

SB45 Allowing Concealed Carry Without a Permit

This document describes the changes made in SB45 listed by section and subsection.
See additional references at the end of this document.

Sec. 1 KSA 21-5914 Traffic in contraband in a correctional institution or care and treatment facility

Subsection (c) dealing with parking lots at correctional facilities has a technical amendment deleting reference to a concealed carry license.

Sec. 2 KSA 21-6301 Criminal use of weapons

Amends subsection (i)(5) changing the exemption to (a)(11) [possession of a firearm on school grounds] from person with a CCH license possessing a concealed or unconcealed handgun to possession of a concealed handgun by any person not prohibited by federal or state law from possessing a handgun. Subsection (a)(12) requiring a person to remove a firearm from school property when requested is unchanged.

Sec. 3 KSA 21-6302 Criminal Carrying of a Weapon

Amends (a)(4) prohibiting carrying of a concealed firearm to only apply to a person under the age of 21 and retains the exception of when on their land or in their abode or fixed place of business.

Strikes subsection (d) which listed exceptions to the concealed carry prohibition.

Subsection (e) listing exceptions for subsection (a)(5), shotguns with barrel less than 18", is unchanged but becomes subsection (e).

Strikes subsection (f) which exempted persons with CCH permits.

Subsection (g) defining throwing stars is unchanged but becomes subsection (e).

Sec. 4 KSA 21-6308 Criminal Discharge of a Firearm

Subsection (d)(8) with provisions for prosecutors carrying concealed in a courthouse is amended by striking a reference to KSA 75-7c19 which is repealed.

Sec. 5 KSA 21-6309 Unlawful possession of firearms on certain government property

In subsection (d)(2) with provisions for prosecutors carrying concealed in a courthouse is amended by striking a reference to KSA 75-7c19 which is repealed.

Adds subsection (d)(4) an exception for anyone not prohibited from possessing a firearm under state or federal law. This permits those not prohibited to carry a concealed handgun in the listed government buildings.

Subsection (e) containing an exception to those licensed under the PFFA is stricken.

Subsection (f) allowing county resolutions to exempt courthouses meeting certain requirements is unchanged but becomes subsection (e).

Subsection (g) providing definitions is unchanged but becomes subsection (f).

Subsection (h) excluding parking areas from the definition of building or courthouse is unchanged but becomes subsection (g).

Sec. 6 KSA 32-1002 Unlawful taking or dealing in wildlife; penalties; exceptions; carrying a handgun; use of silencers

Strikes subsection (c)(3) exempting CCH permit holders from carrying concealed while hunting, fishing, or furharvesting.

Subsection (c)(4) becomes (c)(3) and is amended by allowing any person to carry a handgun, concealed or unconcealed, while hunting, fishing, or furharvesting. The provisions of KSA 21-6302(a)(4) prohibiting a person under 21 from carrying a concealed firearm still apply.

Subsection (c)(5) is unchanged but becomes (c)(4)

Sec. 7 KSA 75-7c01 Personal and family protection act; citation of act

Technical correction to a statute reference in the title statute of the personal and family protection act. Strikes reference to 75-7c19 which is repealed.

Sec. 8 KSA 75-7c03 License to carry concealed handgun

Adds clarifying statement in subsection (a), "The availability of licenses to carry concealed handguns under this act shall not be construed to impose a general prohibition on the carrying of handguns without such license, whether carried openly or concealed, or loaded or unloaded."

Strikes most of subsection (b) leaving only the first sentence describing the form of the permit card. This includes striking the provision requiring a permit holder to carry the card and the requirement to show it to a law enforcement officer on demand. It also strikes the provision about law enforcement officers being able to verify the validity of the license through DMV or CCH records. It is unknown at this time if this access will be retained or not.

Strikes all of subsections (c) through (i) relating to requirements for a CCH license to carry a concealed handgun. This includes the provisions recognizing other states permits, for a 180 day receipt. The provisions of subsections (g) which contains the authority of the Attorney General in issuing concealed carry permits and (i) containing definitions are stricken here and transferred to KSA 75-7c04.

Sec. 9 KSA 75-7c04 Licensure; disqualifications; handgun safety and training course

All technical amendments except the addition of subsection (c) containing the authority of the Attorney General to issue concealed carry permits and subsection (d) containing definitions. Both subsections contain the unchanged provisions stricken in KSA 75-7c03 (g) and (i).

Note in subsection (b)(1) the requirements for training still apply to get a permit. But they are not required to carry a concealed handgun without a permit.

