

SENATE BILL No. 186

By Committee on Federal and State Affairs

2-12

1 AN ACT concerning the personal and family protection act; amending
2 K.S.A. 2012 Supp. 21-6309 and 75-7c10 and repealing the existing
3 sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) The carrying of a concealed handgun as
7 authorized by the personal and family protection act shall not be prohibited
8 in state or municipal buildings unless such building has adequate security
9 measures to ensure that no weapons are permitted to be carried into such
10 building.

11 (b) Any state or municipal building which contains public access
12 entrances shall provide adequate security measures at the public access
13 entrances in order to prohibit the carrying of a concealed handgun in such
14 public areas.

15 (c) No state agency or municipality shall prohibit an employee who is
16 licensed to carry a concealed handgun under the provisions of the personal
17 and family protection act from carrying such concealed handgun at the
18 employee's work place unless the building has adequate security measures
19 and is properly posted prohibiting concealed carry.

20 (d) It shall not be a crime for a person to carry a concealed handgun
21 into such building so long as that person is licensed to carry a concealed
22 handgun under the provisions of the personal and family protection act and
23 has authority to enter through a restricted access entrance into such
24 building which provides adequate security measures and is properly posted
25 prohibiting concealed carry.

26 (e) A state agency or municipality which provides adequate security
27 measures in a public building and which properly posts a sign prohibiting
28 the carrying of a concealed handgun on the premises of such building as
29 authorized by the personal and family protection act shall not be liable for
30 any wrongful act or omission relating to actions of persons licensed to
31 carry a concealed handgun concerning acts or omissions regarding such
32 handguns.

33 (f) A state agency or municipality which does not provide adequate
34 security measures in a public building and which allows the carrying of a
35 concealed handgun as authorized by the personal and family protection act
36 shall not be liable for any wrongful act or omission relating to actions of

1 persons licensed to carry a concealed handgun concerning acts or
2 omissions regarding such handguns.

3 (g) The governing body or the chief administrative officer, if no
4 governing body exists, of a state or municipal building, may exempt the
5 building from this section for a period of four years by adopting a
6 resolution, or drafting a letter, listing the legal description of such building,
7 listing the reasons for such exemption, and including the following
8 statement: "A security plan has been developed for the building being
9 exempted which supplies adequate security to the occupants of the
10 building and merits the prohibition of the carrying of a concealed handgun
11 as authorized by the personal and family protection act." A copy of the
12 security plan for the building shall be maintained on file and shall be made
13 available, upon request, to the Kansas attorney general and the law
14 enforcement agency of local jurisdiction. Notice of this exemption,
15 together with the resolution adopted or the letter drafted, shall be sent to
16 the Kansas attorney general and to the law enforcement agency of local
17 jurisdiction.

18 (h) Subject to provisions of subsection (b), nothing in this act shall
19 limit the ability of a corrections facility, a jail facility or a law enforcement
20 agency to prohibit the carrying of a concealed handgun by any person on
21 such premises.

22 (i) For purposes of this section:

23 (1) "Adequate security measures" means the use of electronic
24 equipment and personnel at public entrances to detect and restrict the
25 carrying of any weapons into the state or municipal building, including,
26 but not limited to, metal detectors, metal detector wands or any other
27 equipment used for similar purposes to ensure that weapons are not
28 permitted to be carried into such building by members of the public.
29 Adequate measures for storing and securing lawfully carried weapons,
30 including, but not limited to, the use of gun lockers or other similar storage
31 option shall be provided at public entrances.

32 (2) The terms "municipality" and "municipal" are interchangeable
33 and have the same meaning as the term "municipality" is defined in
34 K.S.A.75-6102, and amendments thereto.

35 (3) "Restricted access entrance" means an entrance that is restricted to
36 the public and requires a key, keycard, code, or similar device to allow
37 entry to authorized personnel.

38 (4) "State" means the same as the term is defined in K.S.A. 75-6102,
39 and amendments thereto.

40 (5) "State or municipal building" means a building owned or leased
41 by such public entity. It does not include a building owned by the state or a
42 municipality which is leased by a private entity whether for profit or not-
43 for-profit or a building held in title by the state or a municipality solely for

1 reasons of revenue bond financing.

2 (6) "Weapon" means a weapon described in K.S.A. 2012 Supp. 21-
3 6301, and amendments thereto.

4 (j) This section shall be a part of and supplemental to the personal
5 and family protection act.

6 Sec. 2. K.S.A. 2012 Supp. 21-6309 is hereby amended to read as
7 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement
8 of a culpable mental state, a firearm ~~on the grounds~~ in any of the following
9 places:

10 (1) Within any building located within the capitol complex;

11 (2) within the governor's residence;

12 (3) on the grounds of or in any building on the grounds of the
13 governor's residence;

14 (4) within any other state-owned or leased building if the secretary of
15 administration has so designated by rules and regulations and
16 conspicuously placed signs clearly stating that firearms are prohibited
17 within such building; or

18 (5) within any county courthouse, unless, by county resolution, the
19 board of county commissioners authorize the possession of a firearm
20 within such courthouse.

