

Summary of 2015 Firearms Legislation

This summary is based on SB45 and HB2331 passed by the 2015 Kansas Legislature and becoming law on July 1, 2015. See links to these and other related documents at the end of this summary.

Criminal Law Changes

Concealed Carry Criminal Law (KSA 21-6302 (a)(4) Criminal Carrying of a Weapon)

KSA 21-6302(a)(4), the criminal violation for carrying a concealed firearm, is amended so it only applies to persons under the age of 21 after July 1, 2015. Persons over 21 carrying concealed are never in violation of this statute after July 1, 2015. If they are prohibited, they must be charged for the violation of those prohibiting statutes. (KSA 21-6301 or 21-6304) [SB45, §3]

All other changes to KSA 21-6302 are technical removing references to CCH permits and processes that no longer apply since permits are not required after July 1, 2015. Also removes list of exceptions that are no longer needed. [SB45, §3]

School Grounds

KSA 21-6301 (a)(11) currently prohibits persons other than law enforcement to possess a firearm on K-12 school property. The current exception for persons with CCH permits and lacking the requirement for the firearm to be concealed found in subsection (i)(5) is amended by removing the reference to a person holding a CCH Permit but adding “concealed” handgun and a person “not prohibited from possessing a firearm under either federal or state law.” So a person who is prohibited or openly carrying could still be charged under this statute. [SB45, §2]

KSA 21-6301 (a)(12) requiring a person to remove the firearm from the school property when requested to do so remains unchanged. It has no concealed carry exceptions. [SB45, §2]

Government Buildings (State Buildings and Local Courthouses)

KSA 21-6309 (d)(4) is a new exception to this statute for anyone not prohibited by federal or state law from possessing a firearm in the listed locations. This makes this statute inapplicable to a person carrying a concealed handgun on the listed state properties and local courthouses, unless they are prohibited from possessing a firearm by state or federal law. Courthouses may be opened up to carry by the County Commission. State buildings may be closed only when posted by authority of the Secretary of Administration. In this case a prohibited person, whether by state law or federal law, could be charged with a violation of this statute if carrying a firearm concealed in one of the places restricted by this statute, including county courthouses. [SB45, §5]

Adequate Security Measures/Signage: KSA 75-7c20 (a) The carrying of concealed handguns in a state or municipal building still cannot be prohibited under this section unless adequate security measures and proper signage are in place. Technical amendments are made to strike references to PFFPA. [SB45, §13]

Restricted Access Entrance: KSA 75-7c20 (d) The carrying of concealed handguns through a restricted access entrance into a state or municipal building with adequate security measures is still

not a violation under this section provided the person is authorized to enter through the restricted access entrance. Technical amendments strike references to license and PFFA. [SB45, §13]

Four Year Exemptions: KSA 75-7c20 (i) authorizing the four year exemptions for certain state or municipal buildings is not substantively changed but has technical amendments removing the reference to persons carrying concealed handguns “as authorized by” the PFFA. [SB45, §13]

State Capitol: KSA 75-7c21 is amended to specifically authorize any person who is not prohibited by federal or state law from possessing a firearm to carry a concealed handgun in the state capitol. [SB45, §14]

Correctional Facilities

KSA 21-5914, the criminal law allowing firearms in vehicles in a parking lot or out of a vehicle for the purpose of securing it in the vehicle in a parking lot of correctional facilities is still applicable. The statute was amended by removing references to persons with CCH permits since permits will no longer be required to carry concealed. [SB45, §1]

Local Regulation

KSA 12-16,124 (a) prohibiting city or county ordinances, resolutions, or regulations regarding firearms is amended to add prohibition of taxation or requiring fees, licenses or permits for commerce in or sale of firearms. Subsection (b) is stricken because it is covered by the broader new language added in subsection (a). The date is changed in subsection (c) nullifying any ordinance, resolution, or regulation in effect prior to July 1, 2015, requiring any of the prohibited activities. Subsection (c)(4) is added allowing the collection of sales taxes relating to firearm and ammunition sales. [HB2331, §1]

KSA 75-7c17 (a) retains all existing restriction on local control of concealed handguns but is amended to except provisions as provided in KSA “21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or 75-7c20.” It also has technical amendments that do not make a substantive change, but removes references to “persons licensed” and replaces it with “individuals.” [SB45, §12]

KSA 75-7c17 (b) requires any prosecution of the PFFA (KSA 75-7c01 et. seq. to be done through district courts. [SB45, §12]

Wildlife and Parks

KSA 32-1002 Carrying a Handgun; Use of Silencers While Hunting, Fishing, or Furharvesting, had allowed concealed carry of a handgun by permit holders. That permit holder reference is now removed to allow anyone lawfully possessing a handgun to carry it, concealed or unconcealed, while engaged in the listed activities. Note this statute uses the phrase “who lawfully possesses” so a person who can’t lawfully possess a firearm would be in violation. [SB45, §6]

Prosecutors carrying concealed

KSA 21-6308 (d)(8); 21-6309 (d)(2); and 75-7c10 (e)(2) are amended not in substance but by striking a reference to KSA 75-7c19 which is repealed as of July 1, 2015. [SB45, §4, 5 and 11]

Personal and Family Protection Act (Article 7c of Chapter 75 of the KSA)

General changes

In general, the permit process is still in place and most requirements for obtaining the permit are unchanged. Many Kansans will still want to have a permit because there will be no reciprocity to carry in other states without it and many liability insurance companies will not insure persons without permits. A clarification statement is added to KSA 75-7c03 stating nothing in the act implies the requirement to have a permit to carry concealed in Kansas. There are many technical, non-substantive amendments, throughout these statutes removing references to requiring a permit.