Sec. 10 KSA 75-7c05 Licensure; application; fees; fingerprints; criminal history records; issuance or denial of license; retired law enforcement officers; corrections officers

Technical amendments. Subsection (e) establishing the 90 day period for the AG to respond to a license application is amended by striking the reference to the exceptions stricken from KSA 75-7c03.

Sec. 11 KSA 75-7c10 Restrictions on carrying concealed handgun; exceptions; liabilities; employees permitted to carry; penalties for violations; sign requirements

Changes to subsection (a) changes the language regarding signage, not significantly in application, by removing the reference to prohibiting permit holders from carrying into posted buildings. The new language is: "The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general."

There is then a series of amendments to subsections (b), (c), and (d) removing references to exceptions to restrictions afforded only to permit holders, thus allowing those exceptions to the PFPA to anyone. Subsection (b)(1) addresses allowing personnel policies on employees carrying a concealed handgun. Subsection (b)(2) addresses allowing restricting or prohibiting persons from carrying a concealed handgun within a posted building. Subsection (c) addresses release from liability for actions by persons carrying firearms into their building. Subsection (d) addresses allowing a governing body to authorize carrying of concealed handguns by employees in USD buildings, colleges and universities, municipal owned medical facilities, adult care homes, community mental health centers, and indigent health care centers.

Subsection (e)(2) with provisions for prosecutors carrying concealed in a courthouse strikes a reference to KSA 75-7c19 which is repealed.

Subsection (f) dealing with concealed carry in the state capitol strikes the reference to KSA 75-7c21.

Sec. 12 KSA 75-7c17 Legislative findings regarding uniform standards for licensing and regulation; certain local ordinances and resolutions inapplicable to licensees; limitations on authority of attorney general; liberal construction of act

Subsection (a) containing the prohibition of local governments regulating concealed carry strikes the reference to "persons licensed" and inserts "individuals" and adds references to allow local regulation as provided in KSA 21-4218(f), 21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20.

Subsection (b) requires any prosecution of violations of Chapter 75 article 7c through the district court. The amendment strikes "licensed" so it applies to any violation of the PFPA.

Sec. 13 KSA 75-7c20 Concealed handguns in public buildings

Subsection (a) which requires state and municipal buildings to be open to concealed carry unless there is adequate security measures and the building is posted is amended by applying the provisions to all carrying of a concealed handgun, not just those with permits.

This makes those buildings that lack either proper posting or adequate security measures open to concealed carry of handguns by anyone. Violations of other firearms laws still apply.

Subsection (c) requiring state and city agencies to allow employees to carry concealed in the workplace unless there is adequate security measures and the building is posted is amended by striking the reference to the employee having a CCH permit.

Subsection (d) allowing persons authorized to enter state or municipal buildings with adequate security measures and proper signage through a restricted access entrance to carry a concealed handgun into the building, striking the reference to the person having a CCH permit.

Subsections (e) and (f) which relieves the state and municipalities of liability for actions of any person carrying a concealed handgun into the building is amended by striking references to "licensed" and to the PFFPA.

Subsection (i) which provides for the four year exemption period is amended by striking the reference to the PFFPA.

Subsection (m)(5)(B) concerning the state capitol is amended by striking the reference to KSA 75-7c21.

Sec. 14 KSA 75-7c21 Concealed handguns in state capitol

Subsection (a) is amended by striking references to licensure under the PFFPA and permits the carrying of a concealed handgun in the state capitol provided the person is not prohibited from possessing a firearm under federal or state law.

Subsection (b), an outdated provision relating to the state capitol, is stricken.

Sec. 15 repeals KSA 75-7c19.

REFERENCES:

The [summary document](#)

(http://www.kslegislature.org/li/b2015_16/measures/documents/summary_sb_45_2015.pdf),

The [bill explainer](#)

(http://www.kslegislature.org/li/b2015_16/measures/documents/supp_note_sb45_02_0000.pdf)

The [bill as signed by the governor](#) is available at:

http://www.kslegislature.org/li/b2015_16/measures/documents/sb45_enrolled.pdf

A [categorized summary is available at:](#)

http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/summary_of_2015_firearms_legislation.pdf

NOTICE: The author is not an attorney and nothing in this document should be construed to be legal advice. The intent is to provide a reference document to the new concealed carry laws passed in SB45 by the 2015 Kansas Legislature. For interpretation of the new law seek guidance from your agency legal provider or your local prosecutor. Always follow your agencies policy and procedures in applying the law.

Send comments, suggestions, corrections, or additions to ed.klumpp@kslawenforcementinfo.com.