

Session of 2021

HOUSE BILL No. 2089

By Committee on Federal and State Affairs

1-21

education; relating to firearms;
standardizing firearm safety education
training programs in school districts;
establishing the Roy'Alé act

1 AN ACT concerning ~~firearms; relating to the personal and family~~
2 ~~protection act; authorizing the issuance of an alternative license during~~
3 ~~a declared state of disaster emergency; amending K.S.A. 75-7c03 and~~
4 ~~75-7c05 and repealing the existing sections.~~

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

7 Section 1. ~~K.S.A. 75-7c03 is hereby amended to read as follows: 75-~~
8 ~~7c03. (a) The attorney general shall issue licenses to carry concealed~~
9 ~~handguns to persons who comply with the application and training~~
10 ~~requirements of this act and who are not disqualified under K.S.A. 75-~~
11 ~~7c04, and amendments thereto. Such licenses shall be valid throughout the~~
12 ~~state for a period of four years from the date of issuance. The availability~~
13 ~~of licenses to carry concealed handguns under this act shall not be~~
14 ~~construed to impose a general prohibition on the carrying of handguns~~
15 ~~without such license, whether carried openly or concealed, or loaded or~~
16 ~~unloaded.~~

17 ~~(b) Except as otherwise provided in subsection (c), the license shall~~
18 ~~be a separate card, in a form prescribed by the attorney general, that is~~
19 ~~approximately the size of a Kansas driver's license and shall bear the~~
20 ~~licensee's signature, name, address, date of birth and driver's license~~
21 ~~number or nondriver's identification card number except that the attorney~~
22 ~~general shall assign a unique number for military applicants or their~~
23 ~~dependents described in K.S.A. 75-7c05(a)(1)(B), and amendments~~
24 ~~thereto.~~

25 ~~(c) When a state of disaster emergency has been proclaimed pursuant~~
26 ~~to K.S.A. 48-924, and amendments thereto, and if the attorney general, in~~
27 ~~the attorney general's sole discretion, determines that during such state of~~
28 ~~disaster emergency it is impractical for licensees to obtain a physical card~~
29 ~~from the division of vehicles of the department of revenue, the attorney~~
30 ~~general may issue an authorization document to each licensee that~~
31 ~~authorizes the licensee to exercise the rights and privileges to carry a~~
32 ~~concealed handgun as set forth in this act. Such document shall include~~
33 ~~the licensee information required under subsection (b) and state that the~~
34 ~~document is proof that the licensee holds a valid license to carry~~
35 ~~concealed handguns. All such documents issued during a state of disaster~~
36 ~~emergency shall expire 90 days after such state of disaster emergency is~~

(a) For the purposes of promoting the safety and protection of students and emphasizing how students should respond when encountering a firearm, the board of education of a school district may provide firearm safety education programs. The state board of education shall establish curriculum guidelines for a standardized firearm safety education program. Such guidelines shall include, but not be limited to, accident prevention and for students enrolled in:

(1) Kindergarten and grades one through five, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any successor program;

(2) grades six through eight, shall be based on the eddie eagle gunsafe program offered by the national rifle association or any successor program or the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program; and

(3) grades nine through 12, shall be based on the hunter education in our schools program offered by the Kansas department of wildlife, parks and tourism or any successor program.

(b) If a board of education elects to provide firearm safety education, such instruction shall be in accordance with the guidelines established by the state board of education and shall be offered to ensure that all students are provided the opportunity to take the course.

(c) This section shall be known and may be cited as the Roy'Alé act.

1 ~~terminated.~~

2 ~~Sec. 2. K.S.A. 75-7c05 is hereby amended to read as follows: 75-~~
3 ~~7c05. (a) The application for a license pursuant to this act shall be~~
4 ~~completed, under oath, on a form prescribed by the attorney general and~~
5 ~~shall only include:~~

6 ~~(1) (A) Subject to the provisions of subsection (a)(1)(B), the name,~~
7 ~~address, social security number, Kansas driver's license number or Kansas~~
8 ~~nondriver's license identification number, place and date of birth, a~~
9 ~~photocopy of the applicant's driver's license or nondriver's identification~~
10 ~~card and a photocopy of the applicant's certificate of training course~~
11 ~~completion; (B) in the case of an applicant who presents proof that such~~
12 ~~person is on active duty with any branch of the armed forces of the United~~
13 ~~States, or is the dependent of such a person, and who does not possess a~~
14 ~~Kansas driver's license or Kansas nondriver's license identification, the~~
15 ~~number of such license or identification shall not be required;~~

