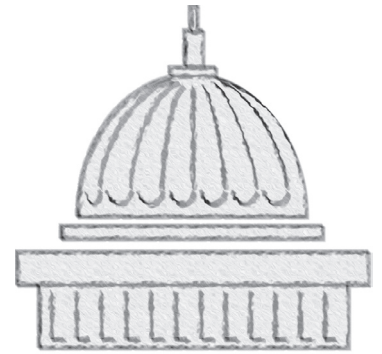


F. NRA / ILA Firearms Laws for

KANSAS

(As of February, 2010)



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A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	NO	NO
Registration of Firearms	NO	NO
Licensing of Owner	NO	NO
Permit to Carry	NO	YES

STATE CONSTITUTIONAL PROVISION

“The people have the right to bear arms for their defense and security; but standing armies in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.” Kansas Bill of Rights Section 4.

PURCHASE

No state permit is required to purchase a rifle, shotgun, or handgun.

It is unlawful knowingly to sell, give or otherwise transfer any firearm with a barrel less than 12 inches to any person under 18.

It is unlawful knowingly to sell, give or otherwise transfer any firearm to:

- any person who is both addicted to and an unlawful user of a controlled substance;
- any person who, within the preceding ten years, has been convicted of certain specified felonies, but was not found to have been in possession of a firearm at the time of the commission of the offense, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime;
- any person who, within the preceding five years has been convicted of a felony other than those specified for the ten year disqualification
- any person convicted of a felony and was found in possession of a firearm at the time of the offense.

It is unlawful knowingly to sell, give or otherwise transfer

any firearm to any habitual drunkard or narcotics addict.

Kansas has enacted a law enabling its residents to purchase rifles or shotguns from licensed dealers in contiguous states, provided the purchase complies with the laws of Kansas and of the state of purchase, and with all federal requirements.

POSSESSION

No state permit is required to purchase a rifle, shotgun, or handgun.

It is unlawful for the following persons to possess firearms

- a person who is both addicted to and an unlawful user of a controlled substance;
- a person convicted of a felony or a violation of any provision of the uniform controlled substances act under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony or violation
- a person who was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of any provision of the uniform controlled substances act, and was found to have been in possession of a firearm at the time of the commission of the offense
- a person who, within the preceding 10 years, has been convicted of certain specified felonies, or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commis-

sion of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense

- a person who, within the preceding five years has been convicted of a felony (other than those specified as a basis for the ten year disqualification) under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense
- a person, other than a law enforcement officer, in or on any school property or grounds with the following exceptions: possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school; any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited non-public school; possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day
- a person who refuses to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer.

Possession of a firearm on the grounds of or in the state capitol building, or within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building, and within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

It is unlawful for a narcotics addict or habitual drunkard to possess any firearm.

It is unlawful for a person less than 18 years of age to knowingly possess a firearm with a barrel less than 12 inches long. It shall be a defense if such person less than 18 years of age was: in attendance at a hunter's safety course or a firearms safety course; engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located; engaging in an organized competition involving the use of such firearm; hunting or trapping pursuant to a valid license; traveling with any such firearm in such person's possession being unloaded to or from any activity described in the above paragraphs, only if such firearm is secured, unloaded and outside the immediate access of such person; on real property under the control of

such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights of defense.

CARRYING

State law does not generally prohibit the open carrying of a handgun.

The attorney general shall issue licenses to carry concealed weapons to qualified persons. These licenses are valid throughout the state for a period of four years from the date of issuance.

Verification by law enforcement that a person holds a valid license to carry a concealed weapon may be accomplished by a record check using the person's vehicle tag and driver's license information.

A valid license, issued by any other state or the District of Columbia, to carry concealed weapons shall be recognized in this state, but only while the holder is not a resident of Kansas, the standards for issuance of such state licenses or permits are equal or greater than Kansas standards. The attorney general will maintain and publish a list of such states.

