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Honorable Sam Brownback
Governor of the State of Kansas
State Capitol, Room 241-S
Topeka, Kansas 66612

Honorable Susan Wagle
President of the Senate
State Capitol, Room 333-E
Topeka, Kansas 66612

Honorable Ron Ryckman
Speaker of the House of Representatives
State Capitol, Room 370-W
Topeka, Kansas 66612

Honorable Anthony Hensley
Minority Leader of the Senate
State Capitol, Room 318-E
Topeka, Kansas 66612

Honorable Jim Ward
Minority Leader of the House of Representatives
State Capitol, Room 359-W
Topeka, Kansas 66612

Greetings:

K.S.A. 75-7c16(b) of the Kansas Personal and Family Protection Act (hereinafter "the Act"), also known as the concealed carry handgun law, requires the Attorney General, on or before January 1st of each year, to submit a statistical report to the Governor, President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives and the House Minority Leader indicating the number of concealed carry handgun licenses issued, revoked, suspended and denied during the preceding fiscal year and the reasons for the revocations, suspensions and denials. The day-to-day administration of the Act is monitored by the Attorney General's concealed carry licensing unit (CCLU).

Licenses Issued

Note: Under the PFPA, the CCLU does not “issue” the actual license card. The CCLU approves an application and sends the applicant (whether initial or renewal) an approval notice. The applicant will then take that approval notice to one of many KDOR stations in order to have the actual CCH license issued.

Initial Licenses: In Fiscal Year 2017 (FY17), the CCLU issued 5,036 new or initial concealed carry handgun licenses. Recall that, beginning in FY16, Kansas law now allows persons who are at least 21 years of age and otherwise lawful to possess firearms to carry concealed firearms in Kansas. See, K.S.A. 21-6302(a)(4) (establishing 21 as the age to carry concealed firearms in Kansas). However, while a license is no longer *required* in order to carry concealed handguns in Kansas, a license to do so is still available for persons who are not disqualified by the Act. See, K.S.A. 75-7c03(b) (declaring that the availability of the concealed carry license shall not be construed as a requirement to obtain the license to carry handguns in Kansas). Since then, initial application numbers have been generally lower than in prior fiscal years.

Renewal Licenses: In FY17, the CCLU issued 20,766 renewed licenses. You may also recall that, for about a year beginning in FY13, the CCLU saw a large increase in the submission of *initial* applications. Many of the licenses issued then entered their first renewal cycle during FY17.

Application Denials

If an applicant’s history disqualifies the applicant under the Act’s eligibility criteria found under K.S.A. 75-7c04(a), that application must be denied by the CCLU. During FY17, the CCLU denied 41 initial applications and denied 42 renewal applications.¹

Administrative Actions against Licenses

Suspensions: The Act requires that a license shall be “suspended” if the licensee becomes subject to a criminal charge or other “proceeding” which *could* render them ineligible under K.S.A. 75-7c04(a). See, KSA 75-7c07(b). An *immediate* suspension is required of licenses where the licensee is subject to a qualifying protection order. See, K.S.A. 75-7c07(c). In FY17, 124 suspensions were proposed.

Revocations: If a licensee becomes ineligible to maintain their license, the Act generally requires the “revocation” of that license. See, KSA 75-7c07(a). In FY17, there were 187 revocations were proposed. Of course, license holders who are later cleared or otherwise become eligible again can have their license reinstated if the license is still within its expiration date.

Surrenders: While the Act generally requires Kansas residency in order to obtain and maintain a license,² the Act allows the licensee to notify the CCLU of the move to a new state and the license will remain valid for up to 90 days. After that, the CCLU simply surrenders the license (as opposed to revoking it). In FY17, the CCLU voluntarily surrendered 373 licenses following notification by the licensee that he or she had changed residency to another state. Failing to notify the CCLU that the licensee has left Kansas residency reverts to the revocation process.

¹ Again, renewal application numbers more than doubled from the previous fiscal year was expected.

² The exception to this general rule is active duty military and their qualifying dependents; they may keep their home of record and still obtain a Kansas CCH license while stationed here in Kansas.

KAPA: The denial, suspension, and revocation procedures outlined in the Act are performed in accordance with the Kansas Administrative Procedures Act (KAPA). KAPA generally requires that, prior to any denial, suspension, or revocation becoming final, the applicant or licensee be given notice and an opportunity to request a hearing. Occasionally, because of this notice period, new information can result in a proposed action of the CCLU becoming “rescinded” before the action is final. For example: a temporary protection order being dismissed or a criminal charge being misreported or reduced.

