HOUSE BILL No. 2074

By Committee on Federal and State Affairs

1-21

AN ACT concerning firearms; relating to the possession of firearms; amending K.S.A. 2014 Supp. 75-7c04 and 75-7c17 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 21-6309.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2014 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

- (1) Is not a resident of the county where application for licensure is made or is not a resident of the state;
- (2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or subsections (a)(10) through (a)(13) of K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or subsections (a)(1) through (a)(3) of K.S.A. 2014 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or
- (3) has been convicted of or was adjudicated a juvenile offenderbecause of the commission of an act which if done by an adult would constitute the commission of any of the offenses described in subsections (a)(1) and (a)(3)(A) of K.S.A. 2014 Supp. 21-6304, and amendmentsthereto: or
 - (4) is less than 21 years of age.
- (b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards

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

- (2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:
- (A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;
- (B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or
- (C) a determination by the attorney general pursuant to subsection (d) of K.S.A. 2014 Supp. 75-7c03(d), and amendments thereto.
- Sec. 2. K.S.A. 2014 Supp. 75-7c17 is hereby amended to read as follows: 75-7c17. (a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed handguns for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed handguns for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed handguns by persons licensed under this act except as provided in K.S.A. 2014 Supp. 75-7c20, and amendments thereto, and in subsection (b) of K.S.A. 2014 Supp. 75-7c10(b), and amendments thereto, and subsection (f) of K.S.A. 21-4218(f), prior to its repeal, or subsection (e) of K.S.A. 2014 Supp. 21-6309, and amendments thereto. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed handguns by persons licensed under this act except as provided in K.S.A. 2014 Supp. 75-7c20, and amendments thereto, and in subsection (b) of K.S.A. 2014 Supp. 75-7c10(b), and amendments thereto, and subsection (f) of K.S.A. 21-4218(f), prior to its repeal, or subsection (e) of K.S.A. 2014 Supp. 21-6309, and amendments thereto, shall be null and void.
 - (b) Prosecution of any person licensed under the personal and family protection act, and amendments thereto, for violating any restrictions on

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licensees will be done through the district court.

- (c) The legislature does not delegate to the attorney general the authority to regulate or restrict the issuing of licenses provided for in this act, beyond those provisions of this act pertaining to licensing and training. Subjective or arbitrary actions or rules and regulations which encumber the issuing process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this act or which create restrictions beyond those specified in this act are in conflict with the intent of this act and are prohibited.
- (d) This act shall be liberally construed. This act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights.
- Sec. 3. K.S.A. 2014 Supp. 21-6309, 75-7c04 and 75-7c17 are hereby repealed.
- Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.