21 (b) Violation of this section is a class A misdemeanor.

22 (c) This section shall not apply to:

23 (1) A commissioned law enforcement officer;

24 (2) a full-time salaried law enforcement officer of another state or the
25 federal government who is carrying out official duties while in this state;

26 (3) any person summoned by any such officer to assist in making
27 arrests or preserving the peace while actually engaged in assisting such
28 officer;

29 (4) a member of the military of this state or the United States engaged
30 in the performance of duties; or

31 (5) a person with a license issued pursuant to or recognized under
32 K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, except in
33 buildings posted in accordance with K.S.A. 2012 Supp. 75-7c10, and
34 amendments thereto, and in the areas specified in subsections (a)(2) and
35 (a)(3).

36 (d) It is not a violation of this section for the:

37 (1) Governor, the governor's immediate family, or specifically
38 authorized guest of the governor to possess a firearm within the governor's
39 residence or on the grounds of or in any building on the grounds of the
40 governor's residence; or

41 (2) United States attorney for the district of Kansas, the attorney
42 general, any district attorney or county attorney, any assistant United
43 States attorney if authorized by the United States attorney for the district

1 of Kansas, any assistant attorney general if authorized by the attorney
2 general, or any assistant district attorney or assistant county attorney if
3 authorized by the district attorney or county attorney by whom such
4 assistant is employed, to possess a firearm within any county courthouse
5 and court-related facility, subject to any restrictions or prohibitions
6 imposed in any courtroom by the chief judge of the judicial district. The
7 provisions of this paragraph shall not apply to any person not in
8 compliance with K.S.A. 2012 Supp. 75-7c19, and amendments thereto.

9 (e) *It is not a violation of this section for a person to possess a*
10 *handgun as authorized under the personal and family protection act.*

11 (f) Notwithstanding the provisions of this section, any county may
12 elect by passage of a resolution that the provisions of subsection (d)(2)
13 shall not apply to such county's courthouse or court-related facilities if
14 such:

15 (1) Facilities have adequate security measures to ensure that no
16 weapons are permitted to be carried into such facilities;

17 (2) facilities have adequate measures for storing and securing
18 lawfully carried weapons, including, but not limited to, the use of gun
19 lockers or other similar storage options;

20 (3) county also has a policy or regulation requiring all law
21 enforcement officers to secure and store such officer's firearm upon
22 entering the courthouse or court-related facility. Such policy or regulation
23 may provide that it does not apply to court security or sheriff's office
24 personnel for such county; and

25 (4) facilities have a sign conspicuously posted at each entryway into
26 such facility stating that the provisions of subsection (d)(2) do not apply to
27 such facility.

28 (⊕) (g) As used in this section:

29 (1) "Adequate security measures" means the use of electronic
30 equipment and personnel *at public entrances* to detect and restrict the
31 carrying of any weapons into the facility, including, but not limited to,
32 metal detectors, metal detector wands or any other equipment used for
33 similar purposes;

34 (2) "possession" means having joint or exclusive control over a
35 firearm or having a firearm in a place where the person has some measure
36 of access and right of control; and

37 (3) "capitol complex" means the same as in K.S.A. 75-4514, and
38 amendments thereto.

39 (⊖) (h) For the purposes of subsection (a)(1), (a)(4) and (a)(5),
40 "building" and "courthouse" shall not include any structure, or any area of
41 any structure, designated for the parking of motor vehicles.

42 Sec. 3. K.S.A. 2012 Supp. 75-7c10 is hereby amended to read as
43 follows: 75-7c10. *Subject to the provisions of section 1, and amendments*

1 *thereto:*

2 (a) Provided that the premises are conspicuously posted in
3 accordance with rules and regulations adopted by the attorney general as
4 premises where carrying a concealed handgun is prohibited, no license
5 issued pursuant to or recognized by this act shall authorize the licensee to
6 carry a concealed handgun into the building of: *any building or premise.*

7 ~~(1) Any place where an activity declared a common nuisance by~~
8 ~~K.S.A. 22-3901, and amendments thereto, is maintained;~~

9 ~~(2) any police, sheriff or highway patrol station;~~

10 ~~(3) any detention facility, prison or jail;~~

11 ~~(4) any courthouse, except that nothing in this section would preclude~~
12 ~~a judge from carrying a concealed handgun or determining who may carry~~
13 ~~a concealed handgun in the judge's courtroom;~~

14 ~~(5) any polling place on the day an election is held;~~

15 ~~(6) any state office;~~

16 ~~(7) any facility hosting an athletic event not related to or involving~~
17 ~~firearms which is sponsored by a private or public elementary or~~
18 ~~secondary school or any private or public institution of postsecondary~~
19 ~~education;~~

20 ~~(8) any facility hosting a professional athletic event not related to or~~
21 ~~involving firearms;~~

22 ~~(9) any drinking establishment as defined by K.S.A. 41-2601, and~~
23 ~~amendments thereto;~~

24 ~~(10) any elementary or secondary school, attendance center,~~
25 ~~administrative office, services center or other facility;~~

