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Honorable Sam Brownback
Governor of the State of Kansas
State Capitol, Room 241-S
Topeka, Kansas 66612

Honorable Susan Wagle
President of the Senate
State Capitol, Room 333-E
Topeka, Kansas 66612

Honorable Ray Merrick
Speaker of the House of Representatives
State Capitol, Room 370-W
Topeka, Kansas 66612

Honorable Anthony Hensley
Minority Leader of the Senate
State Capitol, Room 318-E
Topeka, Kansas 66612

Honorable Tom Burroughs
Minority Leader of the House of Representatives
State Capitol, Room 359-W
Topeka, Kansas 66612

Greetings:

K.S.A. 75-7c16(b) of the Kansas Personal and Family Protection Act (hereinafter “the Act”), also known as the concealed carry handgun law, requires the Attorney General, on or before January 1st of each year, to submit a statistical report to the Governor, President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives and the House Minority Leader indicating the number of concealed carry licenses issued, revoked, suspended and denied during the preceding fiscal year and the reasons for the revocations, suspensions and denials. The day-to-day administration of the Act is monitored by the Attorney General’s concealed carry licensing unit (“CCLU”).

In Fiscal Year 2016 (FY16), the CCLU issued 5,421 new or initial concealed carry handgun licenses and renewed 9,987 licenses. During the same period, the CCLU denied 69 initial applications and 23 renewal applications. Recall that, effective July 1, 2015, a license was no longer required in order to carry concealed firearms in Kansas for those that are at least 21 years of age and otherwise lawful to possess firearms. See, K.S.A. 21-6302(a)(4) (establishing 21 as the age to carry concealed firearms in Kansas). Consequently, the CCLU's intake of initial applications was initially reduced by about 40 percent at that time and has risen some since then.

The Act requires that a license shall be suspended if the holder of that license becomes subject to a criminal charge or other "proceeding" which *could* render them ineligible under K.S.A. 75-7c04(a). See, KSA 75-7c07(b). If a licensee actually becomes ineligible to maintain their license, the Act requires the "revocation" of that license. See, KSA 75-7c07(a). Of course, license holders who are later cleared or otherwise become eligible again can have their license reinstated if the license is still within its expiration date.

The denial, suspension, and revocation procedures outlined in the Act are performed in accordance with the Kansas Administrative Procedures Act ("KAPA"). KAPA generally requires that, prior to any denial, suspension, or revocation becoming final, the applicant or licensee be given notice and an opportunity to request a hearing. Occasionally, because of this notice period, new information can result in a proposed action of the CCLU becoming "rescinded" before the action is final. For example: a temporary protection order being dismissed or a criminal charge being misreported or reduced.

With respect to the suspension and revocation procedures, an occasional result occurs when a license is first "suspended" because of a *possible* ineligibility the licensee faces followed by a "revocation" of that same license if the licensee later becomes *actually* ineligible under the Act because of the result of that proceeding. Where this scenario has presented itself in FY16, this report will note the number of those occasions. Because of the fluid nature of these processes, sometimes these procedures will overlap fiscal years. Those occasions will also be noted in the suspension and revocation notes below.

While the Act generally requires Kansas residency in order to obtain a Kansas CCH license,¹ the Act has a notification process in place for those licensees who permanently move to a new state. If the CCLU is notified of the move, the license is deemed valid for up to 90 more days. After that, the CCLU simply surrenders the license (as opposed to revoking it). In FY16, the CCLU voluntarily surrendered 216 licenses following notification by the licensee that he or she had changed residency to another state.

69 - Initial License Denials

- 24 – Total denied because of disqualifying criminal history record (charges, convictions, etc.)
 - 13 – Misdemeanor crimes of domestic violence (MCDV) convictions
 - ❖ 2 – Domestic Battery
 - ❖ 9 – Battery
 - ❖ 2 – Disorderly Conduct
 - 9 – Controlled Substance (CS) Issues

¹ The exception to this general rule is active duty military and their qualifying dependents; they may keep their home of record and still obtain a Kansas CCH license while stationed here in Kansas.

- ❖ 2 – Felony CS conviction (with firearm possession)
 - ❖ 2 – Kansas CS felony conviction w/in 10 years (no firearm)
 - ❖ 1 – Texas CS felony conviction within last 10 years (no firearm)
 - ❖ 1 – Unlawful CS user admission (with firearm possession)²
 - ❖ 1 – Kansas CS felony w/in 5 years (no firearm)³
 - ❖ 1 – Misdemeanor CS offense (with firearm)⁴
 - ❖ 1 – Sheriff's letter (see K.S.A. 75-7c05, pending CS charges)
- 2 – Aggravated Assault (person felony) convictions (with a firearm)
- 3 – *Denied because of other background issues*
 - 1 – Pending protection order
 - 1 – Adjudicated mental defective/committed to a mental health institution⁵
 - 1 – Fugitive from justice
 - 42 – *Denied because of application deficiencies*
 - 29 – Applicants failed to provide proof of required training⁶
 - 6 – Applicants failed to meet state residency requirement
 - 4 – Applicants failed to submit complete applications (insufficient fingerprints)
 - 3 – Applicants born outside U.S. with no proof of lawful U.S. citizenship/residency

23 - Renewal License Denials

- 16 – *Denied because of disqualifying criminal history record (charges, convictions, etc.)*
 - 13 – MCDV convictions
 - 1 – Criminal threat (with a firearm)
 - 1 – Cocaine and methamphetamine possession with positive test
 - 1 – Felony drug charge pending
- 3 – *Denied because of other background issues*
 - 2 – Licensee no longer a resident of Kansas
 - 1 – Pending protection order
- 4 – *Denied based on application deficiencies*
 - 3 – Applicant failed to submit full license fee⁷
 - 1 – Applicant failed to submit current, accurate identifying information

² Usually revolves around misdemeanor CS offenses or admissions of using a CS in the past year.

