

Concealed Carry Modifications in Light of H.B. 2528

The following analysis of the language passed by the Legislature in HB 2528 is intended to provide some guidance to Kansas concealed carry licensees. The information provided is based on language contained in HB 2528 and should not be viewed as an Attorney General's opinion.

- **Preemption of City & County Ordinances etc.**
 - House bill 2528, in its modification of K.S.A. 12-16,124, allows concealed carry licensees to take their loaded weapons off of their person while they are traveling in their vehicles and not be subject to local ordinances or resolutions regarding the open carry or unlawful transportation of firearms.
 - With no requirement for vehicle occupancy, the changes made to K.S.A. 12-16,124(b)(4) allows concealed carry licensees to leave their weapon, loaded or unloaded, in their vehicle. Again, the purpose for preempting city and county regulations was to shield licensees from local firearms violations in the event that they removed their weapons from their person while traveling throughout the state.
 - Cities and counties still have the authority to regulate the open carry of firearms “on one’s person.” These local regulations apply to concealed carry licensees as well as the general public.

- **Posting of certain properties**
 - The requirements for “no concealed carry” signage also changed with the passage of HB 2528. ***In order to bring charges of unlawful concealed carry against a licensee***, those properties previously enumerated under K.S.A. 75-7c10 (schools, bars, churches, school & professional athletic events, churches, etc.) must now be posted. One exception to this is the provision regarding carrying in or on areas prohibited by Federal law; these areas are under no obligation to post their properties.

- Also changed with HB 2528, business owners (both public and private) may continue to post their buildings to restrict the concealed carry of firearms, but parking lots are no longer allowed to be posted.
- Cities and counties may continue to post their buildings, but parks, greenways, etc., are no longer allowed to be posted.
- Employers, both public and private, may continue to restrict a licensed employee's ability to carry concealed while they are performing the duties of their employ, but licensed employees are allowed to store their firearm in their private means of conveyance, even if parked on company property.

- **Licensing requirements**

- In light of the fact that under Federal law, certain individuals with convictions for “misdemeanor crime of domestic violence” are not allowed to possess a firearm, some change was necessary to our concealed carry laws to bring our law in line with the Federal law. Now, under K.S.A 75-7c04(a)(6)(C), any adult conviction or diversion (even if expunged) or any adjudication as a juvenile within the 5 years preceding application will disqualify an applicant. Outside of that 5 year window, pursuant to K.S.A. 75-7c04(a)(5), any adult conviction or adjudication as a juvenile for a “misdemeanor crime of domestic violence” as defined by Federal statute 18 U.S.C. 921(a)(33) will disqualify an applicant for licensure. A conviction, under Federal law, will not include a conviction that has been expunged, set aside, pardoned, or a violation for which the person has had their civil rights restored (unless the restoration of civil rights includes a prohibition from the receiving, possessing, etc. of firearms).
- Additionally, the reporting of involuntary commitment orders, for mental illness or drug or alcohol abuse, was updated to ensure that there are no gaps in time between those reported dating back to July 1, 1998 and now. Essentially, the law now reads any involuntary commitment orders entered going back to July 1, 1998 and any involuntary commitment orders entered in the future must be sent to the KBI database with certain identifying information about the person being ordered to treatment.
- Finally, as the Child in Need of Care statutory numbering was changed in 2006, the statutory provisions enumerated in K.S.A. 75-7c04(a)(14) were updated to coincide with those 2006 numbering changes.