

Agency 16

Attorney General

Articles

- 16-1. PRIVATE DETECTIVES AND AGENCIES.
- 16-2. DEFINITIONS.
- 16-3. APPLICATIONS FOR PRIVATE DETECTIVE LICENSE.
- 16-4. CONTINUING EDUCATION.
- 16-5. FIREARM TRAINERS.
- 16-6. FIREARM PERMITS.
- 16-7. CRIME VICTIMS ASSISTANCE GRANTS.
- 16-9. COLLECTION OF DEBTS OWED TO DISTRICT COURTS AND RESTITUTION.
- 16-10. CHILD RAPE PROTECTION.
- 16-11. PERSONAL AND FAMILY PROTECTION ACT.

Article 1.—PRIVATE DETECTIVES AND AGENCIES

2003 Supp. 75-7b22; effective Nov. 6, 1998; amended Feb. 11, 2005.)

16-1-1 to 16-1-6. (Authorized by K.S.A. 75-7b18(b); effective, E-77-23, May 1, 1976; effective Feb. 15, 1977; revoked May 1, 1982.)

16-1-7. Fees. (a) The following fees shall be charged:

(1) Application forms and materials	\$15.00
(2) Application for initial private detective license or agency license	\$250.00
(3) Application for initial private detective license by an officer, director, partner, or associate of private detective agency	\$100.00
(4) Renewal of a private detective license or agency license	\$175.00
(5) Renewal of private detective license by an officer, director, partner, or associate of a private detective agency	\$100.00
(6) Application for initial firearm permit	\$50.00
(7) Renewal of firearm permit	\$50.00
(8) Application for initial firearm trainer certificate	\$100.00
(9) Renewal of firearm trainer certificate	\$100.00
(10) Duplicate license	\$5.00

(b) All fees shall be submitted by personal check, money order, cashier's check, certified check, or credit card. (Authorized by K.S.A. 2003 Supp. 75-7b22; implementing K.S.A. 2003 Supp. 75-7b04, K.S.A. 2003 Supp. 75-7b05, as amended by L. 2004, ch. 139, sec. 1, K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, ch. 139, sec. 2, K.S.A. 2003 Supp. 75-7b17, as amended by L. 2004, ch. 139, sec. 4, K.S.A. 2003 Supp. 75-7b21, as amended by L. 2004, ch. 139, sec. 5, and K.S.A.

Article 2.—DEFINITIONS

16-2-1. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b01; effective May 1, 1982; amended April 12, 1996; revoked Nov. 6, 1998.)

16-2-1a. Definitions. (a) "Associates" means persons who share ownership of a private detective agency that is not incorporated or established as a legal partnership.

(b) "Capper" or "runner" means a person acting on behalf of an attorney who coordinates a staged automobile accident or acts as a decoy or lure for the purpose of swindling or any other fraudulent purpose.

(c) "Firearms trainer" means a person certified by the the attorney general to train private detective applicants for a firearm permit in the handling of firearms and the lawful use of force.

(d) "Independent private detective" means a person who engages in detective business but who is not employed by a licensed private detective agency and who does not regularly employ any other person to engage in detective business.

(e) "License" means a certificate and card, issued by the attorney general upon proper application, testing, and approval, authorizing a person to engage in Kansas in detective business as a private detective or private detective agency.

(f)(1) "Special commission" means any type of

identification issued by a law enforcement agency or law enforcement officer that grants any temporary or permanent law enforcement authority, including any of the following:

- (A) Deputy;
- (B) special deputy;
- (C) special assistant;
- (D) reserve officer; or
- (E) special officer.

(2) A special commission shall not include a commission issued by a law enforcement agency that identifies the holder as a private detective or private security officer, or as a retired or honorary law enforcement officer, but that does not grant any law enforcement authority. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b01, as amended by L. 1998, ch. 183, sec. 1: effective Nov. 6, 1998.)

Article 3.—APPLICATIONS FOR PRIVATE DETECTIVE LICENSE

16-3-1. Procedure. (a) An applicant for a private detective license or a private detective agency license shall be required to appear at a time and location designated by the attorney general for a written examination and oral interview.

(b) An applicant who fails to pass the written examination may retake the examination two times at a scheduled examination date.

(1) The first reexamination shall occur within 30 days after notice of the results of the original exam is provided to the applicant.

(2) A second reexamination shall occur within 30 days after notice of the results of the first reexamination is provided to the applicant.

(3) An applicant who does not successfully pass the examination after three attempts shall be denied a license to engage in detective business.

(c) An applicant denied a license as a private detective or detective agency for failure to pass the written examination within three attempts shall not make application under the provisions of the Kansas private detective licensing act within 12 months following the denial of the license.

(d) The certificates of reference submitted by an applicant for a private detective license or a private detective agency license shall be dated within four months of the date the application is received by the attorney general.

(e) An applicant for a private detective license or a private detective agency license shall provide information concerning discharge from the

United States military service in relation to the applicant and any officer, director, partner, or associate of the applicant.

