

Frequently Asked Questions

FAQ's

Updated 7/2015

Kansas Personal and Family Protection Act [K.S.A 75-7c01 et. seq]



General Information

- When did the Kansas Personal and Family Protection Act (“KPFPA” - also known as the concealed carry law) become law?
 - Answer: The act became law on July 1, 2006; however, the law specified that no permits would be issued prior to January 1, 2007.
- When were the first concealed carry handgun (CCH) licenses issued under the Act?
 - Answer: January 3, 2007.
- How long is the Kansas CCH license valid?
 - Answer: Kansas CCH licenses are valid for a period of 4 years (provided the license is not suspended or revoked for some reason.)
- How much does it cost to apply for a license?
 - Answer: The **application fee** itself is \$132.50. But there are additional associated fees with the licensing process. See below.
 - When a person applies for a Kansas CCH license, they are required to submit a money order, personal check or cashier’s check in the amount of \$32.50 payable to the sheriff’s office in the county where the

applicant resides, and a second money order, personal check or cashier's check in the amount of \$100 payable to the "Office of the Attorney General" (\$32.50 + \$100 = \$132.50 application fee)(hereinafter, Attorney General may also be referred to as "AG").

- The 8-hr training course costs an applicant **approximately** \$100 – but that price will vary amongst instructors and is at their discretion. Some may be as low as \$75 and some may cost several hundred dollars.
- There is also a fee to pay to the department of revenue when getting the actual CCH license issued (approximately \$16)
- What does the actual CCH license look like?
 - Answer: By KSA 75-7c03, a Kansas CCH license has to be issued on a separate license card. The card appears very similar to a Kansas driver's license, except the card has "Concealed Carry License" clearly printed on it, along with an expiration date.
- Where is the actual CCH license obtained?
 - Answer: An approved Kansas Department of Revenue state driver's license station.
 - Approved CCH applicants will receive a "license approval notice" from the AG. This notice informs the applicant they have been approved for a license **and** directs the approved applicant to go to a participating DL station in order to be photographed for the new CCH license card.
 - A paper version of the CCH is issued at that point, just like obtaining a KS driver's license or identification card, and the actual CCH license will mailed to the CCH licensee about 1 – 2 weeks later.
- What if I have a change of address or name?
 - Answer: Licensees must **notify the AG**, through the Concealed Carry Licensing Unit ("CCLU") within 30 days of changing a permanent address. KSA 75-7c06. **Notifications made to a driver's license station will not suffice for notification to the AG.**
 - The CCLU requires this to be in writing in order to avoid any confusion later on. Likewise, the licensee should advise the CCLU of any change to their name. Once notified, the CCLU will generate an approval notice to re-issue the license. The licensee will then have to go to an approved driver's license station to obtain the re-issued license. The driver's license station will charge a fee to generate a new license card.
- What if my license is lost or stolen?

- Answer: Licensees must notify the CCLU in writing within 30 days of losing a CCH license or having a CCH license stolen. This notice must include a notarized statement setting forth the circumstances of the loss. A fee of \$15.00 in the form of a cashier's check, personal check or money order made payable to the "Office of Attorney General" must accompany the notarized statement. Once notified, the CCLU will generate an approval notice to re-issue the license. The licensee will have to go to an approved driver's license station to obtain the re-issued license. ***The driver's license station will charge a fee to generate the new license card.***
- If I need to withdraw my application for whatever reason...can I have my application fee refunded?
 - No. By law, the fees are non-refundable. See, K.S.A. 75-7c05

TRAINING COURSE

- Is there any training required?
 - Answer: Yes. The KPFPA generally requires that all CCH license applicants must have successfully complete training approved by the AG before they may obtain a Kansas CCH license. See K.S.A. 75-7c04(b) & (c)

Amendments to the KPFPA in 2015 have expanded the discretionary ability of the Attorney General to accept various forms of prior training in order to meet the training requirement. On and after July 1, 2015, the following may be acceptable options:

 - Those individuals who still have a valid non-Kansas CCH license ***may*** be able to utilize the training they completed in order to obtain a Kansas CCH and not have to complete the Kansas 8-hour course;
 - Please be aware that training courses from other jurisdictions which have not been certified by the Attorney General will be subject to review for their content in order to ensure compliance with the "equal to or greater than" standard of 75-7c04(c).
 - Kansas recognizes prior training of ***retired*** law enforcement (if retired less than 8 years ago). See, K.S.A. 75-7c05.
 - Kansas also recognizes the firearms training taken by ***current*** Department of Corrections officers, parole officers or Federal Bureau of Prisons officers ***if*** completed within the past 12 months. See K.S.A. 75-7c05.
- Where do I go to get the required 8-hour training?
 - Answer: A directory of certified instructors (listed by county) is posted on the AG's web site (<http://ag.ks.gov/docs/documents/certified-instructor->

[directory.pdf](#)). The Kansas CCH training course must be taught by an individual who is certified by the AG to teach the course.

