

HOUSE BILL No. 2297

By Representatives Ballard, Amyx, Benson, Carlin, Clayton, Curtis, Dierks, Finney, Gartner, Henderson, Highberger, Holscher, Horn, Kessinger, Kuether, Lusk, Murnan, Neighbor, Ohaebosim, Ousley, L. Ruiz, S. Ruiz, Sawyer, Schreiber, Stogsdill, Warfield, Weigel, Wolfe Moore, Woodard and Xu

2-13

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; providing exemptions for postsecondary educational
3 institutions; amending K.S.A. 2018 Supp. 75-7c20 and repealing the
4 existing section.

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

7 Section 1. K.S.A. 2018 Supp. 75-7c20 is hereby amended to read as
8 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
9 prohibited in any public area of any state or municipal building unless
10 such public area has adequate security measures to ensure that no weapons
11 are permitted to be carried into such public area and the public area is
12 conspicuously posted with either permanent or temporary signage
13 approved by the governing body, or the chief administrative officer, if no
14 governing body exists, in accordance with K.S.A. 2018 Supp. 75-7c10,
15 and amendments thereto.

16 (b) The carrying of a concealed handgun shall not be prohibited
17 throughout any state or municipal building in its entirety unless such
18 building has adequate security measures at all public access entrances to
19 ensure that no weapons are permitted to be carried into such building and
20 the building is conspicuously posted in accordance with K.S.A. 2018
21 Supp. 75-7c10, and amendments thereto.

22 (c) No state agency or municipality shall prohibit an employee from
23 carrying a concealed handgun at the employee's work place unless the
24 building has adequate security measures at all public access entrances to
25 ensure that no weapons are permitted to be carried into such building and
26 the building is conspicuously posted in accordance with K.S.A. 2018
27 Supp. 75-7c10, and amendments thereto.

28 (d) (1) It shall not be a violation of the personal and family protection
29 act for a person to carry a concealed handgun into a state or municipal
30 building, or any public area thereof, so long as that person has authority to
31 enter through a restricted access entrance into such building, or public area
32 thereof, that provides adequate security measures at all public access
33 entrances and the building, or public area thereof, is conspicuously posted
34 in accordance with K.S.A. 2018 Supp. 75-7c10, and amendments thereto.

1 (2) Any person, who is not an employee of the state or a municipality
2 and is not otherwise authorized to enter a state or municipal building
3 through a restricted access entrance, shall be authorized to enter through a
4 restricted access entrance, provided such person:

5 (A) Is authorized by the chief law enforcement officer, governing
6 body, or the chief administrative officer, if no governing body exists, to
7 enter such state or municipal building through a restricted access entrance;

8 (B) is issued an identification card by the chief law enforcement
9 officer, governing body, or the chief administrative officer, if no governing
10 body exists, which includes such person's photograph, name and any other
11 identifying information deemed necessary by the issuing entity, and which
12 states on the identification card that such person is authorized to enter such
13 building through a restricted access entrance; and

14 (C) executes an affidavit or other notarized statement that such person
15 acknowledges that certain firearms and weapons may be prohibited in such
16 building and that violating any such regulations may result in the
17 revocation of such person's authority to enter such building through a
18 restricted access entrance.

19 The chief law enforcement officer, governing body, or the chief
20 administrative officer, if no governing body exists, shall develop criteria
21 for approval of individuals subject to this paragraph to enter the state or
22 municipal building through a restricted access entrance. Such criteria may
23 include the requirement that the individual submit to a state and national
24 criminal history records check before issuance and renewal of such
25 authorization and pay a fee to cover the costs of such background checks.
26 An individual who has been issued a concealed carry permit by the state of
27 Kansas shall not be required to submit to another state and national
28 criminal records check before issuance and renewal of such authorization.
29 Notwithstanding any authorization granted under this paragraph, an
30 individual may be subjected to additional security screening measures
31 upon reasonable suspicion or in circumstances where heightened security
32 measures are warranted. Such authorization does not permit the individual
33 to carry a concealed weapon into a public building, which has adequate
34 security measures, as defined by this act, and which is conspicuously
35 posted in accordance with K.S.A. 2018 Supp. 75-7c10, and amendments
36 thereto.

37 (e) A state agency or municipality that provides adequate security
38 measures in a state or municipal building and which conspicuously posts
39 signage in accordance with K.S.A. 2018 Supp. 75-7c10, and amendments
40 thereto, prohibiting the carrying of a concealed handgun in such building
41 shall not be liable for any wrongful act or omission relating to actions of
42 persons carrying a concealed handgun concerning acts or omissions
43 regarding such handguns.

1 (f) A state agency or municipality that does not provide adequate
2 security measures in a state or municipal building and that allows the
3 carrying of a concealed handgun shall not be liable for any wrongful act or
4 omission relating to actions of persons carrying a concealed handgun
5 concerning acts or omissions regarding such handguns.

6 (g) Nothing in this act shall limit the ability of a corrections facility, a
7 jail facility or a law enforcement agency to prohibit the carrying of a
8 handgun or other firearm concealed or unconcealed by any person into any
9 secure area of a building located on such premises, except those areas of
10 such building outside of a secure area and readily accessible to the public
11 shall be subject to the provisions of subsection (a).