(f) An applicant for a private detective license or a private detective agency license shall submit two classifiable sets of the applicant's right- and left-hand fingerprints on forms provided by the attorney general. The applicant shall have fingerprints taken by an officer or employee of a law enforcement agency. The name of the law enforcement agency and the name of the person taking the fingerprints shall be clearly identified on the form. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b04, as amended by L. 1998, ch. 183, sec. 3, and K.S.A. 75-7b20; effective May 1, 1982; amended Feb. 13, 1995; amended Nov. 6, 1998.)

16-3-2. Renewal. (a) An applicant for renewal of a private detective license or a private detective agency license shall provide verification of a surety bond, insurance or deposit as required by K.S.A. 75-7b11 and amendments thereto.

(b) An applicant for renewal of a private detective license or a private detective agency license shall provide information as requested in the renewal application which pertains to acts and conduct prohibited by K.S.A. 75-7b08 and K.S.A. 75-7b13 and amendments thereto. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b07; effective May 1, 1982; amended Feb. 13, 1995.)

16-3-3. Additional qualifications for private detectives. In addition to the qualifications established in K.S.A. 75-7b04 and amendments thereto, an applicant for a private detective license or a private detective agency license shall:

(a) be a high school graduate or have earned a graduate equivalency degree;

(b) not be incompetent, incapacitated or impaired by reason of mental condition, deficiency or disease; and

(c) not evidence current addiction to, dependence on or abuse of alcohol or a controlled substance as defined in K.S.A. 65-4101 and amendments thereto. Such evidence may include, but is not limited to conviction of any crime involving the possession, use, consumption or self-administration of alcohol or any controlled substance as defined in K.S.A. 65-4101 and amendments thereto. (Authorized by K.S.A. 75-7b04 and K.S.A. 75-7b18; implementing K.S.A. 75-7b04; effective Feb. 13, 1995.)

Article 4.—CONTINUING EDUCATION

16-4-1. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b15; effective May 1, 1982, revoked Feb. 13, 1995.)

16-4-2. Continuing professional education requirements. (a) Commencing December 31, 2006, each applicant for renewal of a private detective license that expires on December 31 of the year of its issuance and is renewed every two years thereafter shall have completed eight hours of acceptable continuing professional education obtained within the biennial renewal period before submitting the renewal application.

(b) For each individual whose initial private detective license is issued on or after July 1, 2004, for renewal of the license the individual shall have completed eight hours of acceptable continuing professional education before submitting the renewal application.

(c) The standards used to determine acceptable continuing professional education shall include the following:

(1) One hour shall equal 50 minutes of participation in a group or self-study program. One-half hour shall equal 25 minutes of participation in a group or self-study program.

(2) The hours devoted to actual preparation time by an instructor or speaker for formal programs shall be computed at a maximum of up to twice the number of continuing education credits that a participant would be entitled to receive.

(3) The hours served as an instructor or speaker shall be included to the extent that the hours contribute to the professional competence of the applicant. Repeated presentations of the same program shall not be counted unless the instructor or speaker demonstrates that the program content was substantially changed and the change required significant additional study or research. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-3. Continuing professional education programs; requirements. (a) Any program designed to allow a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by self-study may be approved for continuing education credit if the program meets the following conditions:

(1) The program is a formal program of learning

that requires attendance and meets either of the following requirements:

(A) Maintains or improves the professional competence of the applicant in providing detective business services; or

(B) maintains or improves the applicant's ability to operate and manage a detective business.

(2) An outline of the program is prepared in advance and provided to the applicant.

(3) The program is at least 50 minutes in length.

(4) The program is conducted by a person qualified in the subject area.

(5) A record of registration and attendance is retained.

(b) The following types of programs shall qualify as acceptable continuing education if they meet the requirements of subsection (a):

(1) Programs offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators;

(2) programs offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B);

(3) university or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit; and

(4) university or college noncredit courses. These courses shall qualify for continuing professional education credit that equals the number of actual, full 50-minute class hours attended.

(c) Any individual self-study program that allows a participant to learn a particular subject without the major involvement of an instructor may be eligible for continuing education credit if all of the following conditions are met:

(1)(A) The program is offered by the Kansas association of licensed investigators, the Kansas association of private investigators, or any other state or national organization or association of private detectives or investigators; or

(B) the program is offered by any individual, organization, association, or commission that provides education or training in the subjects identified in paragraph (a)(1)(A) or (B).

(2) The program requires registration.

(3) The program includes a final examination.

(4) The participant scores at least 70 percent on the final examination.

(5) The participant provides a certificate of satisfactory completion.

(d) The amount of credit for self-study programs shall be determined as follows:

(1) Self-study programs may be approved for one hour of continuing education credit for each 50 minutes of participation and one-half hour for each 25-minute period of participation.

(2) The amount of credit shall not exceed the number of recommended hours assigned by the program sponsor.

