



# Office of Attorney General Derek Schmidt



## Kansas Application for Concealed Carry Handgun License and Qualifying Information (Updated 8-2011)

### Instructions for Application

Please complete this application fully by typing or printing in **blue or black ink** all requested information. Attach items 1 thru 4 listed below and submit your completed application to the Sheriff's Office in your county of residence. The Sheriff will take your fingerprints and forward your concealed carry handgun license (CCHL) application to the Attorney General (AG).

1. For **new** applications or those which have permanently expired, you must attach two money orders, cashier's checks or personal checks:  
 One for \$100 (\$50 if retired law enforcement) payable to "Office of the Attorney General;" and one for \$32.50 (\$25 if retired law enforcement) payable to "Sheriff of \_\_\_\_\_ County."  
**ALL FEES SUBMITTED ARE NONREFUNDABLE**
2. A photocopy of a certificate signed by an AG approved instructor showing completion of an approved training course. A certificate of completion may not be required if: (a) you are a retired law enforcement officer and apply within 8 years of retiring; or (b) you are a new resident to Kansas as of July 1, 2010 and are licensed to carry a concealed handgun by a jurisdiction recognized in Kansas (**see definitions on page 4**).
3. A 2" x 2" frontal view (**head & shoulders, no sunglasses or hats**), passport-type color photograph of the applicant taken within the preceding 30 days. Attach your photo to page 2 of the application.
4. A photocopy of your Kansas driver's license or Kansas identification card. Eligible active duty military personnel and their dependents living in Kansas and possessing a non-resident driver's license or state issued ID card must attach a copy of their non-resident driver's license or state issued ID card to the application and present their military ID card to the sheriff at the time of application (**see "dependent" definition on page 4**).

The application process takes a **minimum of 45 days from the AG's receipt of application** and will generally be completed in about 60 days. *By statutory mandate, the AG has 90 days to approve or deny an application.* If approved, you will receive a notice of approval in the mail and be directed to a State driver's license station to obtain your license. You must pay any additional fees the Department of Revenue requires to issue the CCHL card.

#### Section I: Sworn Statement

**WARNING: This application is executed under oath. A false statement or answer in sections I, II, or III of this application, or submission of a false document, may subject the applicant to prosecution for the crime of perjury, K.S.A. 21-5903, and amendments thereto, a severity level nine (9) non-person felony, or other applicable criminal charges.**

I hereby declare under penalty of perjury that all of the statements made in this application are true and correct and that:

1. I have received a copy of the Kansas Personal and Family Protection Act (KPFPA) and I am familiar with its provisions;
2. I have complied with the criteria in K.S.A. 75-7c04 (as listed in Section III of this application), including completion an approved training course or meeting an exception to the training requirement; and
3. I desire a concealed carry license as a means of self-defense.
4. I understand that a state and national criminal history records check will be conducted and may include access to expunged records, and that other investigations may be conducted to determine my eligibility for a concealed carry handgun license.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Print Name: \_\_\_\_\_

**Sheriff's Verification**

Date Received \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Received by \_\_\_\_\_  
 County: \_\_\_\_\_

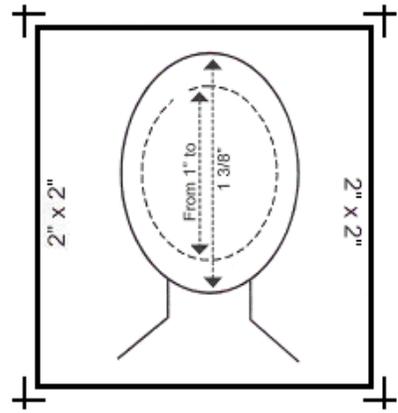
Transmitted Live Scan Fingerprints YES \_\_\_\_\_ NO \_\_\_\_\_

**Verify:** (1) Applicant has a Kansas DL or ID \_\_\_\_\_  
*(Copy of DL or ID is attached)*

(2) Active Duty Military (verify military ID) \_\_\_\_\_  
*(Copy of state DL or ID is attached)*

(2) Signed Training Certificate Attached \_\_\_\_\_

New Application Fee [\$100.00+\$32.50 = \$132.50] \_\_\_\_\_  
 Retired LEO Fee [\$50.00+\$25.00 = \$75.00] \_\_\_\_\_