Fluidity: With respect to the suspension and revocation procedures, an occasional result occurs when a license is first “suspended” because of a *possible* ineligibility (i.e. a pending felony charge) followed by a “revocation” of that same license if the licensee later becomes *actually* ineligible under the Act (i.e., the licensee is convicted of that felony charge). It is also possible for a suspension and/or revocation process to span between fiscal years. Any instances of either of those scenarios in or around FY17 will be described in the ‘notes’ below.

41 - Initial License Denials

- 23 – Total denied because of disqualifying criminal history record (charges, convictions, etc.):
 - 14 – Misdemeanor crimes of domestic violence (MCDV) convictions:
 - ❖ 7 – Battery
 - ❖ 4 – Domestic Battery
 - ❖ 2 – Assault
 - ❖ 1 – Disorderly Conduct.
 - 2 – Controlled Substance (CS) Issues:
 - ❖ 2 – Felony CS convictions.
 - 6 – Other Felony Prosecutions:
 - ❖ 1 – Attempted Robbery w/ Firearm
 - ❖ 1 – Endangering a Child
 - ❖ 1 – Criminal Discharge of a Firearm (Juvenile Adjudication)
 - ❖ 1 – Burglary/Criminal Damage to Property/Possession of Cocaine
 - ❖ 1 – Criminal Discharge of a Firearm
 - ❖ 1 – Theft.
 - 1 – Pending charges:
 - ❖ 1 – CS possession and felony theft.

- 4 – Denied because of other background issues:
 - 2 – Adjudicated mental defective/committed to a mental health institution³
 - 1 – Fugitive from justice
 - 1 – Sheriff’s letter pursuant to 75-7c05.

- 14 – Denied because of application deficiencies:
 - 7 – Applicants failed to provide proof of required training
 - 2 – Applicants failed to meet state residency requirement
 - 2 – Applicants failed to submit complete applications (insufficient fingerprints)
 - 2 – Applicants born outside U.S. with no proof of lawful U.S. citizenship/residency
 - 1 – Insufficient Age (not 21 years of age).

42 - Renewal License Denials

- 31 – Denied because of disqualifying criminal history record (charges, convictions, etc.):
 - 24 – MCDV convictions:
 - ❖ 18 – Battery
 - ❖ 6 – Domestic Battery.

 - 6 – Convictions or Charges for felony offenses:
 - ❖ 3 – Pending charges
 - Aggravated Assault
 - Felony Drug – Steroids
 - Felony Drug – Opiates
 - ❖ 1 – Felony Wire Fraud
 - ❖ 1 – Felony Drug with Firearm
 - ❖ 1 – Felony Theft.

 - 1 – CS issue (admitted to use/possession of cocaine and methamphetamine).

- 5 – Denied because of other background issues:
 - 2 – Licensee no longer a resident of Kansas
 - 2 – Pending protection order
 - 1 – Failed to provide proof of lawful citizenship.

- 6 – Denied based on application deficiencies:
 - 3 – Applicant failed to submit full license fee
 - 3 – Applicant failed to submit all signatures.

³ Rescinded

124 License Suspension Actions:⁴

- 68 – *Suspended because of pending felony charges:*
 - 46 – Person felony:
 - ❖ 20 – Aggravated Assault
 - ❖ 5 – Criminal Threat
 - ❖ 4 – Aggravated Battery
 - ❖ 3 – Aggravated Indecent Liberties w/ child
 - ❖ 3 – Fleeing and Eluding LEO
 - ❖ 2 – Mistreatment of Dependent Adult
 - ❖ 1 – Aggravated Robbery
 - ❖ 1 – Kidnapping
 - ❖ 1 – Electronic Solicitation of a Child
 - ❖ 1 – Aggravated Criminal Sodomy
 - ❖ 1 – Unlawful Sexual Relations
 - ❖ 1 – Aggravated Assault of an LEO
 - ❖ 1 – Abuse of a child
 - ❖ 1 – Sexual Exploitation of a child
 - ❖ 1 – Burglary.
 - 8 – CS felony:
 - ❖ 7 – Possession of Opiates
 - ❖ 1 – Distribution of Marijuana.
 - 14 – Other felony:
 - ❖ 4 – Driving Under the Influence (of a CS or alcohol)
 - ❖ 2 – Theft
 - ❖ 2 – Computer crime
 - ❖ 2 – Criminal damage to property
 - ❖ 1 – Making a False Information
 - ❖ 1 – Animal Cruelty
 - ❖ 1 – Forgery
 - ❖ 1 – Insurance Fraud.
- 25 – *Suspended because of MCDV charges:*
 - 20 – Domestic Battery
 - 3 – Disorderly Conduct
 - 2 – Battery.