(e) The training required by K.A.R. 16-6-1 shall not qualify as acceptable continuing professional education. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

16-4-4. Continuing professional education; documentation. (a) When applying for renewal of the private detective license, each applicant shall provide one copy of all documents evidencing completion of each program of continuing professional education obtained within the biennial renewal period before the applicant's submission of the renewal application. Each document evidencing program completion shall include the following information:

(1) The individual, organization, school, or sponsor conducting the program;

(2) the location of the program attended;

(3) the title of the program, or a brief description of the program;

(4) the dates attended or the date on which the program was completed; and

(5) the number of minutes in which the applicant participated.

(b) Any applicant may be required by the attorney general to verify the information specified in subsection (a) or to provide additional information as a part of the renewal application. (Authorized by and implementing K.S.A. 75-7b18 and K.S.A. 2003 Supp. 75-7b07, as amended by L. 2004, Ch. 139, § 2; effective Feb. 11, 2005.)

Article 5.—FIREARM TRAINERS

16-5-1. Individuals deemed personally qualified and knowledgeable. (a) An applicant for a firearm trainer certificate shall be considered personally qualified to train private detectives in the handling of firearms upon successful completion of approved firearms training meeting either of these criteria:

(1) Within two years before application for a firearm trainer certificate; or

(2) within five years before application for a firearm trainer certificate if the applicant has also had subsequent experience training persons in the handling of firearms within two years before application.

(b) Training shall be approved if the applicant for a firearm trainer certificate successfully completed a minimum of 40 clock hours of education and training through any combination of law enforcement, military, or private firearm courses that included education and training in the following:

(1) Firearms fundamentals and safety;

(2) marksmanship fundamentals and safety procedures;

(3) instruction in daylight, dim light, and darkness shooting;

(4) care, cleaning and maintenance of firearms;

(5) instruction in basic firearms retention and disarming techniques;

(6) shooting proficiency demonstrated with a firearm; and

(7) teaching or instructing abilities.

(c) An applicant for a firearm trainer certificate shall provide verification of the successful completion of approved firearm training by providing the following:

(1) A copy of the original certificate of completion of the course or courses; and

(2) a copy of the training course agenda, a statement from the course instructor or instructors, or an affidavit from the applicant that verifies the education and training requirements.

(d) An applicant for a firearm trainer certificate shall be considered personally qualified to train private detectives in the lawful use of force upon verification of successful completion of 10 clock hours of formal classroom or course instruction on the lawful use of force.

(e) In order to establish that an applicant for a firearm trainer certificate is a person of good character and reputation, an applicant shall meet either of these requirements:

(1) Be licensed as a private detective; or

(2) (A) Provide affidavits from five or more reputable citizens who have known the applicant for a period of at least five years and who are not related to the applicant by blood or marriage, attesting that the applicant is a person of good moral character and reputation; and

(B) provide two classifiable sets of the appli-

cant's right- and left-hand fingerprints on forms provided by the attorney general, one of which shall be submitted to the Kansas bureau of investigation and one of which shall be submitted to the federal bureau of investigation for a fingerprint check to determine any criminal history of the applicant. The applicant shall have fingerprints taken by an officer or employee of a law enforcement agency. The name of the law enforcement agency and the name of the person taking the fingerprints shall be clearly identified on the form. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b21, as amended by L. 1998, ch. 183, sec. 13; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998.)

16-5-2. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)

16-5-3. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)

16-5-4. Plan of operation of training. (a) Each applicant for a firearm trainer certificate shall submit a proposed plan of operation for training private detectives in the handling of firearms and the lawful use of force to the attorney general for approval.

(1) The plan of operation shall be tailored to private detective business and be sufficiently detailed to enable the attorney general to evaluate the content of the plan.

(2) The applicant shall include a descriptive list of all materials and aids proposed to be used in the training and instruction.

(3) For an applicant for an initial firearm permit the plan of operation shall consist of a minimum of 16 clock hours of education and training.

(4) For an applicant for renewal of a firearm certificate the plan of operation shall consist of 8 clock hours of training and education.

(5) The plan of operation shall include the following:

(A) training and instruction which cover the following areas:

(i) instruction in lawful use of force by a private detective, including concepts of civil liability and criminal culpability;

(ii) weapons fundamentals and safety;

(iii) marksmanship fundamentals and safety procedures;

(iv) care, cleaning and maintenance of weapons;

(v) familiarization instruction in basic weapon retention and disarming techniques;

(vi) familiarization instruction in daylight, dim-light and darkness shooting; and

(vii) instruction and shooting exercises with semi-automatic pistols or revolvers;

(B) a written examination which requires the trainee to obtain a 70 percent pass score and covers the areas listed in paragraph (a)(5)(A)(i), (ii), (iii), (v), and (vi); and

(C) a daylight course of fire which requires the trainee to fire 35 out of 50 rounds into the center mass portion of the national rifle association TQ-19 target in a static position. The firing shall be from positions specified by the certified firearm trainer and from distances that vary as specified by the certified firearm trainer from a minimum of three feet to a maximum of 75 feet.

(b) The plan of operation may provide for a trainer to excuse a trainee from firing with a particular hand when the trainee has demonstrated to the trainer a disability with that hand or arm.

(c) An applicant for a firearm trainer certificate shall be afforded the opportunity to correct any deficiencies in the plan of operation which are identified by the attorney general.

