

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS

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**MEMORANDUM**

To: House Committee on Federal and State Affairs

From: Kyle Hamilton, Assistant Revisor of Statutes

Date: March 12, 2019

Subject: Bill Brief on HB 2326

In 2015, SB 45 passed and allowed for the unlicensed concealed carry of handguns within the state of Kansas. Residents and nonresidents age 21 or older may now carry concealed handguns within the state without a license or permit, if not otherwise prohibited from doing so under state or federal law. SB 45 also struck statutory language requiring a valid concealed carry license or permit from other jurisdictions to be recognized in the state. This was likely done because such licenses or permits would no longer be needed for a qualified nonresident to conceal carry within the state. HB 2326 has been drafted to remedy some concerns that have arisen from the removal of the reciprocity language in 2015.

On page 1 of the bill, line 16, current law states that criminal carrying of a weapon is knowingly carrying any pistol, revolver or other firearm concealed on one's person if such person is under 21 years of age, except when on such person's land or in such person's abode or fixed place of business. In some other states, individuals 18 years of age may carry concealed handguns, but since the passage of SB 45, such individuals no longer receive reciprocity within the state of Kansas and may be subject to criminal liability. On page 2, starting on line 6, an exception to the 21 years of age restriction would be created for individuals possessing a valid concealed carry license or permit from another jurisdiction.

On page 3 of the bill, starting on line 1, general reciprocity language would be re-inserted into Kansas law. Again, such language is not needed for the state of Kansas to allow people age 21 or older from other jurisdictions to conceal carry within Kansas. However, express reciprocity language would: 1.) Allow individuals age 18 to 20 from another jurisdiction to conceal carry

within Kansas if they have a valid license or permit from their jurisdiction; and 2.) make it clear to other jurisdictions that their concealed carry licenses or permits for people age 18 to 20 will be recognized by Kansas; otherwise, it is possible that another jurisdiction could interpret Kansas law as not honoring their concealed carry licenses or permits and subsequently might refuse to honor Kansas concealed carry licenses. Under paragraph (1), a valid license or permit to carry a concealed firearm issued by another jurisdiction would be required to be recognized within the state of Kansas. Under paragraph (2), the reciprocity provisions would only cover handguns and the holder of the out-of-state license would be required to otherwise follow state laws while in the state.

Key Definitions Cited within Amendatory Language:

- Handguns:
  - K.S.A. 75-7c02(b): “Handgun” means a “firearm,” as defined in K.S.A. 75-7b01, and amendments thereto.
  - K.S.A. 75-7b01(i): “Firearm” means:
    - (1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or
    - (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.
- Jurisdiction:
  - K.S.A. 75-7c04(d)(2): “Jurisdiction” means another state or the District of Columbia.
- License or permit:
  - K.S.A. 75-7c04(d)(3): “License or permit” means a concealed carry handgun license or permit from another jurisdiction which has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.

HB 2326 would become effective upon publication in the statute book, on July 1, 2019.