to assist in making arrests or preserving the peace while actually
31 engaged in assisting such officer;

32 (2) wardens, superintendents, directors, security personnel and
33 keepers of prisons, penitentiaries, jails and other institutions for the
34 detention of persons accused or convicted of crime, while acting within the
35 scope of their authority;

36 (3) members of the armed services or reserve forces of the United

1 States or the Kansas national guard while in the performance of their
2 official duty; or

3 (4) the manufacture of, transportation to, or sale of weapons to a
4 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
5 such weapons.

6 (d) *Subsection (a)(4) shall not apply to any person who possesses a*
7 *valid license or permit to carry a concealed firearm that was issued*
8 **{pursuant to K.S.A. 2018 Supp. 75-7c01 et seq., and amendments**
9 **thereto, or}** *by another jurisdiction and is recognized in this state*
10 *pursuant to K.S.A. 2018 Supp. 75-7c03, and amendments thereto.*

11 ~~(d)~~(e) Subsection (a)(5) shall not apply to:

12 (1) Any person who sells, purchases, possesses or carries a firearm,
13 device or attachment which has been rendered unserviceable by steel weld
14 in the chamber and marriage weld of the barrel to the receiver and which
15 has been registered in the national firearms registration and transfer record
16 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
17 and, if such person transfers such firearm, device or attachment to another
18 person, has been so registered in the transferee's name by the transferor;

19 (2) any person employed by a laboratory which is certified by the
20 United States department of justice, national institute of justice, while
21 actually engaged in the duties of their employment and on the premises of
22 such certified laboratory. Subsection (a)(5) shall not affect the manufacture
23 of, transportation to or sale of weapons to such certified laboratory; or

24 (3) any person or entity in compliance with the national firearms act,
25 26 U.S.C. § 5801 et seq.

26 ~~(e)~~(f) As used in this section, "throwing star" means the same as
27 prescribed by K.S.A. 2018 Supp. 21-6301, and amendments thereto.

28 Sec. 2. K.S.A. 2018 Supp. 75-7c03 is hereby amended to read as
29 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
30 concealed handguns to persons who comply with the application and
31 training requirements of this act and who are not disqualified under K.S.A.
32 2018 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
33 throughout the state for a period of four years from the date of issuance.
34 The availability of licenses to carry concealed handguns under this act
35 shall not be construed to impose a general prohibition on the carrying of
36 handguns without such license, whether carried openly or concealed, or
37 loaded or unloaded.

38 (b) The license shall be a separate card, in a form prescribed by the
39 attorney general, that is approximately the size of a Kansas driver's license
40 and shall bear the licensee's signature, name, address, date of birth and
41 driver's license number or nondriver's identification card number except
42 that the attorney general shall assign a unique number for military
43 applicants or their dependents described in K.S.A. 2018 Supp. 75-7c05(a)

1 (1)(B), and amendments thereto.

2 (c) (1) *Subject to the provisions of subsection (c)(2), a valid license*
3 *or permit to carry a concealed firearm issued by another jurisdiction shall*
4 *be recognized in this state, but only while the holder is not a resident of*
5 *Kansas.*

6 (2) *A valid license or permit that is recognized pursuant to this*
7 *subsection shall only entitle the lawful holder thereof to carry concealed*
8 *handguns, as defined by K.S.A. 2018 Supp. 75-7c02, and amendments*
9 *thereto, in this state, and the holder thereof shall otherwise act in*
10 *accordance with the laws of this state while such holder is present in this*
11 *state. The recognition of a license or permit pursuant to this subsection*
12 *shall not be construed to impose a general prohibition on the carrying of*
13 *handguns without such license, whether carried openly or concealed, or*
14 *loaded or unloaded.*

15 (3) *As used in this subsection, the terms "jurisdiction" and "license or*
16 *permit" shall have the same meanings as provided in K.S.A. 2018 Supp.*
17 *75-7c04, and amendments thereto.*

18 **{Sec. 3. K.S.A. 2018 Supp. 75-7c04 is hereby amended to read as**
19 **follows: 75-7c04. (a) The attorney general shall not issue a license**
20 **pursuant to this act if the applicant:**

21 **(1) Is not a resident of the county where application for licensure**
22 **is made or is not a resident of the state;**

23 **(2) is prohibited from shipping, transporting, possessing or**
24 **receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n),**
25 **and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or**
26 **K.S.A. 2018 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2018**
27 **Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or**

28 **(3) is less than ~~21~~ 18 years of age.**

29 **(b) (1) The attorney general shall adopt rules and regulations**
30 **establishing procedures and standards as authorized by this act for an**
31 **eight-hour handgun safety and training course required by this**
32 **section. Such standards shall include: (A) A requirement that trainees**
33 **receive training in the safe storage of handguns, actual firing of**
34 **handguns and instruction in the laws of this state governing the**
35 **carrying of concealed handguns and the use of deadly force; (B)**
36 **general guidelines for courses which are compatible with the industry**
37 **standard for basic handgun training for civilians; (C) qualifications of**
38 **instructors; and (D) a requirement that the course be: (i) A handgun**
39 **course certified or sponsored by the attorney general; or (ii) a**
40 **handgun course certified or sponsored by the national rifle association**
41 **or by a law enforcement agency, college, private or public institution**
42 **or organization or handgun training school, if the attorney general**
43 **determines that such course meets or exceeds the standards required**

1 by rules and regulations adopted by the attorney general and is taught
2 by instructors certified by the attorney general or by the national rifle
3 association, if the attorney general determines that the requirements
4 for certification of instructors by such association meet or exceed the
5 standards required by rules and regulations adopted by the attorney
6 general. Any person wanting to be certified by the attorney general as
7 an instructor shall submit to the attorney general an application in the
8 form required by the attorney general and a fee not to exceed \$150.

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

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

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

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

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

25 (c) The attorney general may:

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

30 (2) review each application received pursuant to K.S.A. 2018
31 Supp. 75-7c05, and amendments thereto, to determine if the
32 applicant's previous training qualifications were equal to or greater
33 than those of this state.

34 (d) For the purposes of this section:

35 (1) "Equal to or greater than" means the applicant's prior
36 training meets or exceeds the training established in this section by
37 having required, at a minimum, the applicant to: (A) Receive
38 instruction on the laws of self-defense; and (B) demonstrate training
39 and competency in the safe handling, storage and actual firing of
40 handguns.

41 (2) "Jurisdiction" means another state or the District of
42 Columbia.

43 (3) "License or permit" means a concealed carry handgun license

1 **or permit from another jurisdiction—~~which~~ that has not expired and,**
2 **except for any residency requirement of the issuing jurisdiction, is**
3 **currently in good standing.**

4 ~~Sec. 3. {4.}~~ K.S.A. 2018 Supp. 21-6302—~~and~~{,} 75-7c03 {**and 75-**
5 **7c04**} are hereby repealed.

6 ~~Sec. 4. {5.}~~ This act shall take effect and be in force from and after its
7 publication in the statute book.