- Are there any other exemptions to the required 8-hour training class other than those listed above?
 - Answer: Again, prior training utilized to obtain a CCH license from another jurisdiction **may** be sufficient to bypass the current Kansas training. This will normally be a case by case basis review of that individual's prior training. Further, not all prior trainings can be considered. For instance: hunter's education (not handgun-based training), any course without a live-fire qualification, or any course where self-defense was not taught are among those trainings which will generally not count towards the Kansas training exemption.
- How much does the training class cost?
 - Answer: Again, because the training classes are taught by private individuals the cost of a class varies from trainer to trainer.
- Do I have to complete the required training program before I submit my application?
 - Answer: Generally, yes. The required 8-hour training class must be completed before a person can submit an application to the sheriff's office. Once a person has completed the required class, the instructor will sign a form certifying that the person has completed the class and a copy of that form must be attached when the Applicant submits their application to the sheriff's office.

NOTE: Those who have prior training which does not ultimately comport with Kansas' requirements will need to supplement their training with the Kansas course in order to meet the Kansas standards are an exception to the pre-application training requirement. These individuals can apply for the Kansas license in accordance with K.S.A. 75-7c03 and then take the Kansas training course.

- I applied previously but withdrew my application because we were moving to another state. We have now moved back to Kansas again. Can I use my prior Kansas training from my first application to send in another application?
 - Answer: Yes, at this point in time. There is no statutory expiration for the Kansas training course. However, applicants are encouraged to apply as soon as possible after completing the training class.

MORE "TRAINING" QUESTIONS ARE CONTAINED BELOW. THEY RELATE TO THOSE MOVING TO KANSAS FROM ANOTHER STATE AND ARE IN

POSSESSION OF A VALID CONCEALED CARRY LICENSE ISSUED BY ANOTHER STATE.

APPLICATION PROCESS

- Where can I get an application?
 - Answer: You can access the online application form from the AG's website (<http://ag.ks.gov/docs/forms/concealed-carry-application.pdf>), or obtain a paper copy of the application form at the sheriff's office in your county of residence.
- Where do I submit my CCH application?
 - Answer: All applicants for a Kansas CCH license must apply through the sheriff's office in the county where they reside- there are no exceptions.
- How long does the AG take to process a license application - when can I expect to receive an approval notice?
 - Answer: The AG is required by statute to process an application and notify the applicant within 90 days of receiving the application. Currently, the CCLU is experiencing faster turnaround times for most applicants (around 30 day processing time) **however...**
 - Unless an applicant receives a written request for additional information, the person should not **expect** to hear from the CCLU for at least 45 - 60 days.
- Do I have to be a resident of the State of Kansas to obtain a Kansas CCH license?
 - Answer: Generally, yes. Most applicants must be a resident of Kansas prior to making application for a CCH license. Kansas will generally not issue CCH licenses to non-residents.

NOTE: The exceptions: Active duty military and their "dependents" are allowed to apply for a Kansas CCH and keep their out-of-state identification cards (the law allows them, essentially, dual residency).

A "dependent" of active duty military is someone who resides with the military member and financially depends upon that member in whole or substantial part.

- I have an expunged felony and/or misdemeanor conviction(s). Do I have to **disclose** my expunged offenses on my CCH application?
 - Answer: **Yes.** Kansas law (K.S.A. 21-6614) requires that CCH applicants truthfully disclose all convictions, even those that have been expunged,

pardoned, set aside etc. **Failure to be truthful in a CCH application can result in a future prosecution for a felony offense.** K.S.A. 75-7c09.