16 ~~(2) a statement that the applicant is in compliance with criteria~~
17 ~~contained within K.S.A. 75-7c04, and amendments thereto;~~

18 ~~(3) a statement that the applicant has been furnished a copy of this act~~
19 ~~and is knowledgeable of its provisions;~~

20 ~~(4) a conspicuous warning that the application is executed under oath~~
21 ~~and that a false answer to any question, or the submission of any false~~
22 ~~document by the applicant, subjects the applicant to criminal prosecution~~
23 ~~under K.S.A. 2020 Supp. 21-5903, and amendments thereto; and~~

24 ~~(5) a statement that the applicant desires a concealed handgun license~~
25 ~~as a means of lawful self-defense.~~

26 ~~(b) Except as otherwise provided in subsection (i), the applicant shall~~
27 ~~submit to the sheriff of the county where the applicant resides, during any~~
28 ~~normal business hours:~~

29 ~~(1) A completed application described in subsection (a);~~

30 ~~(2) a nonrefundable license fee of \$132.50, if the applicant has not~~
31 ~~previously been issued a statewide license or if the applicant's license has~~
32 ~~permanently expired, which fee shall be in the form of two cashier's~~
33 ~~checks, personal checks or money orders of \$32.50 payable to the sheriff~~
34 ~~of the county where the applicant resides and \$100 payable to the attorney~~
35 ~~general;~~

36 ~~(3) if applicable, a photocopy of the proof of training required by~~
37 ~~K.S.A. 75-7c04(b)(1), and amendments thereto; and~~

38 ~~(4) a full frontal view photograph of the applicant taken within the~~
39 ~~preceding 30 days.~~

40 ~~(c) (1) Except as otherwise provided in subsection (i), the sheriff,~~
41 ~~upon receipt of the items listed in subsection (b), shall provide for the full~~
42 ~~set of fingerprints of the applicant to be taken and forwarded to the~~
43 ~~attorney general for purposes of a criminal history records check as~~

1 ~~provided by subsection (d). In addition, the sheriff shall forward to the~~
2 ~~attorney general the application and the portion of the original license fee~~
3 ~~which is payable to the attorney general. The cost of taking such~~
4 ~~fingerprints shall be included in the portion of the fee retained by the~~
5 ~~sheriff. Notwithstanding anything in this section to the contrary, an~~
6 ~~applicant shall not be required to submit fingerprints for a renewal~~
7 ~~application under K.S.A. 75-7c08, and amendments thereto.~~

8 ~~(2) The sheriff of the applicant's county of residence or the chief law~~
9 ~~enforcement officer of any law enforcement agency, at the sheriff's or chief~~
10 ~~law enforcement officer's discretion, may participate in the process by~~
11 ~~submitting a voluntary report to the attorney general containing readily~~
12 ~~discoverable information, corroborated through public records, which,~~
13 ~~when combined with another enumerated factor, establishes that the~~
14 ~~applicant poses a significantly greater threat to law enforcement or the~~
15 ~~public at large than the average citizen. Any such voluntary reporting shall~~
16 ~~be made within 45 days after the date the sheriff receives the application.~~
17 ~~Any sheriff or chief law enforcement officer submitting a voluntary report~~
18 ~~shall not incur any civil or criminal liability as the result of the good faith~~
19 ~~submission of such report.~~

20 ~~(3) All funds retained by the sheriff pursuant to the provisions of this~~
21 ~~section shall be credited to a special fund of the sheriff's office which shall~~
22 ~~be used solely for the purpose of administering this act.~~

23 ~~(d) Each applicant shall be subject to a state and national criminal~~
24 ~~history records check which conforms to applicable federal standards,~~
25 ~~including an inquiry of the national instant criminal background check~~
26 ~~system for the purpose of verifying the identity of the applicant and~~
27 ~~whether the applicant has been convicted of any crime or has been the~~
28 ~~subject of any restraining order or any mental health related finding that~~
29 ~~would disqualify the applicant from holding a license under this act. The~~
30 ~~attorney general is authorized to use the information obtained from the~~
31 ~~state or national criminal history record check to determine the applicant's~~
32 ~~eligibility for such license.~~