(d) After the plan of operation has been approved by the attorney general, a firearm trainer shall submit any proposed modifications to the attorney general for approval. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b21; effective May 1, 1982; amended April 12, 1996.)

16-5-5. Notice of completion. (a) Firearms trainers shall furnish notice to the attorney general through the Kansas bureau of investigation when an applicant for a firearm permit or an applicant for renewal of a firearm permit has completed a firearm training course within 10 days of the date the training course was completed.

(b) The notice shall be in a form prescribed by the attorney general and shall include:

(1) the name of the applicant for a firearm permit;

(2) the name of the firearm trainer;

(3) the firing range proficiency of the applicant;

(4) the make and serial number of the firearm used to qualify;

(5) the dates the training course was given;

(6) the applicant's written examination score; and

(7) whether the applicant failed or successfully completed the training course.

(c) A copy of this notice shall be given to the applicant and a copy shall be retained by the firearm trainer. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17; effective May 1, 1982; amended April 12, 1996.)

Article 6.—FIREARM PERMITS

16-6-1. Training in the handling of firearms. (a) A firearm permit shall not be granted unless, within six months before submission of the application for the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of 16 clock-hours of education and training in the areas listed in K.A.R. 16-5-4(a)(5)(A) from a certified firearms trainer who is other than the applicant;

(2) passed the written examination specified in K.A.R. 16-5-4(a)(5)(B); and

(3) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(b) Notwithstanding subsection (a), an initial firearm permit may be granted to an applicant who meets both of the following requirements:

(1) Completes law enforcement training pursuant to K.S.A. 75-7b17(a)(2) and amendments thereto; and

(2) provides a certificate attesting to the satisfactory completion of this law enforcement training.

(c) A firearm permit shall not be renewed unless, within each of the two years before expiration of the permit, the applicant has met the following requirements:

(1) Satisfactorily completed a minimum of two-clock hours of training in any of the areas listed in K.A.R. 16-5-4(a)(5)(A) by a certified firearms trainer who is other than the applicant; and

(2) satisfied the course of fire requirement specified in K.A.R. 16-5-4(a)(5)(C).

(d) Firearm permits shall be granted only for the firearm or firearms for which the applicant has satisfactorily completed a course of fire from a firearms trainer as specified in K.A.R. 16-5-4(a)(5)(C).

(e) Notwithstanding subsection (d), an initial firearm permit shall be granted to each applicant for an initial firearm permit who complies with subsection (b), except that the applicant shall notify the Kansas bureau of investigation of each firearm for which the firearm permit is issued.

(f) Each holder of a firearm permit shall notify the attorney general through the Kansas bureau of investigation within 72 hours of any change of or additional firearm that the permit holder intends to carry. The permit holder shall qualify with this firearm by successfully completing a course of fire as specified in K.A.R. 16-5-4(a)(5)(C) within 30 days of changing or adding a firearm. (Authorized by and implementing K.S.A. 2003 Supp. 75-7b17, as amended by L. 2004, Ch. 139, § 4, and K.S.A. 75-7b18; effective May 1, 1982; amended April 12, 1996; amended Nov. 6, 1998; amended April 7, 2000; amended Feb. 11, 2005.)

16-6-2. Demonstrates a need. To demonstrate a need to carry a firearm in order to protect the licensee's life or property or to protect the life or property of a client, an applicant for a firearm permit shall be required to submit a written statement which describes the type of private detective business in which the applicant engages or intends to engage and the specific reasons the applicant believes carrying a firearm is necessary for that type of detective business. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17; effective Feb. 13, 1995.)

16-6-3. Firearm permit badge. A private detective who holds a firearm permit may obtain a firearm permit badge and a badge holder upon written request to the attorney general through the Kansas bureau of investigation and upon payment to the attorney general through the Kansas bureau of investigation for reimbursement of the cost of the badge and the badge holder. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17, as amended by L. 1998, ch. 183, sec. 12; effective Nov. 6, 1998.)

Article 7.—CRIME VICTIMS ASSISTANCE GRANTS

16-7-1. (Authorized by and implementing HB 2200, Sec. 29; effective, T-16-8-22-89, Aug. 22, 1989; effective Nov. 13, 1989; revoked Jan. 11, 2002.)

16-7-2. (Authorized by 1989 HB 2200, Sec. 29; implementing 1989 HB 2200, Sec. 29, Sec. 32; effective, T-16-8-22-89, Aug. 22, 1989; effective Nov. 13, 1989; revoked Jan. 11, 2002.)

16-7-3 through 16-7-4. (Authorized by 1989 HB 2200, Sec. 29; implementing 1989 HB

2200, Sec. 29, Sec. 32; effective, T-16-8-22-89, Aug. 22, 1989; effective Dec. 20, 1989; revoked Jan. 11, 2002.)

16-7-5 through 16-7-8. (Authorized by 1989 HB 2200, Sec. 29; implementing 1989 HB 2200, Sec. 29, Sec. 32; effective, T-16-8-22-89, Aug. 22, 1989; effective Nov. 13, 1989; revoked Jan. 11, 2002.)