QUESTIONS ABOUT CRIMINAL HISTORY/OTHER BACKGROUND

- I have a criminal history, can I still apply?
 - Answer: Yes, **but** you may be denied if you have certain felony convictions or juvenile adjudications **or** are otherwise prohibited from “shipping, transporting, possessing or receiving a firearm” under State or Federal law. See, KSA 75-7c04(a). Again, if you do not truthfully disclose your criminal history you could face felony criminal charges.
 - Federal law prohibits individuals from shipping, transporting, possessing or receiving firearms and/or ammunition if the individual has been convicted of a “crime punishable by a term of imprisonment for more than 12 months” – essentially a felony;
 - Federal law will look to the law of the jurisdiction where the conviction happened to determine if there is still a qualifying felony “conviction” for that disqualification. If the conviction happened in Kansas state court – Kansas law will control; if the conviction occurred in Florida state court, Florida state law will control the 922(g)(1) analysis; if the conviction happened in Federal court, the Federal law will control.
 - Kansas law prohibits individuals from possessing firearms for either 5 years, 10 years or permanently depending on the felony conviction/adjudication and whether a firearm was possessed at the time of the felony (the firearm did not have to be used during the felony);
 - the lifetime prohibitor will also apply to any felony drug conviction where a firearm was possessed at the time of the crime.

NOTE: Applicants also need to be aware that, even if the crime occurred in another jurisdiction, Kansas law will be considered for purposes of determining whether the applicant’s criminal history meets **Kansas** firearm possession standards. In other words, convicted felons from another jurisdiction will have to satisfy 2 levels of “State” compliance (convicting jurisdiction law & KSA 21-6304) before being approved

- Federal law prohibits individuals with a prior conviction for a “misdemeanor crimes of domestic violence” (MCDV) from shipping, transporting, possessing or receiving firearms and ammunition. 18 USC 922(g)(9).

- Federal law, 18 USC 922(g) & (n) also prohibits firearm possession for individuals with the following circumstances:
 - Individuals who are under “indictment” (meaning a pending criminal charge – to include diversion programs from Kansas) for a “crime punishable by a term of imprisonment for more than 12 months”;
 - Individuals who renounce their US citizenship (rare to this point in time);
 - Individuals who are not: (a) a US citizen; (b) a permanent resident alien; or (c) a qualifying nonimmigrant alien (individuals who are unlawfully in the United States)

NOTE: Again, K.S.A. 75-7c04 generally requires Kansas residency as a CCH license qualification. Most nonimmigrant aliens are only in the United States for a temporary basis (i.e., work or school) and have retained their country of origin. Nonimmigrant aliens, therefore, may not meet the state residency requirements.

- Individuals who have been dishonorably discharged from the US armed forces (or “dismissed” as an officer);
 - Individuals with qualifying protection orders against them from intimate partners;
 - Individuals who have been adjudicated by a lawful authority as a mental defective **or** been committed to a mental institution;
 - Individuals who are fugitives from justice; and
 - Individuals who are addicted to **or** unlawful users of controlled substances.
- There are also Kansas firearm prohibitions under KSA 21-6301 that are similar to some of the other federal prohibitions of 922(g) noted above.

EXAMPLE: I applied for a CCH license recently and my felony criminal conviction has been expunged. Am I eligible for a CCH license since my history is expunged?

ANSWER: It is possible. A critical point to understand is that, just because a prior Kansas felony conviction has been expunged from one’s criminal history, does not mean that the individual is now eligible to ship, transport, possess and/or receive a firearm. In fact, under K.S.A. 21-6614(k), the expungement of a prior felony will generally have **no** effect on one’s state or federal firearm prohibition periods.

- If an applicant is subject to a lifetime ban under 21-6304(a)(1), a 5 year ban under 21-6304(a)(2) or 10 year ban under 21-6304(a)(3)(B), those prohibitions remain intact during the appropriate time frame even if the

conviction has been expunged or pardoned prior to the expiration of that 5 year, 10 year or lifetime period.

EXAMPLE: I was convicted on July 15, 2008 of felony theft - no firearm was involved or otherwise possessed at that time. My conviction has not been expunged and I was put on probation. When am I eligible to apply for a Kansas CCH license?

ANSWER: July 15, 2013 - **assuming no other disqualifications are present.** (July 15, 2008 conviction date + 5 year prohibition of 21-6304(a)(2) = July 15 2013).

EXAMPLE: I was convicted of aggravated assault with a firearm in 1982 and got my conviction expunged this year. Can I now apply for a concealed carry license?

ANSWER: **NO.** An individual in this situation (person felony & simultaneous possession of a firearm) is **permanently** barred from possessing firearms under K.S.A. 2013 Supp. 21-6304(a)(1). **This individual should not possess any firearms at all.** In fact, by merely completing the full CCH training course, this individual has violated Kansas (and federal) law by possessing a firearm during the shooting portion of the class. The fact that the conviction has been expunged has no effect on this lifetime prohibition (again, see, K.S.A. 2013 Supp. 21-6614(k)(2)).

