

1. Concealed Carry (Full summary of firearms law changes at: <http://tinyurl.com/Ks2015FirearmsSummary>)
 - a. Criminal Law Change

The concealed carry criminal statute now only applies to persons under the age of 21. Persons age 21 or older can carry a concealed firearm unless they are prohibited by state or federal law from possession of a firearm. [Read the bill explainer](#). KSA 21-6302. (Effective July 1, 2015. [SB45](#)§3; 2015 Session Laws, chapter 16)
 - b. Permits Not Required

In general, the permit process, while optional, 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. There are many technical amendments throughout these statutes removing references to requiring a permit. [Read the bill explainer](#). KSA 75-7c03, 75-7c04, 75-7c05. (Effective July 1, 2015. [SB45](#)§8, 9, 10; 2015 Session Laws, chapter 16)
 - c. Permit Holders Do Not Have To Reveal Permit To Law Enforcement

The amendments to KSA 75-7c03 (b) provide 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 or by the license number is also stricken. It is unclear if we will lose the ability to verify a permit or not, but I am guessing we will. [Read the bill explainer](#). KSA 75-7c03. (Effective July 1, 2015. [SB45](#)§8; 2015 Session Laws, chapter 16)
 - d. NICS and III available roadside

There is general confusion about what records or systems we can access to determine if a person is “prohibited by state or federal law” to possess a firearm. This is especially true of roadside access.

 - i. III can be ran for roadside investigations. The purpose code “F” is used when the III request is related to a firearm investigation and an incident number, case number, or dispatch record number must be entered as well. Note that III will not provide you with mental health commitment and other critical information especially from other states.
 - ii. NICS is now being made available to Kansas law enforcement, but by federal law is restricted to use only when we are “releasing” a firearm in our custody to a person. So if you legally have a firearm in your possession, even roadside, you may run a NICS check through KCJIS. Follow your local legal advice on when you may take a firearm into your possession during a stop, this is a critical decision point and a very fine line with developing case law.
 - iii. I have compiled the current federal law, federal regulations, and state law establishing the prohibitors into a document available at: <http://tinyurl.com/2015FirearmsProhibitors>
2. Alcohol Related
 - a. ABC Regulation Enforcement

After a state Court of Appeals Case in 2014, violations of the Liquor Control Act observed and reported by local law enforcement have been unenforceable by the ABC. New law requires local law enforcement to serve notice on the licensee or their representative on premise at the time of the violation. ABC will have a single form available for law enforcement use to report these violations to both the business and to the ABC. Or you can use your own form if it meets the requirements for information and service to the licensee. The ABC will be putting a law enforcement page on their website with forms and other information. (<http://www.ksrevenue.org/abc.html>). [Read the bill summary](#). Amends KSA 41-106. (Effective July 1, 2015. [HB2223](#)§2; 2015 Session Laws, chapter 82)
 - b. “Bring Your Own Booze” for non-licensed businesses

Businesses not licensed by the ABC are allowed to permit consumption on their premises when those consuming bring their own liquor. Aimed at businesses such as Art Studios and Cigar Shops, but the bill is very broad and covers nearly any business not licensed by the ABC. The consumption is limited to 9AM to midnight and there can be no cover charge or charge for being allowed to consume alcohol.

These businesses are not subject to regulation or penalty by the ABC, and there is no right to entry for law enforcement as exists for licensed premises. The ABC will be putting a law enforcement page on their website with a related form and other information. (<http://www.ksrevenue.org/abc.html>) [Read the bill summary](#). Amends KSA 41-719. (Effective July 1, 2015. [HB2223](#)§17; 2015 Session Laws, chapter 82)

c. [Powdered Alcohol](#)

The sale or serving of any form of powdered alcohol by a licensee is prohibited. Possession is not prohibited in these statutes. "Powdered alcohol" is alcohol prepared in a powdered or crystal form for either direct use or for reconstruction in a nonalcoholic liquid. All alcohol, including powdered, is covered by the Liquor Control Act. [Read the bill summary](#). Creates a new statute. Amends KSA 41-102 & 41-2640. (Effective July 1, 2015. [HB2223](#)§3, 4, & 5; 2015 Session Laws, chapter 82)

3. [Scrap Metal Theft](#)

The Scrap Metal Theft Reduction act is implemented under the Office of Attorney General and is an extensive overhaul of the approach to metal theft in Kansas. State licensing of all scrap metal dealers is required effective January 1, 2016, a state database of scrap metal transactions will be created with implementation by July 1, 2016, and the AG has full investigatory, regulatory, and enforcement authority over administrative violations of the act. Violations of the act by scrap metal dealers will no longer be criminal, but instead civil penalties may be assessed through the AG. Existing local scrap metal licensing, registration and regulation will be null and void. Existing statutes, with some amendments, become part of the act. There are also several criminal law additions and amendments made including prima facie evidence of intent to permanently deprive by using false identification or removing the materials from the county in which they were taken; the creation of a new crime of aggravated criminal damage for damage caused by the taking of the regulated metal; and allows business records of scrap metal dealers to be used in preliminary hearings without testimony as to authenticity. [Read the bill summary](#). Amends KSA 21-5804, 21-5813, 21-6604, 21-6804, 50-6,109, 50-6,110, 50-6,111, 50-6,112a, 50-6,112b and 50-6,112c. Repeals KSA 21-6604c and 50-6,112. (Effective July 1, 2015. [HB2048](#); 2015 Session Laws, chapter 96)

4. [New Commercial Driver's License Codes](#)

Seven new CDL endorsement and restriction codes are added: "E" – no manual transmission in a commercial motor vehicle (CMV); "O" – no tractor-trailer; "M" – no class A passenger vehicle; "N" – no class A or B passenger vehicle; "Z" – no full air brake in CMV; "K" – for intrastate only; and "V" – for medical variance. Existing Codes are: "H" – authorizes the driver to drive a vehicle transporting hazardous materials; "L" – restricts the driver to vehicles not equipped with airbrakes; "T" – authorizes driving double and triple trailers; "P" – authorizes driving vehicles carrying passengers; "N" – authorizes driving tank vehicles; "X" – represents a combination of hazardous materials and tank vehicle endorsements; "S" – authorizes driving school buses. The new codes brings Kansas into compliance with federal requirements. [Read the bill summary](#). Amends KSA 8-8,135. (Effective May 14, 2015. [HB2090](#)§4; 2015 Session Laws, chapter 49)

5. [Vehicle Registration Expiration: Letter of Renewal](#)

A receipt for vehicle registration renewals completed by internet or mail serve as proof of renewal and the lack of the decal during the first ten days after the expiration date will not result in conviction. In essence, we should handle these the same way we handle no DL on person cases. If a citation is issued during the ten day period, the receipt can be shown to the court and the charge will be dismissed. Officers should consider if a citation is appropriate if a valid receipt is presented at the time of the stop. This only applies when the actual renewal took place prior to expiration of the registration plate. [Read the bill summary](#). Amends KSA 8-142. (Effective July 1, 2015. [HB2013](#)§3; 2015 Session Laws, chapter 47)

MORE INFORMATION AVAILABLE AT: <http://www.kslawenforcementinfo.com/2015-session.html>

Always follow the guidance of your agency for application and implementation of new and amended laws. The author is not an attorney and this document is not legal advice. It is a summary of the legislation based on observations and discussions during the legislative process. **Questions should be addressed within your agency following your agency's protocol. Always follow your agency's policy and procedures in applying the law.**

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