16-7-9. (Authorized by and implementing 1989 HB 2200, Sec. 29; effective, T-16-8-22-89, Aug. 22, 1989; effective Nov. 13, 1989; revoked Jan. 11, 2002.)

Article 9.—COLLECTION OF DEBTS OWED TO DISTRICT COURTS AND RESTITUTION

16-9-1. Administrative costs. Each contracting agent who collects debts owed to district courts or restitution pursuant to K.S.A. 1996 Supp. 75-719 shall pay monthly to the attorney general an amount for administrative costs as established by contract, which shall not exceed one percent of the amount collected by that contracting agent that month. As needed, each contract shall specify other terms and conditions appropriate to facilitate collections and to ensure that these contracts for collection can be monitored statewide. (Authorized by and implementing K.S.A. 1996 Supp. 75-719; effective July 11, 1997.)

Article 10.—CHILD RAPE PROTECTION

16-10-1. Definitions. As used in this article, the following terms shall have the meanings specified in this regulation:

(a) “Abortion” has the meaning specified in K.S.A. 65-6701, and amendments thereto.

(b) “K.B.I.” means the Kansas bureau of investigation.

(c) “Fetal tissue” means any tissue, organs, or body parts obtained from a dead human embryo or fetus after an abortion.

(d) “Medical care facility” has the meaning specified in K.S.A. 65-425, and amendments thereto. (Authorized by and implementing L. 2005, Ch. 149, § 3; effective, T-16-7-11-05, July 11, 2005; effective Nov. 18, 2005.)

16-10-2. Preservation and submission of fetal tissue. (a) Each physician who performs an abortion on a minor who is younger than 14 years

of age shall perform, or shall ensure that the physician’s staff performs, the following steps:

(1) Keep at least one fetal tissue collection kit provided by the K.B.I. on hand at all times and obtain replacement kits from the K.B.I. as needed; and

(2) collect, preserve, and ship fetal tissue using one of these fetal tissue collection kits.

(b) The document titled “Kansas bureau of investigation fetal tissue collection kit instructions,” dated October 26, 2005, is hereby adopted by reference. In accordance with the kit instructions and within two hours after completing the abortion, each physician shall perform, or shall ensure that the physician’s staff performs, the following:

(1) Complete the evidence custody receipt form provided by the K.B.I. and contained in the kit;

(2) collect the amount and type of tissue prescribed by the kit instructions;

(3) preserve, secure, and label the tissue specimen as instructed;

(4) ship the tissue specimen and the original of the evidence custody receipt form to the K.B.I. within the time limit and in the manner specified by the kit instructions; and

(5) mail a copy of the evidence custody receipt form by first-class mail to the appropriate law enforcement department as follows:

(A) The city police department, if the abortion is performed within the city limits; or

(B) the county sheriff’s department, if the abortion is performed outside the city limits.

(c) The evidence custody receipt form shall contain the following information in plain, legible printing or typeface:

(1) The name, address, and telephone number of the medical care facility or other location where the abortion is performed;

(2) the name, address, and telephone number of the physician performing the abortion;

(3) the name, date of birth, residential address, and telephone number of the minor upon whom the abortion is performed;

(4) the name, residential address, and telephone number of the parent or legal guardian of the minor upon whom the abortion is performed;

(5) the date and time when the tissue specimen is collected;

(6) the date on which the tissue specimen is shipped;

(7) the signature of the person collecting the tissue specimen; and

(8) the signature of the person shipping the tissue specimen. (Authorized by and implementing L. 2005, Ch. 149, § 3; effective, T-16-7-11-05, July 11, 2005; effective Nov. 18, 2005.)

16-10-3. Disposal of fetal tissue. When fetal tissue collected pursuant to K.A.R. 16-10-2 is no longer needed for evidentiary purposes, the fetal tissue shall be shipped by the K.B.I. to the medical care facility or other location at which the abortion was performed. The physician who performed the abortion shall ensure that all returned fetal tissue is properly handled and disposed of in accordance with K.A.R. 28-29-27. (Authorized by and implementing L. 2005, Ch. 149, § 3; effective, T-16-7-11-05, July 11, 2005; effective Nov. 18, 2005.)

Article 11.—PERSONAL AND FAMILY PROTECTION ACT

16-11-1. Definitions. As used in this article and in the act, the following terms shall have the meanings specified in this regulation:

(a) “Act” means the personal and family protection act, L. 2006, Ch. 32 and amendments thereto.

(b) “Church” or “temple” means any building owned or leased by a religious organization and used primarily as a place for religious worship and other activities ordinarily conducted by a religious organization, whether that building is called a church, temple, mosque, synagogue, or chapel, or a similar name.

(c) “Completed application” means an application for a license to carry a concealed weapon, as required by the act, that contains a legible and fully responsive reply to every question and request for information and is accompanied by all required attachments. The timeline set forth in the act for issuance of a license shall not begin until the date that a completed application is received in the office of the attorney general.

(d) “Domestic violence misdemeanor” means a “misdemeanor crime of domestic violence” as that term is defined in K.S.A. 74-5602 and amendments thereto.