EXAMPLE: I entered into a 12 month **diversion** program with my county attorney **last month** for a felony burglary charge. I've not been convicted of the crime and it will be dismissed once I've completed the diversion term. Am I eligible to apply?

ANSWER: NO.

- Individuals who are still subject to the terms of a diversion agreement have not yet had the charge(s) against them dismissed...so they are still under (a) felony charge(s). Therefore, under federal law, they would be viewed as still being under "indictment" for a crime punishable by imprisonment for more than 12 months and ineligible to possess a firearm under federal law. The individual must successfully complete the terms of their diversion program before applying for a Kansas CCH.
 - Completed diversion programs are no longer deniable criminal history events.
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EXAMPLE: I was convicted of generic "battery" in 1998 – my wife and I got into an argument and I slapped her. Her lip was swollen and bleeding so they charged me with domestic battery for physically harming her. My attorney was able to work out a

plea to where I was only convicted of simple battery for intentional physical harm. Since I was not convicted of “domestic” battery...am I eligible for a CCH license?

ANSWER: NO.

- Under federal law, anyone who has had a qualifying domestic relationship with a CCH applicant and the applicant was convicted of **any** misdemeanor crime for using physical force (or attempted physical force) against that domestic relation, then that conviction can qualify as a MCDV under 18 USC 922(g)(9). That prior MCDV conviction potentially subjects the applicant to a permanent loss of their firearm rights. See, 18 USC 921(a)(33)(defining what constitutes an “MCDV”).
- This rule applies **even if** the statute or ordinance of conviction does **not** contain the word “domestic” or list domestic relationships. This rule was recognized by the United States Supreme Court. *U.S. v. Hayes*, 555 US 415 (2009).
- Therefore, the above battery conviction disqualifies the applicant for CCH licensure and, more importantly the general ability to ship, transport, possess or receive firearms or ammunition. This same result can occur for **any** misdemeanor conviction that involves the use or attempted use of physical force (i.e., battery, assaults from some jurisdictions, disorderly conduct).
- Also of note is the more recent decision in *U.S. v. Castleman*, released 3/26/2014, where the United States Supreme Court held that even a generic common law battery conviction for an “offensive touching” can qualify as an MCDV. This opinion essentially overturned several federal circuits (including the one Kansas sits in) that required more than that level of physical contact to meet the definition.

An individual with a prior misdemeanor conviction that is even close to those described above (**no matter how long ago and no matter what the ultimate charge of conviction was!!**) should contact a private attorney who is well versed in federal firearms laws as that individual may be prohibited from possessing firearms.

EXAMPLE: I applied for a concealed carry license and my application was denied. Am I allowed to reapply for a license?

ANSWER: Maybe. A prior denial does not necessitate another denial or waiting period.

- ***An individual previously denied should seek private legal advice about their current ability to possess firearms under the statutes listed in KSA 75-7c04. Any applicant who still under a firearm***

prohibition listed in those state and federal law will be denied a Kansas CCH license. The AG cannot give private, individual legal advice.

EXAMPLE: Two months ago, I pled no contest to a misdemeanor controlled substance charge. There were no firearms in my possession and no one was hurt...I just forgot had a little pot on me when I was stopped by the cops. Am I eligible for a CCH license since the conviction was not for a felony and there was no gun possessed or otherwise involved?

ANSWER: NO. Federal law and state law prohibit those who are “unlawful users of” or “addicted to” controlled substances. Federal law, specifically 27 CFR 478.11 defines what that term means. Included within that definition are individuals who have been convicted of a drug offense within the past year. Other categories include, but may not necessarily be limited to: individuals who were arrested for a controlled substance/drug offense within the past year and have another arrest within the past 5 years; positive drug tests within the past year; admitted drug use within the past year; possession of paraphernalia that tests positive for controlled substance use.

Criminal History Summary

- I am considering sending in my CCH application and am wondering what criminal history events would disqualify me from getting a license. Can I get a summary of the disqualifying criminal dispositions that prevent someone from getting a Kansas CCH license.
 - K.S.A. 2013 Supp. 74-7c04(a) states that the Attorney General shall not issue a CCH license if the applicant:
 - is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under any of the following laws:
 - 18 U.S.C. § 922(g) or (n), or
 - Subsections (a)(10) through (a)(13) of K.S.A. 21-6401, or
 - Subsections (a)(1) through (a)(3) of K.S.A. 21-6304.
 - Kansas statutes may be accessed through the Kansas Legislature’s website at: http://www.kslegislature.org/li/b2013_14/statute/. The United States Code may be accessed through the United States House of Representatives website at: <http://uscode.house.gov/browse.xhtml>.
 - ***All criminal history MUST be disclosed on a CCH application.*** If you have questions about how your criminal history may affect your ability to possess a firearm or qualify for a CCH license, you should consult a

private attorney. The Attorney General cannot offer legal advice to CCH applicants.