³ There is a limited set of prior CS statutes under article 36a of chapter 21 (which were effective for a short period prior to the recent criminal code recodification) that are not currently included in the 10 year prohibition of 6304(a)(3)(A).

⁴ Later rescinded after expungement of the underlying misdemeanor offense.

⁵ Rescinded

⁶ Three (3) of these denials were rescinded because of the applicant provided the required proof of training.

⁷ One of these denials was rescinded after payment of fee was submitted.

139 License Suspensions:⁸

- 70 – *Suspended because of pending felony charges:*
 - 50 – Person felony:
 - ❖ 8 – Aggravated Assault
 - ❖ 8 – Aggravated Assault (firearm)
 - ❖ 8 – Aggravated Battery
 - ❖ 6 – Criminal Threat
 - ❖ 4 – Murder (firearm)
 - ❖ 2 – Aggravated Indecent Liberties w/ child
 - ❖ 2 – Aggravated Robbery (firearm)
 - ❖ 2 – Criminal Discharge (firearm)
 - ❖ 2 – Rape
 - ❖ 1 – Abuse of a child
 - ❖ 1 – Sexual Exploitation of a child
 - ❖ 1 – Aggravated Endangerment of a child
 - ❖ 1 – Aggravated Burglary
 - ❖ 1 – Violation of a Stalking Order
 - ❖ 1 – Mistreatment of Dependent Adult
 - ❖ 1 – Unlawful use of Explosives
 - ❖ 1 – Interference with Law Enforcement Officer
 - 6 – CS felony:
 - ❖ 2 – Distribution of Opiates
 - ❖ 2 – Distribution of Opiates w/in 1000 ft. of school
 - ❖ 1 – Unlawful acquisition of CS proceeds
 - ❖ 1 – Possession of Opiates
 - 14 – Other felony:
 - ❖ 4 – DUI
 - ❖ 4 – Theft
 - ❖ 2 – Federal indictment
 - ❖ 1 – Computer crime
 - ❖ 1 – Criminal damage to property
 - ❖ 1 – Bad checks
 - ❖ 1 – Other nonperson felony⁹
- 31 – *Suspended because of MCDV charges:*
 - 27 – Domestic Battery
 - 3 – Disorderly Conduct

⁸ Many suspensions reference criminal cases that are still pending in the court system. As a result, any descriptions here are simply recitations of the conduct alleged against the licensee in those matters.

⁹ Disclosure of the nature of this crime would reveal the identity of this licensee so its specific nature are being limited here.

- 1 – Criminal Restraint
- 5 – *Suspended because of non-felony CS charges*
- 33 – *Suspended because of temporary or final pending protection orders*

NOTE: Fluidity between fiscal years: Because KAPA requires “notice” be given 15 days prior to a suspension being effective, 12 of the above suspensions were for acts that occurred in FY15. Seven (7) KAPA actions that started in FY16 carried the suspension into FY 2017 and, thus far, nine suspensions from FY16 were revoked effective in FY17 including several of the more serious felony charges.

Suspension to revocation: Nine (9) licenses that were suspended in FY16 were also revoked in FY16.

Reinstatements: In FY16, the CCLU reinstated 18 licenses that had also been suspended in FY16.

81 – License revocation actions:¹⁰

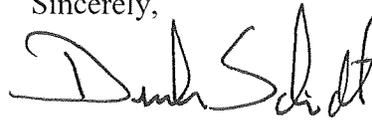
- 21 – *Revoked because of felony convictions:*
 - 4 – Distribution of Opiates
 - 3 – Felony DUI
 - 2 – Aggravated battery
 - 1 – Federal Felony
 - 1 – Indecent Liberties with a Child
 - 1 – Sexual Exploitation of a Child
 - 1 – Insurance Fraud
 - 1 – Aggravated Interference with Parental Custody
 - 1 – Interference with LEO
 - 1 – Unlawful receipt of drug proceeds
 - 1 – Involuntary Manslaughter
 - 1 – Criminal Discharge of a Firearm at Occupied Dwelling
 - 1 – Aggravated Assault (firearm)
 - 1 – Criminal Threat
 - 1 – Possession of paraphernalia with intent to distribute drugs
- 5 – *Revoked because of MCDV convictions:*
 - 3 – Domestic Battery
 - 1 – Battery
 - 1 – Endanger a Child
- 21 – *Revoked because of CS issues:*

¹⁰ An additional license was “revoked” because of a final protection order. This classification as a revocation was in error as K.S.A. 75-7c07(c), specifies an immediate “suspension” is required for a final order of protection. A revocation of the license was required in that instance until July 1, 2010. Functionally, however, both a suspension and revocation operate to prohibit the licensee from continuing to carry a concealed handgun.

- 14 – Admissions of use
 - 5 – Misdemeanor convictions
 - 1 – Multiple CS arrests in last 5 years
 - 1 – Possession of paraphernalia
- 34 – *Revoked because of other issues:*
 - 30 – Changed state residency without notification to the CCLU
 - 2 – Conviction for carrying a firearm under the influence (CUI) of CS or alcohol.
 - 1 – Fugitive from justice
 - 1 – Mental health issue

NOTE: *Fluidity between fiscal years:* In FY16, the CCLU revoked 17 licenses that had been suspended in this or a previous fiscal year.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Schmidt". The signature is written in a cursive, flowing style.

Derek Schmidt
Kansas Attorney General