(e) “Full frontal-view photograph” means a passport photograph or a photograph that is equivalent to a passport photograph in the following respects:

(1) Fairly represents the physical appearance of the applicant’s head and shoulders;

(2) is taken with the applicant directly facing the camera; and

(3) shows the applicant’s head and shoulders in an area of the picture that is at least two inches square.

(f) “State office building” means the interior of any of the following buildings:

(1) Those buildings named in K.S.A. 21-4218 and amendments thereto;

(2) the following buildings located in Topeka, Kansas:

(A) the memorial building, 120 SW 10th;

(B) the Forbes office building #740;

(C) the division of printing plant, 201 NW MacVicar;

(D) the state office building located at 3440 SE 10th Street;

(E) the Dillon house, 404 SW 9th Street;

(F) the Curtis state office building, 1000 SW Jackson; and

(G) the state office building located at 700 SW Harrison; and

(3) all other state-owned or state-leased buildings in which firearm possession is prohibited by posting as provided in K.A.R. 1-49-11.

Concealed weapon possession may be prohibited in other public buildings as provided in L. 2006, Ch. 32, § 11, and amendments thereto. (Authorized by L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3, L. 2006, Ch. 32, §10, as amended by L. 2006, Ch. 210, §7, and L. 2006, Ch. 32, §16; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-2. Instructor certification standards. (a) Each applicant for certification by the attorney general as an instructor of weapons safety and training courses shall apply on a form prescribed by the attorney general.

(b) General. Except as provided in subsection (e), each applicant shall meet all of the concealed carry license requirements of subsection (a) of L. 2006, Ch. 210, §2 and amendments thereto, except for those requirements in paragraphs (a)(1), (a)(8), and (a)(9) of §2.

(c) Certification. In addition to meeting the requirements of subsection (b), each applicant shall meet one of the following certification requirements:

(1) Be currently certified as a law enforcement

officer by the Kansas law enforcement training commission;

(2) be currently certified as a firearms trainer or firearms instructor by any of the following organizations:

(A) The attorney general, pursuant to K.S.A. 75-7b21 and amendments thereto;

(B) any state or federal law enforcement agency;

(C) the United States armed services;

(D) the Kansas law enforcement training center; or

(E) any organization that certifies firearms instructors, if the organization's certification program is determined by the attorney general to be substantially equivalent to any of the instructor certification programs identified in paragraph (c)(3); or

(3) be currently certified by the national rifle association in any of the following firearms instructor certification categories:

(A) "Pistol instructor";

(B) "personal protection instructor";

(C) "police firearms instructor";

(D) "law enforcement security firearms instructor";

(E) "law enforcement tactical handgun instructor"; or

(F) "law enforcement handgun/shotgun instructor."

Each applicant shall submit a copy of one of the certification documents identified in this subsection with the completed application form. Each certification document shall contain a certification expiration date.

(d) Fee. Each applicant shall pay a certification application fee in the amount of \$100.

(e) Each applicant who holds a license issued by the attorney general to carry a concealed weapon pursuant to the act shall be certified by the attorney general to instruct weapons safety and training courses if the applicant has satisfied the requirements of both subsections (c) and (d).

(f) Any applicant who is currently certified as an instructor by the national rifle association to teach a weapons safety and training course described in L. 2006, Ch. 32, §4(b)(1)(D)(ii), and amendments thereto, may be approved by the attorney general to instruct that course if a determination is made by the attorney general that the requirements for instructor certification established by the national rifle association meet or exceed the requirements of subsections (b) and (c).

Approval granted pursuant to this provision shall be conditioned upon the instructor's compliance with the requirements of K.A.R. 16-11-3 and K.A.R. 16-11-6.

(g) If an instructor certified by the attorney general, or approved by the attorney general pursuant to subsection (f), fails to remain in compliance with the eligibility requirements set forth in either subsection (b) or subsection (c), the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-3. Weapons safety and training course; instructors. (a) Each instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), to instruct weapons safety and training courses shall comply with the following standards:

(1) Use only the weapons safety and training courses approved by the attorney general as provided in K.A.R. 16-11-4;

(2) use only examinations approved by the attorney general; and

(3) require trainees to display firing proficiency by successfully completing the shooting requirement established in K.A.R. 16-11-4.

(b) Upon the conclusion of each weapons safety and training course, the instructor of that course shall provide each trainee who successfully completes the course with one of the following documents:

(1) An affidavit signed by the instructor that attests to the successful completion of the course by the applicant; or

(2) a certificate of completion on a form approved by the attorney general.

(c) Each instructor shall forward a list of each trainee who successfully completed a training course taught by that instructor to the office of the attorney general within 10 days of the date on which the training course concludes. Each list shall meet all of the following requirements:

(1) Identify the instructor by name and driver's license number;

(2) contain the date of the training course; and

(3) identify each trainee by name and either Kansas driver's license number or Kansas non-driver's identification card number.