- *For legal advice*, individuals should speak with a private attorney who is well versed in Federal firearms laws. The Attorney General's office will try and assist as much as possible **but the Attorney General's office cannot provide individualized legal advice to a member of the general public.**

RECOGNITION OF CCH LICENSES FROM OTHER JURISDICTIONS

- Does Kansas recognize CCH licenses from other states?
 - Answer: Yes – but for most individuals, a CCH license is not required in order to carry concealed in Kansas as of July 1, 2015. See below of explanation of unlicensed concealed carry.

NOTE: Kansas is not a 'true reciprocity' jurisdiction; meaning, just because Kansas recognizes a CCH license from State A, that does not mean that State A will automatically recognize Kansas' CCH license.

- Since July of 2013, Kansas has recognized all valid licenses from other "jurisdictions" as noted above. The CCLU always strives to keep an updated listing of the states which have determined they will recognize the Kansas license – but ...

Ultimately, ***the responsibility is on the Kansas CCH licensee to verify that their license will be recognized in a jurisdiction they will be traveling in*** and what differences there are in laws between Kansas and that jurisdiction.

- Example: Some jurisdictions require an immediate disclosure of CCH status upon being stopped by law enforcement and failure to do so is a crime; Kansas does not have a similar provision.
- If I am a Kansas resident and have a valid CCH license from another jurisdiction, can I carry a concealed handgun in Kansas?
 - Answer: Yes. Again, a CCH license from Kansas or any other jurisdiction is no longer required in order to carry concealed firearms in Kansas for most individuals. So long as the person is 21 or older and lawful to possess firearms, then they may carry concealed firearms/handguns in Kansas. See below for further explanation of limitations on unlicensed CCH.

- If my valid, non-Kansas CCL did not require any training, or if my prior training was not equal to or greater than Kansas' CCH training – for instance, there was no live-fire qualification, do I have to take the Kansas training course **before** applying?
 - Answer: Generally, yes. There is no longer a 180 day receipt to be issued for new residents to Kansas wishing to continue carrying concealed so there really is no ability to bypass the training requirement ahead of application IF your prior training (used to obtain your non-Kansas CCH) was non-existent or less than that required by Kansas statute and regulations. Questions about the sufficiency of your prior training may be directed to the CCLU staff. Those who apply before having sufficient training completed will not have their application processed until that training is received.

Be sure to attach a copy of your valid non-Kansas CCL to the application with proof of the prior training and information showing what trainings the class involved. See below.

- I believe my prior non-Kansas CCL training will meet the equal to or greater than standard – what do I need to do when applying for the Kansas CCH license?
 - Answer: Attach copies the training certificate and all documentation you have which will show the nature of the training you completed (i.e., the topics covered (self defense, laws, safe handling training, and proof of the live-fire demonstration). The more information the CCLU has to review ahead of time, should help reduce the review time for the application.

NOTE: Some of the more popular training courses will not need extra documents submitted with that training certificate as the course requirements for those courses are readily known or locatable. However, a course which is less known may require more documents to show the course's framework.

- I have a non-Kansas CCL that did not require any training, but I keep up with my marksmanship regularly at the range and I've taken some other trainings since then. Can those trainings be used to bypass the Kansas training?
 - Answer: The training used to bypass the Kansas training **must** have been used to obtain the non-Kansas CCL for which the applicant is relying upon. If the training occurred after that license's issuance – it will not be considered for the Kansas license.
- Because Kansas now recognizes all CCH licenses and permits for non residents, if I move to Kansas will my non-Kansas CCH be proof of training in and of itself?
 - Answer: Maybe. Again, on and after July 1, 2015, the training used to obtain the non-Kansas CCH will need to be reviewed to determine whether 75-7c04(c)(1) has been met by the applicant. Some states require no training at

all and some states have training standards that may or may not be “equal to or greater than” those of Kansas’ training requirements.