⁴ Suspensions usually reference allegations of conduct that are still pending in the court system. As a result, any descriptions here are simply recitations of the conduct alleged against the licensee in those matters.

- 2 – *Suspended because of misdemeanor CS charges.*
- 29 – *Suspended because of temporary or final pending protection orders.*

NOTE: *Fluidity between fiscal years:* Because KAPA requires “notice” be given 15 days prior to a suspension being effective,⁵ 8 of the above suspensions were for acts that occurred in FY16. One (1) suspension started in FY17 and carried into FY18. Some licensees may have more than one suspension action proposed against them.

Rescissions and reinstatements: In FY17, there were a total of 20 instances where a proposed suspension was rescinded (10 instances) prior to the KAPA notice period expiring or where the suspended license was reinstated (10 instances) following a charge or proceeding being resolved to a non-disqualifying level. Twelve (12) of those 20 instances were due to the dismissal of a protection order. The remaining 8 followed the dismissal of, or reduction in, a pending criminal charge (5 involved felony charges and 3 involved MCDVs).

187 – License revocation actions:

- 153 – *Revoked due to changing State residency.*
- 16 - *Revoked because of felony convictions:*
 - 3 – Aggravated Assault
 - 2 – Murder
 - 2 – Aggravated battery
 - 1 – Rape
 - 1 – Criminal Threat
 - 1 – Child Endangerment
 - 1 – Stalking
 - 1 – CS-Steroids
 - 1 – Theft
 - 1 – DUI
 - 1 – Burglary
 - 1 – CS-Opiates.
- 8 – *Revoked because of MCDV conviction:*
 - 4 – Battery
 - 2 – Domestic Battery
 - 2 – Disorderly Conduct.

⁵ The one exception to KAPA notice rules *preceding* a suspension is when a fully qualifying protection order (usually coming in the form of a *final* protection order rather than a temporary order) has been issued against a licensee. In that circumstance, the Act requires an *immediate* suspension of the license and the KAPA notice rules occur subsequent to that immediate suspension.

- 5 – *Revoked because of non-felony CS issues:*
 - 3 – Admissions of use (2 marijuana and 1 methamphetamine)
 - 1 – Possession of, with positive test for, cocaine
 - 1 – Possession of paraphernalia.
- 5 – *Revoked because of other issues:*
 - 5 – Conviction for carrying a firearm under the influence (CUI) of CS or alcohol.

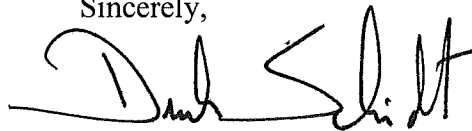
NOTE: *Fluidity between fiscal years:* For the licensees outlined above, the following actions surrounded those licensees between fiscal years. A single licensee might fall into more than one action described below.

- 12 – Revoked licenses in FY17 were suspended in FY16.
- 12 – Revocations proposed in FY16 became effective in FY17 in accordance with KAPA notice requirements noted above.
- 4 – Revocations proposed in FY17 have since become effective in FY18 in accordance with KAPA notice requirements noted above.
- 3 – Revoked licenses in FY17 were also suspended in FY17.
- 1 – Revocation proposed in FY17 was since rescinded in FY18 in accordance with KAPA notice requirements noted above.
- 1 – Revocation proposed in FY17 was suspended in FY15.

Rescissions and reinstatements:

- 11 – Revocation proposals were *rescinded* before becoming effective:
 - ❖ 7 – Licensee voluntarily surrendered their license after moving to a new State.
 - ❖ 2 – Licensees supplied proof that the record of conviction initially received by the CCLU was incorrect and that no disqualifying conviction occurred.
 - ❖ 1 – Charges were dismissed after the licensee completed a diversion for an MCDV.
 - ❖ 1 – The CCLU was informed that the licensee was now deceased.
 - ❖ 1 – Licensee challenged a proposed revocation following MCDV conviction after plea; licensee went back to the prosecutor and court and was allowed to further reduce the conviction to a non-disqualifying offense.
- 1 – License was *reinstated* due to regaining Kansas residency.

Sincerely,



Derek Schmidt
Kansas Attorney General