(d) For each course an instructor teaches, the instructor shall retain the following records for a minimum of five years from the date on which the course concludes:

(1) A record of the date, the time, and the location of the course;

(2) a record of the name of each trainee enrolled in the course and of each trainee's Kansas driver's license number or Kansas nondriver's identification card number;

(3) for each trainee, documentation showing whether the trainee completed the training course specified in K.A.R. 16-11-4; and

(4) a record of the examination results for each trainee, including the results of the firing proficiency test.

(e) Each instructor shall notify the attorney general, in writing, within 10 days of any of the following occurrences:

(1) Changes in the instructor's mailing address;

(2) the expiration, suspension, or revocation of the certification used to meet the certification standard in K.A.R. 16-11-2(c); and

(3) any other circumstance that would make the instructor ineligible for certification pursuant to the standards required in K.A.R. 16-11-2.

(f) If an instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), fails to comply with the requirements of this regulation, the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-4. Weapons safety and training course. (a) Except as provided in subsection (d), each applicant for a license to carry a concealed weapon, as defined in L. 2006, Ch. 32, § 2 and amendments thereto, shall successfully complete either of the following weapons safety and training courses that have been approved by the attorney general when taught by one or more instructors certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f):

(1) The attorney general's "concealed carry handgun license program lesson plan," dated July

1, 2006 and amended on October 19, 2006, which is hereby adopted by reference; or

(2) any weapons course described in L. 2006, Ch. 32, § 4(b)(1)(D)(ii), and amendments thereto, that is determined by the attorney general to be substantially equivalent to the course identified in paragraph (a)(1). Internet, online, correspondence, and self-study courses shall not be approved.

(b) To "successfully complete" means to obtain a passing score of 100% on an examination approved by the attorney general and to display proficiency with a weapon by shooting a minimum of 18 hits out of 25 rounds on a designated portion of a target approved by either the Kansas commission on peace officers' standards and training or an equivalent body as determined by the attorney general.

(c) Each applicant shall provide to the sheriff of the county in which the applicant resides the documentation of completion of the weapons safety and training course provided to the applicant by the certified instructor as required by K.A.R. 16-11-3(b).

(d) A retired law enforcement officer as defined in K.S.A. 21-3110, and amendments thereto, shall not be subject to this regulation if the retired law enforcement officer was certified by the Kansas law enforcement training commission not more than eight years before the retired officer submits the application for licensure. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-5. Application procedure. (a) Each applicant for a license to carry a concealed handgun pursuant to the act shall submit to the sheriff of the county in which the applicant resides a completed application in accordance with L. 2006, Ch. 32, §5, and amendments thereto, and these regulations.

(b) Within seven days of receiving an application, each sheriff shall submit the following to the attorney general:

(1) A copy of the applicant's completed application for licensure; and

(2) the application fee established by L. 2006, Ch. 32, §4, and amendments thereto.

(c) Within seven days of receiving an applica-

tion, each sheriff shall submit one full set of the fingerprints of the applicant as follows:

- (1) Electronically to the KBI, if the necessary equipment is available for this purpose; or
- (2) to the attorney general using the applicant card provided by the federal bureau of investigation (FBI).

All fingerprint submissions, whether submitted electronically or using the applicant card, shall contain the originating agency identifier (ORI) assigned to the office of attorney general by the FBI.

(d) A state and national criminal history records check shall be promptly completed by the KBI.

(e) The document titled "concealed handgun license sheriff's or chief's voluntary report pursuant to personal and family protection act," dated July 1, 2006, is hereby adopted by reference. In accordance with the voluntary report, within 45 days of the date on which a sheriff receives any application from a resident of that county, the sheriff or the chief law enforcement officer of any other law enforcement agency in that county may provide information that, when corroborated through public records and combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. (Authorized by L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §5, as amended by L. 2006, Ch. 210, §3; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-6. Renewal of license; requalification weapons safety and training course. (a) Each applicant who applies to renew a license to carry a concealed weapon shall successfully complete a course taught by one or more instructors certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f).

(b) Each requalifying weapons safety and training course shall be a minimum of two hours in length and shall review the legal issues identified in the "concealed carry handgun license program lesson plan" adopted by reference in K.A.R. 16-11-4.

(c) Upon the conclusion of each requalification course, the instructor of that course shall provide each trainee who successfully completes the requalification course with one of the following documents:

(1) An affidavit signed by the instructor attesting to completion of the course; or

(2) a copy of a certification of completion on a form approved by the attorney general.

(d) Each instructor shall forward a list of each trainee who successfully completed a requalification course taught by that instructor to the office of the attorney general within 10 days of the date on which the requalification course concludes. Each list shall meet all of the following requirements:

(1) Identify the instructor by name and driver's license number;

(2) contain the date of the requalification course; and

(3) identify each trainee by name and either Kansas driver's license number or Kansas non-driver's identification card number.

(e) Each applicant shall retain a copy of the affidavit or the certificate of completion for a minimum of five years from the date on which the course concluded.

(f) For each requalification course an instructor teaches, the instructor shall retain the following records for a minimum of five years from the date on which the course concludes:

(1) A record of the date, the time, and the location of the course; and

(2) a record of the name of each trainee enrolled in the course and of each trainee's Kansas driver's license number or Kansas nondriver's identification card number.