- 75-7c04(c)(1) gives the AG the discretion to compile a list of states whose training would meet this “equal to or greater than” standard; and the CCLU can review each application on a case by case basis.
- The Unit understands that a state’s concealed carry law may not require an applicant to demonstrate handgun proficiency during training – but the applicant may have done such a demonstration during their training and the AG does not want to discount that possibility. Irrespective of what another state’s laws did or did not require, the CCLU will review the training that the applicant took to determine that qualification.
- In my prior state of residence, my position as a certified law enforcement officer enabled me to bypass the Kansas training course. Is there a similar allowance for a Kansas CCH license?
 - Answer: There are several points to cover here, but the short answer is “no.”
 - “Law enforcement officers” in Kansas do not need a Kansas CCH license in order to carry a concealed firearm. See, KSA 21-6302. So if maintaining LEO status in Kansas, this individual may not need a CCH license to lawfully carry concealed (although department administrative rules **may** limit ability to carry off duty). However, if a current service LEO still desires a Kansas CCH, then KPFFPA currently requires them to complete the CCH 8 hour training course. There are a couple of exceptions to this general rule.
 - If you can produce proof, by letter from your former agency, that you retired from that law enforcement agency in good standing (for reasons other than mental instability and are otherwise in compliance with K.S.A. 75-7c05(g)(retired less than 8 years), and amendments thereto) then you could qualify for a training course bypass; or
 - If you are a “corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons” and you can produce proof that you last completed a Department of Corrections or Bureau of Prisons firearms qualification from the past year – then you are exempt from the Kansas training course. If your DOC or BOP firearms qualification was more than one year ago, determine if you qualify for the “retired” exception above and, if you do not, then you will need to take the Kansas training course.

WHERE LICENSEES MAY OR MAY NOT BE ABLE TO CARRY

- Will a Kansas CCH license allow me to be able to carry a handgun anywhere in the State of Kansas?

- Answer: No. As highlighted below and as authorized by K.S.A. 75-7c10 and 75-7c20, certain buildings have the ability to limit licensed CCH or completely prohibit licensed CCH. Different rules apply to public and private buildings.
 - Private buildings may restrict carry into their buildings by posting the appropriate AG-approved signage at all of the building's entrances.
 - Public buildings have a different set of requirements as of 2013 in order to restrict licensed CCH – otherwise, licensed CCH is lawful in public buildings.
 - All licensees are advised to become knowledgeable about the legal restrictions on all locations where firearms will be prohibited.
- If I obtain a Kansas CCH license, will I have to carry my CCH license card with me at all times when carrying a concealed handgun?
 - Answer: No, because Kansas no longer requires a CCH license, but you should just in case a scenario arises and law enforcement needs to sort out your lawful ability to carry. Licensees should also have their license handy when transporting firearms in a motor vehicle.
- As a Kansas CCH licensee, if I am stopped by a law enforcement officer while carrying concealed, do I have to **volunteer** to the officer that I have a CCH license and/or handgun?
 - Answer: No, but the licensee should consider doing so because some state's do require that disclosure. Doing so in Kansas can get the licensee acclimated to that possibility.
- If I'm licensed to carry concealed and I enter a business that is **not posted** as prohibiting concealed carry, do I have to leave if the owner or an employee sees that I am carrying and asks me to leave?
 - Answer: Generally, yes. This is particularly true for private businesses. While you would not be violating the **concealed carry law** by just carrying into a non-posted building, if you refuse to leave and building administration or their designees have given notice you are not welcome and asked you to leave, you could be cited for criminal trespass.

Carrying into BUILDINGS

- What did the changes in 2013 (codified at KSA 75-7c20) set out to do for CCH licensees?
 - The general rule of KSA 75-7c20 is that on and after July 1, 2013, any "state or municipal building" (hereinafter "SOMB") must take certain steps to prevent any weapon (including handguns from licensed CCH

individuals) from entering the building if that SOMB desires to restrict the licensed concealed carry of handguns within its walls.

- Who does this general rule affect?
 - In a broad sense, this section affects any SOMB; and it affects those who are authorized to carry a concealed handgun under the KPFPA.
- Who does this general rule not affect?
 - This rule will not affect federal facilities or federal court facilities. See, KSA 75-7c10 and 18 USC 930.
 - Buildings of **private** businesses – even if the building is one that is state or municipally-**owned** but leased by a private business. K.S.A. 75-7c20(l)(defining a SOMB).
 - Any building that is held by the state or a municipality for revenue bond financing is likewise exempt from coverage as a “state or municipal building.” KSA 75-7c20(l).
 - Any K-12 school district buildings are not included as they were exempted from the definition of “municipal” and “municipality.” K.S.A. 75-7c20(l).
 - Also not affected by this section are: the secure areas of any buildings for a correctional facility, jail facility or a law enforcement agency (75-7c20(g)); courtrooms where the chief judge of the judicial district has prohibited firearms (provided there are other means of security available such as armed security or law enforcement)(75-7c20(h)) and Kansas state schools for the deaf and blind (75-7c20(k));
 - The last group of unaffected buildings will be those that would ordinarily qualify as a SOMB under the changes but which exercise an allowed exemption. Those exemptions are found under K.S.A. 75-7c20(i) and (j).
- Are public business or building owners allowed to restrict the concealed carry of handguns by Licensees?
 - Answer: Yes. But, following the 2013 amendments to concealed carry laws, just posting AG-approved signage is not sufficient by itself. The answer to this question depends on other conditions:
 - SOMB fall into three categories now:
 - Licensed concealed carry is allowed in a public building where there are no AG-approved signs (‘exempt’ signage or otherwise) posted at the building’s entrances.