The attorney general shall issue a license to carry a concealed weapon if the applicant:

- Is a resident of the county where the applicant is a resident, and the applicant has been a resident of the state for six months or more immediately preceding the filing of the application;
- Is a non-resident in the state while on active duty in the armed forces of the U.S. military.
- Is 21 years or more of age
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon;
- Has never been convicted or placed on diversion for a felony; or has been adjudicated as a committing an act that would be a felony if committed by an adult
- Has not, during the previous five years before the applicant has been submitted:
 - a mentally ill person or involuntary patient
 - committed for the abuse of a controlled substance
 - convicted or placed on diversion for a felony or misdemeanor violation of the uniform substance control act or has been adjudicated as a juvenile for an act that would be a misdemeanor under this act if committed by an adult
 - convicted or placed on diversion two or more times for driving a vehicle under the influence of drugs or alcohol
 - convicted or placed on diversion for a domestic violence misdemeanor or adjudicated as a juvenile for an act that would be a domestic violence misdemeanor if committed as adult
 - convicted for criminal use of a weapon or has been adjudicated as a juvenile for criminal use of a weapon
 - convicted of carrying a weapon while under the influence of drugs or alcohol or has been adjudicated as a juvenile for

- carrying a weapon under the influence of drugs or alcohol
- Desires a legal means to carry a concealed weapon for lawful purposes
- Presents evidence satisfactory of the attorney general that the applicant has satisfactorily completed a weapons safety and training course
- Has not been adjudicated a disabled person under the act for obtaining a guardian and conservator, or both, or a similar act in another state unless the applicant was ordered restored to capacity three or more years before an application is submitted
- Has not been dishonorably discharged from military service
- Is a citizen of the United States
- Is not subject to a restraining order issued under the protection from abuse act, under the protection from stalking act or any equivalent from another state

The attorney general shall adopt procedures and standards for an eight-hour safety and training course. The applicant shall pay the cost of the weapons safety and training course. Satisfactory completion of the course is demonstrated by evidence of completion of the course, in the form provided by the regulations adopted by the attorney general or an affidavit from the instructor, school, club or organization that conducted or taught such course attesting to the completion of the course.

Prior to renewal of the license the licensee shall submit evidence to the attorney general that the licensee has requalified by completion of an approved course given by an instructor of an approved weapons safety and training course.

The applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours: a completed application; a non-refundable fee not to exceed \$150. if the applicant has not previously been issued a statewide license or if the applicant's license has permanently expired; the applicant must provide a photocopy of a certificate or a document verifying that the applicant has completed a weapons training and safety course, and a full frontal view photograph taken within the preceding 30 days.

The sheriff shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for the purposes of a criminal history records check. The sheriff shall also forward a copy of the application and \$110.00 of the original license fee, or \$50.00 of the renewal license fee, to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained by the sheriff.

The sheriff may participate in the licensing process by submitting a voluntary report to the attorney general containing readily accessible information, corroborated by public records, which when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement and the public than the average citizen.

Each applicant shall be subject to a state and national criminal history records check for the purpose of verifying the identity of the applicant and whether the applicant has been convicted of any crime that would disqualify the applicant from holding

a license. The attorney general, for the purposes of determining the applicant's eligibility only, may access criminal records that have been expunged by the court.

The attorney general has 180 days to issue or deny the license. The denial must be based solely on whether the applicant fails to qualify under the criteria for receiving a concealed handgun license, and the information provided by the sheriff of the residence of the applicant. if the license is denied, the attorney general shall notify the applicant in writing, stating the grounds for denial and informing the applicant of a right to hearing under the administrative procedures act.

Within 30 days after changing any permanent address, or within 30 days after having a license lost or destroyed, the licensee shall notify the attorney general of such change, loss, or destruction. Failure to notify the attorney general may result in the imposition of a fine or revocation of the license. in the event that a concealed weapon license is lost or destroyed, the license shall be automatically invalid. A duplicate may be obtained at a cost of \$15, after the licensee furnishes the attorney general with a notarized statement of the loss or destruction.