(g) If an instructor certified by the attorney general, or approved by the attorney general pursuant to K.A.R. 16-11-2(f), fails to comply with the requirements of this regulation, the instructor's certification or approval may be withdrawn by the attorney general upon notice and an opportunity for a hearing. (Authorized by L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2, and L. 2006, Ch. 32, §16; implementing L. 2006, Ch. 32, §4, as amended by L. 2006, Ch. 210, §2; effective, T-16-7-5-06, July 5, 2006; effective Nov. 27, 2006.)

16-11-7. Signs. (a) Each sign posted pursuant to either paragraph (a)(2) or paragraph (a)(3) of L. 2006, ch. 210, § 8, and amendments thereto, shall contain the graphic in the document titled "personal and family protection act: required signage for K.A.R. 16-11-7," dated October 19, 2006, and hereby adopted by reference.

(b) The size of the sign shall be eight inches by eight inches or larger. If the sign is eight inches

by eight inches, the size of the graphic adopted by reference in subsection (a) shall be six inches in diameter. If the sign is larger than eight inches by eight inches, the size of the graphic shall be proportional to the size of the sign.

(c) Each sign shall meet all of the following requirements:

(1) The background shall be white.

(2) The portion of the graphic depicting the handgun shall be black.

(3) The portion of the graphic depicting the circle and diagonal slash across the handgun shall be red.

(4) No text shall be placed within the one-inch area surrounding the graphic.

(d) Each sign shall be displayed in a manner that makes the sign reasonably likely to come to the attention of persons entering the premises. (Authorized by L. 2006, Ch. 32, § 16 and L. 2006, Ch. 210, § 8; implementing L. 2006, Ch. 210, § 8; effective Nov. 27, 2006.)

16-11-8. Restraining order; effect of; procedure. (a) For purposes of this regulation, the terms in this subsection shall be defined as follows:

(1) "Director" means the director of the concealed carry unit of the attorney general's office.

(2) "Restraining order" means any of the following:

(A) An emergency order, a temporary order, a consent agreement, or an order issued pursuant to the protection from abuse act, K.S.A. 60-3101 et seq. and amendments thereto;

(B) a temporary order or other order issued pursuant to the protection from stalking act, K.S.A. 60-31a01 et seq. and amendments thereto;

(C) an interlocutory restraining order issued in connection with a divorce proceeding pursuant to K.S.A. 60-1607 and amendments thereto;

(D) a restraining order issued in connection with an order of protective custody pursuant to K.S.A. 38-1542 and amendments thereto;

(E) a restraining order issued in connection with an order of temporary custody of a child in a child in need of care case pursuant to K.S.A. 38-1543 or K.S.A. 38-1563, and amendments thereto;

(F) a restraining order issued in connection with any authorized disposition of a child in a child in need of care case pursuant to K.S.A. 38-1543 or K.S.A. 38-1563, and amendments thereto; or

(G) an order from another state or jurisdiction that is similar to any order described in paragraphs

(a)(2)(A) through (F) and is entitled to full faith and credit in this state.

(b) Within 24 hours of a sheriff's receipt of any restraining order, the sheriff shall determine whether the restraining order has been issued against a person who holds a concealed carry license.

(c) Whenever a sheriff determines that a restraining order has been issued against a person who holds a concealed carry license, the sheriff shall immediately notify the director by faxing or e-mailing the restraining order to the director.

(d) Within eight working hours of the director's receipt of the restraining order from a sheriff, the following actions shall be taken by the director:

(1) Verification of whether the restraining order has been issued against a person who holds a concealed carry license; and

(2) if the director verifies that the restraining order has been issued against a person who holds a concealed carry license, issuance of a written order revoking the concealed carry license of the person named as the subject of the restraining order. The order shall be effective immediately upon issuance.

(e) The order of revocation shall be served by the director on the concealed carry license holder by United States mail at the address on record at the concealed carry unit. In addition, the subject of the restraining order may be notified by telephone or e-mail, or both, by the director that the individual's concealed carry license has been revoked.

(f) The order of revocation shall include a notice that the concealed carry license holder may, within 10 calendar days of receipt of the written order of revocation, submit a written request for a hearing to the director.

(g) Upon the director's receipt of a written request for a hearing, a hearing shall be arranged by the director to occur within 30 calendar days. However, for good cause shown, the hearing may be continued to a later date.

(h) The presiding officer at the hearing shall be the attorney general or a designee of the attorney general.

(i) If clear and convincing evidence is not presented at the hearing to justify revocation of the concealed carry license, the order of revocation shall be rescinded by the presiding officer.

(j) A copy of each order revoking a concealed carry license shall be provided by the director to

the division of motor vehicles of the Kansas department of revenue.

(k) Any concealed carry license that was revoked pursuant to this regulation shall be reinstated by the director upon the director's receipt

of a certified copy of a court order that dissolves the restraining order, if the person remains otherwise eligible for the concealed carry license. (Authorized by and implementing L. 2006, ch. 210, sec. 5(c); effective Dec. 29, 2006.)