**Attach 2"x2" Photo Here**

Date Stamp – Attorney General

<b>Section II: Applicant Information</b>				
Name: Last	First	Middle	Jr., Sr., etc.	
Aliases/Maiden Name/Other Names Used:	Citizenship – Enter Name of Country: (If born outside of U.S. attach a copy of your foreign-born U.S. citizen birth certificate, U.S. passport or certificate of naturalization)			
Current Residence Address:	City:	State:	County:	Zip Code:
Mailing Address: (If different from residence)	City:	State:	County:	Zip Code:
Previous Addresses Within Last 5 Years: From: _____, 20__ to _____, 20__ <small>(Add additional page if more than one address)</small>	City:	State:	County:	Zip Code:
Date of Birth: (Month/Day/Year)	Non-Resident Concealed Carry License Number & State of Issuance: (Provide this information only if you are moving to Kansas from a recognized state and you wish to carry concealed while this application is being processed.) <b>Attach a copy of your <u>valid non-resident license to this application.</u></b>			
Place of Birth: (City, State, Country)				
Alien Status: (If you are a permanent resident alien or nonimmigrant alien you must provide your U.S.-issued alien registration number here and complete applicable questions 13 through 15a)				
KS Drivers License or Identification Card #:	Social Security Number: *			
Active Duty Military or Dependent: Non-Resident DL or ID#: (Include State)	Active Duty Military or Dependent Identification #			
Telephone: **	Email: **			
* Providing your SSN is voluntary in order to verify your identity and confirm your eligibility for a CCH license (75-7c05). Failure to provide it may delay processing of your application. Pursuant to K.S.A. 39-758 and 74-139, and amendments thereto, your SSN may be disclosed to the Director of Taxation and/or the Kansas Department of Social and Rehabilitation Services (SRS) for child support enforcement purposes. ** Providing your telephone and/or email address is optional as well.				
Signature: _____			Date: _____	

<b>Section III: Qualifications (K.S.A. 75-7c04(a):</b> Place a check mark under the appropriate 'yes' or 'no' answer to the following questions. Answer all questions numbered 1 through 15. Answer 15a if applicable.	<b>Yes</b>	<b>No</b>
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**Answering 'no' to questions 1 through 3 could result in denial of your application.**

1. Are you twenty-one (21) years of age or older at the time of application?		
2. Are you a resident of Kansas? (Or residing in Kansas while serving on active duty in the military?)		
3. Are you a resident of the county where you are applying?		

**Answering 'yes' to questions numbered 4 through 13 could result in denial of your application.**

4. Are you a fugitive from justice? <i>See page 4 for a definition of "fugitive from justice."</i>		
5. Are you under charges, indictment or information in any court for a <b>felony</b> , or any other crime, for which the judge could imprison you for more than one year? <i>"Felony" means a crime that is defined as a felony by law or is punishable by imprisonment in a state or federal correctional institution.</i>		
6. <b>Even if expunged from your criminal history</b> , have you been convicted in any court of a <b>felony</b> or any other crime, for which the judge could have imprisoned you for more than a year, even if you received a shorter sentence including probation? <i>See page 4 for disqualifying felony convictions.</i>		
7. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? <i>See page 4 for a definition of "misdemeanor crime of domestic violence."</i>		
8. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such a partner? <i>See page 4 for a definition of "restraining order."</i>		
9. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? <i>See page 4 for a definition of "unlawful user or addicted."</i>		
10. Have you ever been adjudicated mentally defective ( <i>which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs</i> ) <b>OR</b> have you ever been committed to a mental institution? <b>If so, attach a written explanation to this application.</b> <i>See page 4 for a definition of "mentally defective."</i>		
11. Have you been discharged from the Armed Forces under dishonorable conditions?		
12. Have you ever renounced your United States citizenship?		
13. Are you an alien <b>illegally</b> or <b>unlawfully</b> in the United States?		
14. Are you a permanent resident alien residing in Kansas? <b><i>If so, attach a copy of your U.S.-issued permanent resident alien registration card. Permanent resident aliens with valid documentation are eligible to apply for a Kansas concealed carry handgun license.</i></b>		
15. Are you a nonimmigrant alien residing in Kansas? ( <i>Nonimmigrant aliens are ineligible for a Kansas concealed carry license unless they can answer "yes" to question 15a and provide documentation showing eligibility under one or more of the enumerated exceptions.</i> )		
15a. If you are a nonimmigrant alien, have you been a resident of Kansas for at least 90 days and do you fall within any of the exceptions set forth in 18 U.S.C. § 922(y)(2)? <b><i>If so, you must attach a copy of your nonimmigrant alien registration card, documentation for the applicable exception(s) claimed under 922(y)(2), and documentation showing that you have been a resident of Kansas for at least 90 days prior to application (utility bills, lease agreements, etc.). See page 4 for a list of exceptions under 18 U.S.C. § 922(y)(2).</i></b>		

**Applicant Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Section IV: Definitions

### **Felony disqualifications:**

- (1) **Even if expunged**, any person felony conviction, *no matter when the conviction occurred*, where the convicted person was found to have been in possession of a firearm at the time of the offense;
  - (2) **Even if expunged**, any felony conviction that occurred within 5 years of application;
  - (3) **Even if expunged**, any nonperson (or similar) felony conviction that occurred within 10 years of application if the person was found to have possessed a firearm at the time of the offense;
  - (4) **Unless expunged or pardoned**, any person felony conviction, where the convicted person was not found to have possessed a firearm at the time of the offense, listed under KSA 21-4204(a)(4)(A) that occurred within 10 years of application.
- NOTES: *The 5 and 10 year prohibitions listed above will be determined from the individual's prison release date (not date of conviction) if they were sentenced to prison. All prohibitions are applicable to juvenile adjudications for the same offenses.*
- (5) Any person *still subject* to the terms of a diversion agreement for a felony violation.

