



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT
ATTORNEY GENERAL

December 29, 2020

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

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 card issued.

Initial Licenses: In Fiscal Year 2020 (FY20), the CCLU issued 4,645 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 declined.¹

Renewal Licenses: In FY20, the CCLU issued 12,360 renewed licenses. Initial and renewed Kansas licenses are valid for four years. FY20 was a lull year for renewals. A significant increase will occur next year as FY21 will mark the second round of renewals for FY13, the largest year of initial applications.

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 FY20, the CCLU denied 33 initial applications and denied 10 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 FY20, 61 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 FY20, there were 193 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 FY20, the CCLU voluntarily surrendered 69 licenses following notification by

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.

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.

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.

33 - Initial License Denials

- *16 – Denied because of issues outside of criminal history:*
 - 10 – Applicants failed to provide proof of required training
 - 02 – Applicants failed to submit complete applications
 - 01 – Insufficient fingerprints
 - 03 – Applicants failed to meet state residency requirement

- *14 – Total denied because of disqualifying criminal history record (charges, convictions, etc.):*
 - 05 – Misdemeanor crime of domestic violence (MCDV)
 - ❖ 04 – Battery
 - ❖ 01 – Aggravated Assault
 - 06 – Other Felonies:
 - ❖ 03 – Burglary
 - ❖ 01 – Grand Larceny
 - ❖ 01 – Aggravated Assault
 - ❖ 01 – 2nd Degree Murder
 - 03 – Controlled Substance (CS) Issues

- *03 – Protection orders (temporary or final)*

10 - Renewal License Denials

- *08 – Denied because of issues outside of criminal history:*
 - 05 – Application deficiency (i.e., did not submit necessary photos, signatures, fees, etc.)
 - 03 – State residency

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

61 - License Suspensions Proposed:³

- 30 – Pending felony charges:
 - 23 – Person felonies:
 - ❖ 07 – Aggravated Assault
 - ❖ 06 – Aggravated Battery
 - ❖ 01 – Criminal Threat
 - ❖ 01 – Rape
 - ❖ 03 – Aggravated Indecent Liberties with a Child
 - ❖ 01 – Battery of Law Enforcement Officer
 - ❖ 02 – Domestic Battery
 - ❖ 01 – Attempted Murder
 - ❖ 01 – Mistreatment of an Adult Dependent
 - 02 – Other non-CS felonies:
 - ❖ 01 – Mental Disorder
 - ❖ 01 – Driving Under the Influence (DUI)
 - 05 – CS felony
- 19 – Pending protection orders
- 12 – Pending MCDV charges

License rescissions and reinstatements:

- 29 – Rescinded or reinstated after dismissal of, or reduction in, a potentially disqualifying and pending criminal charge or protection order

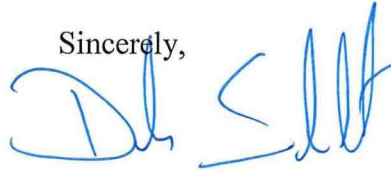
193 – License Revocations Proposed:

- 170 – State residency
- 07 – Felony convictions:
 - 03 – Sex Offenses
 - ❖ 02 – Aggravated Indecent Liberties with a Child
 - ❖ 01 – Aggravated Criminal Sodomy
 - 01 – Aggravated Assault
 - 01 – Aggravated Battery (and DUI)
 - 01 – DUI
 - 01 – Felony Theft

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.

- 16 – *Other reasons:*
 - 09 – CS issues
 - 01 – MCDV conviction
 - 01 – Sexual Battery
 - 02 – Battery
 - 01 – Mental health
 - 01 – Citizenship
 - 01 – Carrying Under the Influence

Sincerely,

A handwritten signature in blue ink, appearing to read 'Derek Schmidt', written in a cursive style.

Derek Schmidt
Kansas Attorney General

cc: Hon. Ty Masterson, Senate President-Elect
Hon. Dinah Sykes, Senate Minority Leader-Elect