- Concealed carry will be prohibited in a public building that has exempted itself from the provisions of K.S.A. 75-7c20 for a period of four years (as set out in applicable subsection (i) or (j) of K.S.A. 75-7c20) and has posted AG-approved signage; or
 - Concealed carry will be prohibited in a public building which has installed “adequate security measures” (metal detectors and personnel) at its public entrances and posted AG-approved signage.
- State or municipal land

The state and municipalities are not allowed to restrict licensed CCH onto public lands that belong to those entities. Only buildings of those entities can be limited by those entities with AG-approved signage.
- Federal lands

Federal law controls...if no firearms are allowed on those lands, then licensed CCH will not be allowed. Some federal lands have begun to open up in recent history to follow the law of the jurisdiction where the land sits...like national parks. HOWEVER, always know where you are carrying and, if traversing/visiting a federally owned ‘land’ area – find out from proper federal authorities if CCH will be allowed there.
- If the building is privately owned and houses at least one private business:
 - CCH is allowed **unless** the building has properly posted AG-approved signage at the entrances.
 - Even if a state or municipal entity leases part of that building from a private owner, that “building” will not be considered a SOMB unless the building is a qualifying strip mall set up. AG Opinions, 2013-014 and 2013-021
- If the building is State or municipally owned but **only houses** private businesses, then licensed CCH is allowed in the building **unless** the building has properly posted AG-approved signage (the original graphic only version is sufficient - the “exempt” version is not necessary) at the entrances
- Employer/Employee
 - Can an employer restrict CCH-licensed employees from the lawful concealed carry of handguns?
 - Answer: Generally, yes, they can. Some of the answer depends upon whether the employer is a private employer or a public employer.

- Private employers may prohibit licensees from carrying concealed while on the premises of the employer's business **or** while otherwise engaged in the duties of the Licensee's employ. KSA 75-7c10(b)(1). Private employers may not prohibit an employee from storing their handgun(s) in the licensee's private means of conveyance even if parked on the employer's premises.
- State and municipal governments may restrict or prohibit concealed carry by employees by personnel policies, subject to the provisions of K.S.A. 2013 Supp. 75-7c20. See Attorney General Opinion Nos. 2014-01. 2014-02.
- For questions about whether an employer can restrict you as a CCH-licensed employee from carrying at work or while engaged in duties of employment...please consult the following:
 - See, KSA 75-7c10(b) for private buildings or public buildings that are exempted from the provisions of K.S.A. 75-7c20;
 - K.S.A. 75-7c20 for public employers that have not exempted themselves for 4 years from this statute through 75-7c20(i) or (j);
 - AG Opinion 2014-002, available here: <http://ksag.washburnlaw.edu/opinions/2014/2014-002.pdf>; and
 - **Private legal counsel** who can advise you of your individual legal rights
- Can an employer require me to disclose my concealed carry license status?
 - Per new law effective July 1, 2014 (K.S.A. 75-7c23), a "municipal" employer is prohibited from requiring disclosure of CCH license status and they are prohibited from creating or maintaining a record of their employees who are licensed CCH holders.
- Can a public building exempt itself from 75-7c20 **again** once the four-year exemption is coming to an end?

Answer: Under the current language of the law, the four year exemption of (i) and (j) were only allowed for a **one-time use**. After the four years has run, the SOMB will either need to allow licensed concealed carry or have adequate security measures and proper signage in place.

- Does the Federal gun free school zone act apply to me as a concealed carry licensee?
 - Answer: No – if traveling through **a Kansas** “school zone.” Federal law, 18 U.S.C. 922(q), requiring firearms to remain outside of 1,000 feet of a “school zone” has exceptions for individuals who are licensed to carry a firearm by the jurisdiction (state or local) where the school zone sits. Therefore, Kansas licensees have a built in exception to the general rule...licensees from other states, however, do not have this same exception while traveling in Kansas.