26 ~~(11) any community college, college or university;~~

27 ~~(12) any child exchange and visitation center provided for in K.S.A.~~
28 ~~75-720, and amendments thereto;~~

29 ~~(13) any community mental health center organized pursuant to~~
30 ~~K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic~~
31 ~~organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any~~
32 ~~psychiatric hospital licensed under K.S.A. 75-3307b, and amendments~~
33 ~~thereto; or a state psychiatric hospital, as follows: Larned state hospital,~~
34 ~~Osawatomic state hospital or Rainbow mental health facility;~~

35 ~~(14) any public library operated by the state;~~

36 ~~(15) any day care home or group day care home, as defined in Kansas~~
37 ~~administrative regulation 28-4-113, or any preschool or childcare center, as~~
38 ~~defined in Kansas administrative regulation 28-4-420; or~~

39 ~~(16) any place of worship.~~

40 (b) Nothing in this act shall be construed to prevent:

41 (1) Any public or private employer from restricting or prohibiting by
42 personnel policies persons licensed under this act from carrying a
43 concealed handgun while on the premises of the employer's business or

1 while engaged in the duties of the person's employment by the employer,
2 except that no employer may prohibit possession of a handgun in a private
3 means of conveyance, even if parked on the employer's premises; or

4 (2) any private business or city, county or political subdivision from
5 restricting or prohibiting persons licensed or recognized under this act
6 from carrying a concealed handgun within a building or buildings of such
7 entity, provided that the premises are posted in accordance with rules and
8 regulations adopted by the attorney general pursuant to subsection (f), as
9 premises where carrying a concealed handgun is prohibited.

10 (c) (1) *Any private entity which provides adequate security measures*
11 *in a private building or facility and which properly posts a sign*
12 *prohibiting the carrying of a concealed handgun on the premises of such*
13 *building or facility as authorized by the personal and family protection act*
14 *shall not be liable for any wrongful act or omission relating to actions of*
15 *persons licensed to carry a concealed handgun concerning acts or*
16 *omissions regarding such handguns.*

17 (2) *Any private entity which does not provide adequate security*
18 *measures in a private building or facility and which allows the carrying of*
19 *a concealed handgun as authorized by the personal and family protection*
20 *act shall not be liable for any wrongful act or omission relating to actions*
21 *of persons licensed to carry a concealed handgun concerning acts or*
22 *omissions regarding such handguns.*

23 (d) *Any elementary school, secondary school, school attendance*
24 *center, community college, college or university may allow any employee,*
25 *who is licensed, to carry a concealed handgun if the person meets the*
26 *institution's own policy requirements regardless of whether the building is*
27 *posted.*

28 (e) (1) It shall be a violation of this section to carry a concealed
29 handgun in violation of any restriction or prohibition allowed by
30 subsection (a) ~~or (b)~~ if the premises are posted in accordance with rules
31 and regulations adopted by the attorney general pursuant to subsection (f).
32 Any person who violates this section shall be guilty of a misdemeanor
33 punishable by a fine of: (A) Not more than \$50 for the first offense; or (B)
34 not more than \$100 for the second offense. Any third or subsequent
35 offense is a class B misdemeanor.

36 (2) Notwithstanding the provisions of subsection (a) ~~or (b)~~, it is not a
37 violation of this section for the United States attorney for the district of
38 Kansas, the attorney general, any district attorney or county attorney, any
39 assistant United States attorney if authorized by the United States attorney
40 for the district of Kansas, any assistant attorney general if authorized by
41 the attorney general, or any assistant district attorney or assistant county
42 attorney if authorized by the district attorney or county attorney by whom
43 such assistant is employed, to possess a handgun within any of the

1 buildings described in subsection (a) or (b), subject to any restrictions or
2 prohibitions imposed in any courtroom by the chief judge of the judicial
3 district. The provisions of this paragraph shall not apply to any person who
4 is not in compliance with K.S.A. 2012 Supp. 75-7c19, and amendments
5 thereto.

6 ~~(d)~~ (f) For the purposes of this section, "building" shall not include
7 any structure, or any area of any structure, designated for the parking of
8 motor vehicles.

9 ~~(e)~~ (g) Nothing in this act shall be construed to authorize the carrying
10 or possession of a handgun where prohibited by federal law.

11 ~~(f)~~(h) The attorney general shall adopt rules and regulations
12 prescribing the location, content, size and other characteristics of signs to
13 be posted on premises where carrying a concealed handgun is prohibited
14 pursuant to subsections (a) and (b). Such regulations shall prescribe, at a
15 minimum, that:

16 (1) The signs be posted at all exterior entrances to the prohibited
17 buildings;

18 (2) ~~they~~ *the signs* be posted at eye level of adults using the entrance
19 and not more than 12 inches to the right or left of such entrance;

20 (3) the signs not be obstructed or altered in any way; and

21 (4) signs which become illegible for any reason be immediately
22 replaced.

23 Sec. 4. K.S.A. 2012 Supp. 21-6309 and 75-7c10 are hereby repealed.

24 Sec. 5. This act shall take effect and be in force from and after its
25 publication in the statute book.