

HOUSE BILL No. 2326

By Committee on Federal and State Affairs

2-14

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; recognition of licenses issued by other jurisdictions;
3 amending K.S.A. 2018 Supp. 21-6302 and 75-7c03 and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 21-6302 is hereby amended to read as
8 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
9 carrying:

10 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

11 (2) concealed on one's person, a billy, blackjack, slungshot or any
12 other dangerous or deadly weapon or instrument of like character;

13 (3) on one's person or in any land, water or air vehicle, with intent to
14 use the same unlawfully, a tear gas or smoke bomb or projector or any
15 object containing a noxious liquid, gas or substance; ~~or~~

16 (4) any pistol, revolver or other firearm concealed on one's person if
17 such person is under 21 years of age, except when on such person's land or
18 in such person's abode or fixed place of business; or

19 (5) a shotgun with a barrel less than 18 inches in length or any other
20 firearm designed to discharge or capable of discharging automatically
21 more than once by a single function of the trigger whether the person
22 knows or has reason to know the length of the barrel or that the firearm is
23 designed or capable of discharging automatically.

24 (b) Criminal carrying of a weapon as defined in:

25 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson
26 misdemeanor; and

27 (2) subsection (a)(5) is a severity level 9, nonperson felony.

28 (c) Subsection (a) shall not apply to:

29 (1) Law enforcement officers, or any person summoned by any such
30 officers to assist in making arrests or preserving the peace while actually
31 engaged in assisting such officer;

32 (2) wardens, superintendents, directors, security personnel and
33 keepers of prisons, penitentiaries, jails and other institutions for the
34 detention of persons accused or convicted of crime, while acting within the
35 scope of their authority;

36 (3) members of the armed services or reserve forces of the United

1 States or the Kansas national guard while in the performance of their
2 official duty; or

3 (4) the manufacture of, transportation to, or sale of weapons to a
4 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
5 such weapons.

6 (d) *Subsection (a)(4) shall not apply to any person who possesses a
7 valid license or permit to carry a concealed firearm that was issued by
8 another jurisdiction and is recognized in this state pursuant to K.S.A. 2018
9 Supp. 75-7c03, and amendments thereto.*

10 ~~(d)~~(e) Subsection (a)(5) shall not apply to:

11 (1) Any person who sells, purchases, possesses or carries a firearm,
12 device or attachment which has been rendered unserviceable by steel weld
13 in the chamber and marriage weld of the barrel to the receiver and which
14 has been registered in the national firearms registration and transfer record
15 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
16 and, if such person transfers such firearm, device or attachment to another
17 person, has been so registered in the transferee's name by the transferor;

18 (2) any person employed by a laboratory which is certified by the
19 United States department of justice, national institute of justice, while
20 actually engaged in the duties of their employment and on the premises of
21 such certified laboratory. Subsection (a)(5) shall not affect the manufacture
22 of, transportation to or sale of weapons to such certified laboratory; or

23 (3) any person or entity in compliance with the national firearms act,
24 26 U.S.C. § 5801 et seq.

25 ~~(e)~~(f) As used in this section, "throwing star" means the same as
26 prescribed by K.S.A. 2018 Supp. 21-6301, and amendments thereto.

27 Sec. 2. K.S.A. 2018 Supp. 75-7c03 is hereby amended to read as
28 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
29 concealed handguns to persons who comply with the application and
30 training requirements of this act and who are not disqualified under K.S.A.
31 2018 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
32 throughout the state for a period of four years from the date of issuance.
33 The availability of licenses to carry concealed handguns under this act
34 shall not be construed to impose a general prohibition on the carrying of
35 handguns without such license, whether carried openly or concealed, or
36 loaded or unloaded.

37 (b) The license shall be a separate card, in a form prescribed by the
38 attorney general, that is approximately the size of a Kansas driver's license
39 and shall bear the licensee's signature, name, address, date of birth and
40 driver's license number or nondriver's identification card number except
41 that the attorney general shall assign a unique number for military
42 applicants or their dependents described in K.S.A. 2018 Supp. 75-7c05(a)
43 (1)(B), and amendments thereto.

1 (c) (1) *Subject to the provisions of subsection (c)(2), a valid license*
2 *or permit to carry a concealed firearm issued by another jurisdiction shall*
3 *be recognized in this state, but only while the holder is not a resident of*
4 *Kansas.*

5 (2) *A valid license or permit that is recognized pursuant to this*
6 *subsection shall only entitle the lawful holder thereof to carry concealed*
7 *handguns, as defined by K.S.A. 2018 Supp. 75-7c02, and amendments*
8 *thereto, in this state, and the holder thereof shall otherwise act in*
9 *accordance with the laws of this state while such holder is present in this*
10 *state. The recognition of a license or permit pursuant to this subsection*
11 *shall not be construed to impose a general prohibition on the carrying of*
12 *handguns without such license, whether carried openly or concealed, or*
13 *loaded or unloaded.*

14 (3) *As used in this subsection, the terms "jurisdiction" and "license or*
15 *permit" shall have the same meanings as provided in K.S.A. 2018 Supp.*
16 *75-7c04, and amendments thereto.*

17 Sec. 3. K.S.A. 2018 Supp. 21-6302 and 75-7c03 are hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its
19 publication in the statute book.