Note: Kansas licensees do, however, need to be aware of schools that have posted their buildings with A.G. approved signage.

- I was picking up my child from elementary/high school the other day, and I noticed on the fence outside of the driveway to the school’s entryway the school had an A.G. approved sign posted. I thought only buildings were allowed to be posted?

NOTE: In Kansas, licensed CCH holders have a general exception to carrying on the “grounds” of a K-12 school. K.S.A. 21-6301(i). K-12 school buildings too are required to post AG-approved signage at the building’s entrances if the school wants CCH prohibited within the building. K.S.A. 75-7c10.

NOTE: Again, K-12 school district buildings are not part of the 2013 amendments to SOMB laws. K.S.A. 75-7c20(l). They do not have to have “adequate security measures or exemptions” in order to restrict licensed CCH.

- How does a person know whether concealed carry is allowed in university or community college buildings?
 - Answer: A Kansas college, university or community college may exempt a building from concealed carry requirements, or may provide metal detectors and security personnel, in order to restrict or prohibit concealed carry inside a campus building. If either of those requirements is in place, the building may be posted at public entrances as prohibiting concealed carry. K.S.A. 75-7c20(i).
 - If exempted, the school reverts to K.S.A. 75-7c10 and must post AG-approved ‘exempt’ signage at the exempt buildings’ entrances.
 - Signage prohibiting carry on the school’s **grounds**, however, is, again, improper but not “illegal.”
 - Can I carry into the State Capitol building in Topeka?
 - Yes. The Legislative Coordinating Council (LCC) was, per K.S.A. 75-7c21, to decide allowing or disallowing licensed CCH within the

Capitol. Per K.S.A. 75-7c21, that meeting had to take place in the month of June, 2014. At the June 2014 meeting of the LCC, no action to prohibit CCH was taken.

- Beginning July 1, 2015, per an amended 75-7c21, the carrying of concealed **handguns** will be allowed in the State Capitol building.

Carry Under the Influence

- As of July 1, 2014, it will be generally unlawful for anyone to have a loaded firearm on their person or within their immediate access and control while that individual is under the influence of alcohol or drugs. See, K.S.A. 21-6332. This prohibition used to apply only to concealed carry licensees.
- This is a class A misdemeanor offense (up to one year in jail and/or up to \$2500.00 in fines)
- Refusal to test can result in a civil penalty of up to \$1,000.00
- CCH licensees will lose their licenses up being charged for such an offense and revoked upon conviction.

Other Considerations

- Will the AG be maintaining a list of the SOMBs who have exercised a four year exemption from the provisions of 75-7c20?
 - No.
 - Should you desire to see any one or more of the SOMB letters to the AG regarding a four year exemption, you can either contact management of the SOMB itself or send an “open records” request for that information to the AG’s office.
- Where can I obtain an application to become a certified concealed carry instructor?
 - Answer: An application form can be downloaded from the Attorney General’s web site www.ag.ks.gov, under the “public safety” and “concealed carry” tabs.

Unlicensed Concealed Carry

- **Do I need a license or temporary nonresident receipt to carry concealed in Kansas?**
 - Generally, as of July 1, 2015, it is lawful to carry concealed firearms in Kansas without a license or a temporary nonresident receipt previously issued to new residents with valid concealed carry permits from another

jurisdiction. *Some exceptions and qualifications to the general rule are noted below.* The Personal and Family Protection Act was changed, via 2015 Senate Bill 45, to allow the unlicensed concealed carry of firearms in Kansas [\[\[LINK TO ENROLLED BILL\]\]](#).

- There are a few important points to note:
 - Concealed carry only pertains to those who are lawful to be in possession of firearms and ammunition;
 - Concealed carry only pertains to those who are 21 years of age or older;
 - A CCH license will still be required to carry in most states which already recognize the Kansas concealed carry license; unlicensed carry of handguns/firearms will not be allowed in most of those jurisdictions. It is the individual's responsibility to be sure that they are lawful to carry firearms in a state they are traveling to;
 - Other state and/or federal laws may provide further exceptions to this general rule and will not allow the concealed carry of firearms/handguns. A license may still be required to carry in certain locations within Kansas; and
 - Certain locations in Kansas may only allow the carrying of concealed handguns.

If you are not sure whether you may lawfully carry concealed, or are unsure of the specifics of these exceptions noted above, please consult with a private attorney. The Attorney General's office cannot render legal advice.