The attorney general shall suspend or revoke the license of any person who would be ineligible to receive a license at such time or who fails to submit evidence of completion of a weapons safety and training course. The suspension or revocation shall be subject to review by the district court.

The sheriff of a county where a restraining order is issued that would prohibit issuance of a license, shall notify the attorney general immediately upon the receipt of such order. if the person subject to the restraining order holds a concealed weapons license, the attorney general shall immediately revoke the license.

Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form. The licensee shall renew the license on or before the expiration date by filing with sheriff of the applicant's county of residence the renewal form, a notarized affidavit that the licensee remains qualified, a full frontal photograph taken within the preceding 30 days, and a nonrefundable license renewal fee not to exceed \$100. A licensee who fails to file a renewal application on or before the expiration date of the license must pay an additional late fee of \$15. if the licensee is qualified, the license shall be renewed upon receipt by the attorney general. No licensed shall be renewed six months or more after the expiration date of the license, and such application shall be deemed permanently expired. A person whose license has been permanently expired may reapply for licensure, but an application for licensure and fees shall be submitted, and a background investigation shall be conducted.

No license shall authorize the licensee to carry a concealed weapon into:

- Any place where an activity declared a common nuisance is maintained;
- Any police, sheriff, or highway patrol station;
- Any detention facility or jail;
- Any courthouse;
- Any courtroom, except that nothing precludes a judge from

carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;

- Any polling place on the day an election is held;
- Any meeting governing board of any county, city, or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
- On the state fairgrounds;
- Any athletic event
- Any state office building;
- Any athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- Any professional athletic event not related to or involving firearms;
- Any portion of a drinking establishment except that this provision shall not apply to a restaurant;
- Any elementary or secondary school building or structure used for student instruction or attendance;
- Any community college, college or university facility;
- Any place where the carrying of firearms is prohibited by federal or state law;
- Any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;
- Any community mental health center; psychiatric hospital; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;
- Any city hall;
- Any public library operated by the state or by a political subdivision of the state;
- Any day care home or group day care home, or any preschool or childcare center, or
- Any church or temple

Nothing in this shall be construed to prevent:

- Any public or private employer from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer;
- Any entity owning or operating business premises open to the public from restricting or prohibiting in any manner persons licensed under this act from carrying a concealed weapon while on such premises, provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the premises, as premises where carrying a concealed weapon is prohibited; or
- A property owner from restricting or prohibiting in any manner persons licensed under this act from carrying a

concealed weapon while on such property, provided that the premises are posted, in a manner reasonably likely to come to the attention of persons entering the property where carrying a concealed weapon is prohibited.

MACHINE GUNS

It is unlawful to possess: any device designed, used or intended for use in silencing the report of any firearm; a shotgun with a barrel less than 18 inches in length; or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Exempt from this prohibition are: persons engaged in certain law-enforcement related occupations, items rendered unserviceable, or those items possessed which have been registered properly under the National Firearms Act.

MISCELLANEOUS

It is unlawful to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other identifying mark of any firearm. Possession of such a firearm is prima facie evidence of guilt.

Only the State of Kansas reserves the right to bring suit and recover against any firearms or ammunition manufacturer or federally licensed firearms or ammunition dealer, by or on behalf of the state or any political subdivision of the state, for damages or relating to the lawful design or sale of firearms or ammunition.

No city or county shall adopt any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage, or transporting of firearm or ammunition, or any component thereof, other than those expressly authorized by statute. Any such ordinance, resolution or regulation adopted prior to the effective date of this act shall be null and void. For purposes of this section, a statute that does not refer to firearms or ammunition, or components thereof, shall not be construed to provide express authorization. There are some exemptions to this statute.

Sources: Kansas Statutes Annotated § 21-4201 through § 21-4206.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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