Employees of Government Entities

KSA 75-7c20 (c): Provisions relating to employees carrying concealed handguns in public buildings are not amended substantively but have technical amendments so that what was allowed or prohibited for a CCH permit holder to do now is applicable to any employee carrying a concealed handgun. There was no language added to this statute to cover employees who are prohibited by state or federal law from possessing a firearm. [SB45, §13]

Signage

No substantive change to KSA 75-7c10 (a) on signage requirements or restrictions to those carrying firearms. Wording was changed removing references to the permits. Those carrying into a posted building do not violate this statute and would have to be charged under other statutes if a violation exists. If they enter with a firearm and refuse to leave or remove the firearm at the request of person in charge of the building, criminal trespass is probably the option to charge if necessary. There is no mention of a person prohibited by state or federal law in this statute, so a person who is prohibited who is carrying a firearm would have to be charged under statutes relative to the particular prohibitor. [SB45, §11]

Liability Release

The provisions in KSA 75-7c10 (c) and (d) providing liability exclusion for private entities for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. [SB45, §11]

The provisions in KSA 75-7c20 (e) and (f) providing liability exclusion for state or municipal agencies for actions of those who carry firearms into their buildings remains intact with minor amendments removing references to the permit requirement. [SB45, §13]

Permits: Possessing on person and display to law enforcement

The provisions of law in KSA 75-7c03 (b) requiring a permit holder to carry the permit when carrying concealed and requiring the person to display such permit to law enforcement when asked are deleted. Even if the person chooses to have a CCH permit they are not required to have it on their person when carrying concealed in Kansas, nor are they required to show it to law enforcement or to even reveal to law enforcement that they have one. The provision stating law enforcement can verify a person has a permit through DMV records and or by the license

number is also stricken. It is unclear if we will lose the ability to verify that or not, but I am guessing we will. [SB45, §8]

Permits: 180 day receipt

The provisions in KSA 75-7c03 for the 180 day receipt for those who hold permits in other states and move to Kansas have been deleted. [SB45, §8]

Permits: Disqualifiers

KSA 75-7c04 (a)(3) strikes the provision directing the AG to not issue a CCH permit to anyone who was adjudicated as a juvenile offender for an offense that if committed by an adult would result in denial of a license. This provision made that disqualification a lifetime disqualification which was not intended. Subsection (a)(2) by referencing KSA 21-6304(a)(1) and (a)(3) already apply juvenile adjudications exactly the same as they are applied for adults. This corrects an unintended consequence of amendments passed last year. [HB2331, §2]

Training

Training and qualification shooting is still required to get a CCH permit. Training and qualification is not required to carry concealed handgun without a permit or to open carry a firearm. See KSA 75-7c04. [SB45, §9]

References

[SB45: The bill](http://www.kslegislature.org/li/b2015_16/measures/documents/sb45_enrolled.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/sb45_enrolled.pdf

[SB45 bill explainer](http://www.kslegislature.org/li/b2015_16/measures/documents/supp_note_sb45_02_0000.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/supp_note_sb45_02_0000.pdf

[SB45 bill summary](http://www.kslegislature.org/li/b2015_16/measures/documents/summary_sb_45_2015.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/summary_sb_45_2015.pdf

[SB45 Section by section description of amendments](http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/sb45_allowing_concealed_carry_without_a_permit.pdf):

http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/sb45_allowing_concealed_carry_without_a_permit.pdf

[SB2331](http://www.kslegislature.org/li/b2015_16/measures/documents/hb2331_enrolled.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/hb2331_enrolled.pdf

[SB2331 bill explainer](http://www.kslegislature.org/li/b2015_16/measures/documents/ccrb_hb2331_01_053015pm.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/ccrb_hb2331_01_053015pm.pdf

[SB2331 summary](http://www.kslegislature.org/li/b2015_16/measures/documents/summary_hb_2331_2015.pdf): http://www.kslegislature.org/li/b2015_16/measures/documents/summary_hb_2331_2015.pdf

[Federal and State Laws prohibiting possession of a firearm by certain persons](http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/firearms_possession_prohibitors.pdf):

http://www.kslawenforcementinfo.com/uploads/3/0/3/2/3032106/firearms_possession_prohibitors.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 and HB2331 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 agency's policy and procedures in applying the law.

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