**"Misdemeanor crime of domestic violence" means:** (1) a misdemeanor under, Federal, State or Tribal law; (2) that has as an element the use of force, attempted use of force or threatened use of a deadly weapon; (3) that was committed by: a current or former spouse, parent or guardian of the victim; a person with who has a child with the victim; a person who is living with or has lived with the victim as a spouse, parent or guardian; or a person who is similarly situated to a spouse, parent or guardian to the victim.

NOTE: The misdemeanor being violated DOES NOT have to have the term "domestic" in it at all (this means a simple assault, battery or disorderly conduct can be sufficient even if pled down from a "domestic" assault, battery, or disorderly conduct charge).

NOTE: In order for a conviction to be considered, the convicted must have been represented by legal counsel or waived such and, if they were entitled to a jury trial, said trial by jury must have occurred or been properly waived.

NOTE: Ordinarily, a conviction that has been expunged, set aside, pardoned or is one for which the person has had their civil rights restored – then that is no longer considered a conviction. HOWEVER, under Kansas law, an expungement does not completely remove the conviction from the person's record therefore an expungement or setting-aside of the conviction will not suffice to remove the federal prohibition under 18 USC 922(g)(9). Also, in Kansas, a person never loses their civil rights for such a misdemeanor conviction, therefore they cannot have those rights "restored." Therefore, only a pardon will restore an individual's ability to possess firearms if they have a qualifying 922(g)(9) conviction.

**"Fugitive from justice" means:** anyone who has fled a State in order to avoid prosecution or duties as a testimonial witness.

**"Adjudicated as a mental defective" means:** a finding by a court, board, commission or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition or disease: (a) Is a danger to himself or to others; or (b) Lacks the mental capacity to contract or manage his own affairs. The term shall include: a finding of insanity by a court in a criminal case; and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 872b.

**"Restraining order" means:** a court order that restrains the person from: (a) harassing, stalking or threatening (i) an intimate partner or (ii) child of the intimate partner or the restrained person; or (b) engaging in conduct that places the intimate partner or child in reasonable fear of bodily injury. The order must be one issued after the restrained person received notice and had an opportunity to be heard and must include a finding that the restrained person poses a credible threat to the physical safety of the intimate partner or child; or the order must include a specific prohibition on the use, attempted use or threatened use of physical force against the intimate partner or child.

**"Retired law enforcement officer" means:** a "law enforcement officer," as defined by K.S.A. 21-3110, that was certified by the Kansas Commission on Police Officer Standards and Training (or similar body from another jurisdiction) not more than 8 years prior to submitting an application. A retired law enforcement officer must include a letter from the head, or designee, of the retiring agency attesting that the individual retired in good standing, retired for reasons other than mental instability, and that the individual has a non-forfeitable right to benefits under the retirement plan of the agency.

### **New resident to Kansas with a valid non-resident concealed carry license from a recognized state:**

A new resident to Kansas with a valid non-resident concealed carry handgun license from a recognized state may lawfully continue to carry concealed in Kansas while their Kansas concealed carry license application is being processed so long as they have: (1) filed their Kansas application, and (2) attached a copy of their unexpired and unrevoked non-resident concealed carry license to their Kansas application. Additionally, a new resident with a unexpired and recognized non-resident concealed carry license moving to Kansas after July 1, 2010 is not required to complete the Kansas required handgun safety and training class. A copy of their unexpired non-resident concealed carry license must be attached to their application in lieu of the required Kansas training certificate.

**"Dependent" of active duty military member (ADM) means:** a resident of the household of an ADM who financially depends on the ADM in whole or substantial part. ADM and their eligible dependents residing in Kansas are not required to surrender their non-resident driver's license or state issued ID in order to acquire a Kansas concealed carry license.

**Exceptions to Nonimmigrant Alien Prohibition:** An "alien" is anyone not a citizen or "national of the U.S." A "national of the U.S." is someone who owes permanent allegiance to the U.S. A "nonimmigrant visa" is a visa properly issued to an alien as an eligible nonimmigrant by a competent officer. Nonimmigrant aliens may apply for a Kansas concealed carry handgun license if the alien has been a resident of Kansas for the 90 days immediately preceding application and: (1) is admitted to the U.S. for lawful hunting or sporting purposes and in possession of a hunting license/permit issued in the U.S.; (2) is an official representative of a foreign government who is accredited to the U.S. Government or their Government's mission to an international organization having its headquarters in the U.S.; (3) is an official of a foreign government or a U.S. Dept of State designated "distinguished foreign visitor"; (4) is foreign law enforcement of a friendly foreign government and here on official law enforcement duties; or (5) has received a firearms waiver from the Attorney General of the United States. (*See 18 U.S.C § 922(y)(2) for additional exceptions*)

**"Unlawful user of or addicted to any controlled substance" means:** A person who uses a controlled substance and has lost the power of self-control with reference to the use of controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician