



Law Enforcement Frequently Asked Questions On KANSAS UNLICENSED CONCEALED CARRY OR OPEN CARRY LAW

This document is not intended to be exhaustive on all Unlicensed Concealed Carry or Open Carry laws. Additional review of Kansas statutes and Kansas Attorney General Opinions (if rendered) may be required. This document is not intended to provide or serve as legal advice and LEOs should consult with their county/district attorney, legal counsel or have their legal counsel contact the Kansas Attorney General Concealed Carry Licensing Unit (CCLU) for further guidance.

Kansas no longer requires someone who is 21 years of age or older to obtain a license to carry a gun concealed on their person unless there is something that would prohibit that person from carrying legally. Kansas will still issue a Concealed Handgun License to qualified residents who wish to obtain one in order to carry a handgun in other states who recognize reciprocity. A person 18 or older may carry a firearm openly if they are in lawful possession of that firearm and are not otherwise prohibited by law or by Attorney General approved signage.

LEOs are permitted to carry in all locations except: (Exceptions do not apply if the LEO is in the lawful performance of his or her official duties.)

- Federal buildings or on Federal lands.
- Jails or correctional facilities.
- Other law enforcement agencies' buildings when prohibited by that law enforcement agency.
- Courtrooms where the chief judge of a judicial district prohibits provided that other means of security are employed such as armed LEOs or armed security officers.

Are individuals restricted from carrying a firearm in the open?

- There is no Kansas law prohibiting an individual from carrying a legal firearm in the open (exposed in a vehicle or on one's person).
- A private business may prohibit an individual from entering with a firearm if the business displays the Kansas Attorney General (KS AG) approved signage.

- State/Municipal buildings may exclude a person carrying openly. See information under the State and/or Municipal buildings section.
- Other prohibitions may apply against Open Carry of a firearm. See, e.g., A.G. Opinion, 2014-014; 2014-022.

What restrictions prohibit a person from carrying or possessing a firearm?

- A person who has an active and final restraining order issued against them by an intimate partner. For further guidance see 18 USC 922(g)(8) and 18 USC 921(a)(32) for persons who can be referred to federal authorities for federal prosecution.
- A person convicted of a person felony (crimes of violence) OR violations of the uniform controlled substances act can generally never possess a firearm IF the person was found to have been in possession of the firearm during the commission of that prior person or drug felony. These prohibitions also apply to juvenile adjudications for what would constitute person or drug felonies.
 - The expungement of such a prior crime has NO effect on the lifetime firearm prohibition KSA 21-6304(a)(1). See 2014 Supp. KSA 21-6614(k)(2). Expungement of a prior felony conviction will only sever firearm prohibition which meets the criteria of KSA 21-6304(a)(3)(A). Ibid.
 - Persons convicted of other felonies are prohibited from possessing a firearm for 5 or 10 years, depending on the crime and whether a firearm was possessed (i.e., any “nonperson” felony with firearm possession is a 10 year prohibition under (a)(3)(B) that cannot be severed early by expungement).
 - Persons convicted of felony offenses in other jurisdictions may still be subject to state and/or federal firearm prohibitions for that felony regardless of whether it meets a Kansas firearm prohibition period. Also, in a limited number of states, some misdemeanor convictions can trigger federal firearm prohibitions. See 18 USC 921(a)(20).
- Person who is addicted to and an unlawful user of a controlled substance.
- Person who has been convicted in any court of a “misdemeanor crime of domestic violence” to possess any firearm. 18 USC 922(g)(9).
- Federal rules prohibit firearms within the 1000 feet from the school’s grounds) unless the person meets a federal exception. 18 USC 922(q)
 - Exceptions under federal law for: CCH licensed by school jurisdiction; firearms safety, an education course conducted by the school; or when permitted by school superintendent. Other federal exceptions may be applicable as well.
- Mentally ill person subject to involuntary commitment for care and treatment, as defined in KSA 59-2946. See also 18 USC 922(g)(4) and 27 CFR 478.11 for federal mental health prohibition.
- Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in KSA 59-29b46.

- Person under the influence of alcohol or drugs, or both, to a degree such person is incapable of safely operating a firearm. K.S.A. 21-6332 (L. 2014, ch. 97, section 6; 2014 House Bill 2578).
 - 18 USC 922(g)(3) prohibits persons “addicted to or unlawful user of controlled substances” which is defined by 27 CFR 478.11. Some examples of prohibited users includes those who, within the past year have been convicted of a drug offense; admitted to using; or have tested positive for drugs.

Can a business prohibit someone from carrying into their business? A: Yes.

- Kansas private businesses can opt out if buildings have KS AG approved signage conspicuously posted.
- The prohibition would not apply to on or off-duty LEOs, out of state LEOs, Federal, State, County, and local prosecutors, and qualified retired LEOs and qualified separated LEOs as defined in the LEO Safety Act of 2013.
- “State or municipal” buildings, on and after January 1, 2014, must have been exempted from the law for a period of four (4) years and must be posted at each public entrance with different KS AG approved signage. See, K.S.A. 75-7c20, 75-7c21.

Are there consequences for carrying a firearm into a building with KS AG approved no open or no concealed carry signage?

- Generally, no. See K.S.A. 75-7c10(e)(1)(i) Business may deny entry or remove the firearm carrier. Also, one who refuses to comply after being directed to leave may still be subject to criminal consequences under state law. LEOs may want to consult with their prosecutor.

What are the Sheriffs’ duties regarding restraining orders and CCH license holders?

- If a restraining order would prohibit issuance of a CCH license, the Sheriff of the county in which the restraining order has been issued *shall* notify the KS AG immediately upon receipt of such order.

What places might an individual be denied the right to possess a firearm?

- Public or private employer may restrict or prohibit by personnel policies an employee from carrying a concealed handgun while on the employer’s business or while engaged in the duties of the person’s employment by the employer.
- Corrections facilities, jail facilities or law enforcement agencies may limit an individual’s right to carry concealed or unconcealed.
- Courtrooms or ancillary courtrooms by the chief judge of a judicial district where other means of security are employed such as armed LEOs or armed security officers.
- No employer can prohibit possession of a handgun in a private means of conveyance, even if parked on the employer’s premises.

May an individual carry concealed into a State and/or Municipal Building? (KSA 75-7c20 & KSA 75-7c10).

- A person may lawfully possess a firearm in any state or municipal building unless such building has security measures to ensure no weapons are permitted to be carried into such building and the building is appropriately posted. There may be exemptions and exceptions. See KSA statutes, consult your agency's legal counsel.
- If the building contains both public access entrances and restricted access entrances, adequate security measures shall be implemented at the public entrances.
- It is not a violation for a licensed carry concealed individual to enter through a building's restricted access entrance.
- Generally, State and municipal employees can carry concealed handguns into their state or municipal building (SOMB) workplace. Exceptions include:
 - A SOMB that has been exempted under 75-7c20(i) or (j). A state or municipal employee cannot carry into an "exempt" SOMB even if it is their workplace and may be prevented from entering or told to leave; OR
 - A SOMB that has "adequate security measures" and signage as required by subsection 75-7c20(c).
 - An employee with "restricted access entrance" may carry into their SOMB workplace under 75-7c20(d). **HOWEVER**, carrying into an SOMB under that exception may subject the employee to administrative penalty of the employer.

What are adequate security measures?

"Adequate security measures" means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building. See 75-7c20(m)

What firearms are illegal for the general public to possess? (An individual who holds a Class III (tax) Stamp from the U.S. Bureau of Alcohol, Tobacco and Firearms is exempt from most of these restrictions.)

- Shotgun with a barrel < 18" and overall length < 26".
- Rifle with a barrel < 16" and overall length < 26".
- Fully automatic weapon.
- Firearm with barrel less than 12" if <18 years old.

KLETC

