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Honorable Laura Kelly
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 Ron Ryckman
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 Sawyer
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 1 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 handgun licenses (hereinafter "license" or "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).

Licenses Issued

Note: Under the Act, the CCLU does not “issue” the actual license card. The CCLU approves an application and sends the applicant (whether initial or renewal) an approval notice. The applicant may then take that approval notice to one of many Kansas Department of Revenue stations in order to have the actual license issued.

Initial Licenses: In Fiscal Year 2019 (FY19), the CCLU issued 4,380 new or initial concealed carry handgun licenses. Since FY16, when the general allowance of *unlicensed* concealed carry became law in Kansas, initial application numbers have reduced overall.¹ Since then, initial application numbers have been generally lower than in prior fiscal years.

Renewal Licenses: In FY19, the CCLU issued 16,846 renewed licenses. Initial and renewed Kansas licenses are valid for four years. FY19 saw the continuation of license renewals for larger numbers of initial applications received during FY14 and FY15. Additionally, FY19 marked the third renewal cycle for the first licenses which had been issued during FY07.

Application Denials

If an applicant’s history disqualifies the applicant under the Act’s eligibility criteria found under K.S.A. 75-7c04(a), that applicant “shall” be denied a license. During FY19, the CCLU denied 36 initial applications and denied 16 renewal applications.

Administrative Actions against Licenses

Suspensions: The Act requires that a license shall be “suspended” if the licensee becomes subject to a criminal charge or other “proceeding” which *could* render them ineligible under K.S.A. 75-7c04(a). See, K.S.A. 75-7c07(b). An *immediate* suspension is required of licenses where the licensee is subject to a qualifying protection order. See, K.S.A. 75-7c07(c). In FY19, 100 suspensions were proposed.

Revocations: If a licensee becomes ineligible to maintain their license, the Act requires the “revocation” of that license. See, K.S.A. 75-7c07(a). In FY19, there were 259 revocations proposed with most, as shown below, being due to a licensee leaving Kansas residency.

Any suspended or revoked license holder who is later cleared of a charge, or otherwise regains eligibility for a license, can have their license “reinstated” if the license has not expired.

Surrenders: While the Act generally requires Kansas residency in order to obtain and maintain a license,² the Act allows the licensee to notify the CCLU of the move to a new state and the license will remain valid for up to 90 days. After that, the CCLU simply surrenders the license (as opposed to revoking the same). In FY19, the CCLU voluntarily surrendered 77 licenses following notification by the licensee that he or she had changed residency to another state. As noted above, failing to notify the CCLU that the licensee has left Kansas residency reverts to the revocation process.

¹ See, K.S.A. 21-6302 generally allowing *unlicensed* concealed carry of firearms for those persons at least 21 years of age; and K.S.A. 75-7c03 stating that the “availability” of licensed concealed carry under the Act should not be construed to prohibit handgun carry “whether carried openly or concealed, or loaded or unloaded.”

² 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 license while stationed here in Kansas.

KAPA: 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. It should be noted that not requesting a KAPA hearing following a denial, suspension or revocation does not prohibit future licensure of that person should that person later attain eligibility for licensure.

Fluidity: With respect to the suspension and revocation procedures, an occasional result occurs when a license is first “suspended” because of a *possible* ineligibility (i.e. a pending felony charge) followed by a “revocation” of that same license if the licensee later becomes *actually* ineligible under the Act (i.e., the licensee is convicted of that felony charge). It is also possible for a suspension and/or revocation process to span between fiscal years. Any instances of either of those scenarios in or around FY19 will be described in the notes below.

36 - Initial License Denials

- 25 – Denied because of issues outside of criminal history:
 - 11 – Applicants failed to provide proof of required training
 - 06 – Applicants failed to submit complete applications
 - 04 – Insufficient fingerprints
 - 03 – Applicants failed to meet state residency requirement
 - 01 – Disqualifying mental health history
- 11 – Total denied because of disqualifying criminal history record (charges, convictions, etc.):
 - 05 – Misdemeanor crime of domestic violence (MCDV) convictions:
 - ❖ 04 – Battery
 - ❖ 01 – Disorderly Conduct
 - 02 – Other Felony convictions:
 - ❖ 01 – Aggravated Robbery (with firearm)
 - ❖ 01 – Theft – Obtaining Control of Stolen Property
 - 02 – Controlled Substance (CS) Issues:
 - ❖ 01 – Multiple CS arrests within last 5 years (1 in last 12 months)
 - ❖ 01 – CS conviction with firearm
 - 01 – 75-7c05 Sheriff’s letter
 - 01 – Pending felony sex crime charge

16 - Renewal License Denials

- 11 – Denied because of issues outside of criminal history:
 - 08 – Permanently expired license at time renewal submitted
 - 02 – Licensee no longer a resident of Kansas
 - 01 – Application deficiency (i.e., did not submit necessary photos, signatures, fees, etc.)

- 05 – Denied because of disqualifying criminal history record (charges, convictions, etc.):
 - 03 – MCDV convictions:
 - ❖ 02 – Disorderly Conduct
 - ❖ 01 – Battery
 - 02 – CS convictions

100 License Suspensions Proposed:³

- 55 – Pending felony charges:
 - 38 – Person felonies:
 - ❖ 06 – Aggravated Assault
 - ❖ 06 – Aggravated Battery
 - ❖ 06 – Criminal Threat
 - ❖ 04 – Rape (2 with other person felony charges)
 - ❖ 04 – Aggravated Indecent Liberties with a Child
 - ❖ 02 – Aggravated Assault on Law Enforcement
 - ❖ 02 – Interference with Law Enforcement Officer
 - ❖ 02 – Aggravated Endangering of a Child
 - ❖ 02 – Domestic Battery
 - ❖ 01 – Aggravated Domestic Battery
 - ❖ 01 – Arson
 - ❖ 01 – Involuntary Manslaughter
 - ❖ 01 – Sexual Exploitation of a Child
 - 14 – Other non-CS felonies:
 - ❖ 05 – Theft
 - ❖ 04 – Driving Under the Influence (DUI)
 - ❖ 01 – Obstruction of Legal Process
 - ❖ 01 – Medicaid Fraud
 - ❖ 01 – Criminal Damage to Property
 - ❖ 01 – Bad Checks
 - ❖ 01 – Computer Crime
 - 03 – CS felony:
 - ❖ 02 – Distribution of Opiates
 - ❖ 01 – Possession with Intent, Paraphernalia
- 34 – Pending protection orders:
 - 30 – Temporary protection orders
 - 04 – Final protection orders
- 10 – Pending MCDV charges
- 01 – Pending misdemeanor CS charge

³ Suspensions usually reference allegations of conduct 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.

NOTE: *Fluidity between fiscal years:* Again, because of KAPA “notice” requirements,⁴ some suspensions can be proposed in one FY and take effect in another. Some licensees may have more than one suspension proposed or effective against them.

- 02 – Proposed in FY18, suspended in FY19
- 02 – Proposed in FY19, suspended in FY20

Rescissions and reinstatements:

- 14 – Rescinded or reinstated after dismissal of, or reduction in, a potentially disqualifying and pending criminal charge:
 - ❖ 11 – Felonies
 - ❖ 03 – Misdemeanors
- 14 – Suspended licenses *reinstated* in FY19:
 - ❖ 06 – Suspended in FY18
 - ❖ 03 – Suspended in FY16
 - ❖ 03 – Suspended in FY19
 - ❖ 02 – Suspended in FY17
- 08 – Suspensions proposed but *rescinded* prior to expiration of KAPA notice period:
 - ❖ 06 – FY19 proposals
 - ❖ 02 – FY18 proposals
- 07 – Rescinded or reinstated after dismissal of protection orders
- 02 – Suspensions proposed in FY19, *rescinded* in FY20
- 02 – Licenses suspended in FY19, *reinstated* in FY20
- 01 – License surrendered after proposed for suspension due to pending criminal charge

259 – License Revocations Proposed:

- 234 – *State residency*
- 13- *Felony convictions:*
 - 05 – Sex Offenses
 - ❖ 02 – Aggravated Indecent Liberties with a Child
 - ❖ 01 – Attempted Unlawful Sexual Relations
 - ❖ 01 – Sexual Exploitation of a Child
 - ❖ 01 – Rape
 - 02 – Aggravated Battery
 - 02 – CS
 - ❖ 01 – Sale/Distribution
 - ❖ 01 – Possession with Intent to Distribute
 - 01 – Battery of a Law Enforcement Officer
 - 01 – Aggravated Assault Law Enforcement Officer
 - 01 – Aggravated Assault
 - 01 – DUI

⁴ The one exception in the Act to KAPA notice rules preceding a suspension is when a fully qualifying protection order (usually coming in the form of a *final* protection order rather than a temporary order) has been issued against a licensee. In that circumstance, the Act requires an *immediate* suspension of the license and the KAPA notice rules occur subsequent to that immediate suspension.

- 12 – *Other reasons:*
 - 05 – CS issues
 - 03 – Carrying a loaded firearm Under the Influence (CUI) convictions
 - 02 – MCDV convictions
 - 01 – Mental health
 - 01 – Fugitive from justice (active warrant and left state)

NOTE: *Fluidity between fiscal years:* For the revocations outlined above, the following actions surrounded those actions between fiscal years. A single licensee might fall into more than one action described below.

- 05 – Revocations proposed in FY18 became effective in FY19 in accordance with KAPA notice requirements noted above.
- 04 – Revocations proposed in FY19 became effective in FY20 in accordance with KAPA notice requirements noted above.
- 04 – Revocations proposed and effective in FY19.
- 04 – Licenses revoked in FY19 had been suspended in FY18.
- 02 – Licenses revoked in FY19 had been suspended in FY17.
- 01 – License revoked in FY 19 had been suspended in FY15.

Rescissions and reinstatements:

- 07 – Revocations proposed in FY19 *rescinded* in FY19 (all after Kansas residency was clarified)
- 01 - Revoked license *reinstated* in FY19 (residency was clarified)
- 01 – License revoked in FY19 *reinstated* in FY20 (CUI sanction ended)
- 01 – Revocation proposed in FY19 *rescinded* in FY20 (Kansas residency clarified)

Sincerely,



Derek Schmidt
Kansas Attorney General