33 ~~(e) Within 90 days after the date of receipt of the items listed in~~
34 ~~subsection (b), the attorney general shall:~~

35 ~~(1) (A) Issue the license and certify the issuance to the department of~~
36 ~~revenue; and~~

37 ~~(B) if a state of disaster emergency has been proclaimed pursuant to~~
38 ~~K.S.A. 48-924, and amendments thereto, and the attorney general~~
39 ~~determines that during such state of disaster emergency it is impractical~~
40 ~~for licensees to obtain a physical card from the department of revenue, the~~
41 ~~attorney general shall issue an authorization document in accordance with~~
42 ~~K.S.A. 75-7c03(c), and amendments thereto; or~~

43 ~~(2) deny the application based solely on: (A) The report submitted by~~

1 ~~the sheriff or other chief law enforcement officer under subsection (c)(2)~~
2 ~~for good cause shown therein; or (B) the ground that the applicant is~~
3 ~~disqualified under the criteria listed in K.S.A. 75-7c04, and amendments~~
4 ~~thereto. If the attorney general denies the application, the attorney general~~
5 ~~shall notify the applicant in writing, stating the ground for denial and~~
6 ~~informing the applicant the opportunity for a hearing pursuant to the~~
7 ~~Kansas administrative procedure act.~~

8 ~~(f) Each person issued a license shall pay to the department of~~
9 ~~revenue a fee for the cost of the license which shall be in amounts equal to~~
10 ~~the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments~~
11 ~~thereto, for replacement of a driver's license.~~

12 ~~(g) (1) A person who is a retired law enforcement officer, as defined~~
13 ~~in K.S.A. 2020 Supp. 21-5111, and amendments thereto, shall be: (A)~~
14 ~~Required to pay an original license fee as provided in subsection (b)(2), to~~
15 ~~be forwarded by the sheriff to the attorney general; (B) exempt from the~~
16 ~~required completion of a handgun safety and training course if such person~~
17 ~~was certified by the Kansas commission on peace officer's standards and~~
18 ~~training, or similar body from another jurisdiction, not more than eight~~
19 ~~years prior to submission of the application; (C) required to pay the license~~
20 ~~renewal fee; (D) required to pay to the department of revenue the fees~~
21 ~~required by subsection (f); and (E) required to comply with the criminal~~
22 ~~history records check requirement of this section.~~

23 ~~(2) Proof of retirement as a law enforcement officer shall be required~~
24 ~~and provided to the attorney general in the form of a letter from the agency~~
25 ~~head, or their designee, of the officer's retiring agency that attests to the~~
26 ~~officer having retired in good standing from that agency as a law~~
27 ~~enforcement officer for reasons other than mental instability and that the~~
28 ~~officer has a nonforfeitable right to benefits under a retirement plan of the~~
29 ~~agency.~~

30 ~~(h) A person who is a corrections officer, a parole officer or a~~
31 ~~corrections officer employed by the federal bureau of prisons, as defined~~
32 ~~by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay~~
33 ~~an original license fee as provided in subsection (b)(2); (2) exempt from the~~
34 ~~required completion of a handgun safety and training course if such~~
35 ~~person was issued a certificate of firearms training by the department of~~
36 ~~corrections or the federal bureau of prisons or similar body not more than~~
37 ~~one year prior to submission of the application; (3) required to pay the~~
38 ~~license renewal fee; (4) required to pay to the department of revenue the~~
39 ~~fees required by subsection (f); and (5) required to comply with the~~
40 ~~criminal history records check requirement of this section.~~

41 ~~(i) A person who presents proof that such person is on active duty~~
42 ~~with any branch of the armed forces of the United States and is stationed at~~
43 ~~a United States military installation located outside this state, may submit~~

1 ~~by mail an application described in subsection (a) and the other materials~~
2 ~~required by subsection (b) to the sheriff of the county where the applicant~~
3 ~~resides. Provided the applicant is fingerprinted at a United States military~~
4 ~~installation, the applicant may submit a full set of fingerprints of such~~
5 ~~applicant along with the application. Upon receipt of such items, the~~
6 ~~sheriff shall forward to the attorney general the application and the portion~~
7 ~~of the original license fee which is payable to the attorney general.~~

8 ~~Sec. 3. K.S.A. 75-7c03 and 75-7c05 are hereby repealed.~~

9 ~~Sec. 4. This act shall take effect and be in force from and after its~~
10 ~~publication in the statute book.~~