12 (h) Nothing in this section shall limit the ability of the chief judge of
13 each judicial district to prohibit the carrying of a concealed handgun by
14 any person into courtrooms or ancillary courtrooms within the district
15 provided the public area has adequate security measures to ensure that no
16 weapons are permitted to be carried into such public area and the public
17 area is conspicuously posted in accordance with K.S.A. 2018 Supp. 75-
18 7c10, and amendments thereto.

19 ~~(i) The governing body or the chief administrative officer, if no~~
20 ~~governing body exists, of a state or municipal building, may exempt the~~
21 ~~building, or any public area thereof, from this section until July 1, 2017, by~~
22 ~~adopting a resolution, or drafting a letter, listing the legal description of~~
23 ~~such building, listing the reasons for such exemption, and including the~~
24 ~~following statement: "A security plan has been developed for the building~~
25 ~~being exempted which supplies adequate security to the occupants of the~~
26 ~~building and merits the prohibition of the carrying of a concealed~~
27 ~~handgun." A copy of the security plan for the building shall be maintained~~
28 ~~on file and shall be made available, upon request, to the Kansas attorney~~
29 ~~general and the law enforcement agency of local jurisdiction. Notice of~~
30 ~~this exemption, together with the resolution adopted or the letter drafted,~~
31 ~~shall be sent to the Kansas attorney general and to the law enforcement~~
32 ~~agency of local jurisdiction. The security plan shall not be subject to~~
33 ~~disellosure under the Kansas open records act.~~

34 ~~(j) The governing body or the chief administrative officer, if no~~
35 ~~governing body exists, of any postsecondary educational institution, as~~
36 ~~defined in K.S.A. 74-3201b, and amendments thereto, may exempt any~~
37 ~~building of such institution, including any buildings located on the grounds~~
38 ~~of such institution and any buildings leased by such institution, or any~~
39 ~~public area thereof, from this section until July 1, 2017, by stating the~~
40 ~~reasons for such exemption and sending notice of such exemption to the~~
41 ~~Kansas attorney general.~~

42 (k) The provisions of this section shall not apply to:

43 (1) Any building located on the grounds of the Kansas state school

1 for the deaf or the Kansas state school for the blind;

2 (2) a state or municipal-owned medical care facility, as defined in
3 K.S.A. 65-425, and amendments thereto;

4 (3) a state or municipal-owned adult care home, as defined in K.S.A.
5 39-923, and amendments thereto;

6 (4) a community mental health center organized pursuant to K.S.A.
7 19-4001 et seq., and amendments thereto;

8 (5) an indigent health care clinic, as defined by K.S.A. 65-7402, and
9 amendments thereto; ~~or~~

10 (6) *any postsecondary educational institution, as defined in K.S.A.*
11 *74-3201b, and amendments thereto; or*

12 ~~(6)~~ (7) any building owned or leased by the authority created under
13 the university of Kansas hospital authority act, any building located within
14 the health care district, as defined in the unified government of Wyandotte
15 county and Kansas City, Kansas City-wide master plan, Rosedale master
16 plan and traffic study or similar master plan or comprehensive planning or
17 zoning document approved by the unified government of Wyandotte
18 county and Kansas City, Kansas in effect on January 12, 2017.

19 ~~(h)~~(j) Nothing in this section shall be construed to prohibit any law
20 enforcement officer, as defined in K.S.A. 2018 Supp. 75-7c22, and
21 amendments thereto, who satisfies the requirements of either K.S.A. 2018
22 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
23 concealed handgun into any state or municipal building, or any public area
24 thereof, in accordance with the provisions of K.S.A. 2018 Supp. 75-7c22,
25 and amendments thereto, subject to any restrictions or prohibitions
26 imposed in any courtroom by the chief judge of the judicial district.

27 ~~(m)~~(k) For purposes of this section:

28 (1) "Adequate security measures" means the use of electronic
29 equipment and armed personnel at public entrances to detect and restrict
30 the carrying of any weapons into the state or municipal building, or any
31 public area thereof, including, but not limited to, metal detectors, metal
32 detector wands or any other equipment used for similar purposes to ensure
33 that weapons are not permitted to be carried into such building or public
34 area by members of the public. Adequate security measures for storing and
35 securing lawfully carried weapons, including, but not limited to, the use of
36 gun lockers or other similar storage options may be provided at public
37 entrances.

38 (2) "Authorized personnel" means employees of a state agency or
39 municipality and any person granted authorization pursuant to subsection
40 (d)(2), who are authorized to enter a state or municipal building through a
41 restricted access entrance.

42 (3) The terms "municipality" and "municipal" are interchangeable
43 and have the same meaning as the term "municipality" is defined in K.S.A.

1 75-6102, and amendments thereto, but does not include school districts.

2 (4) "Public area" means any portion of a state or municipal building
3 that is open to and accessible by the public or which is otherwise
4 designated as a public area by the governing body or the chief
5 administrative officer, if no governing body exists, of such building.

6 (5) "Restricted access entrance" means an entrance that is restricted to
7 the public and requires a key, keycard, code, or similar device to allow
8 entry to authorized personnel.

9 (6) "State" means the same as the term is defined in K.S.A. 75-6102,
10 and amendments thereto.

11 (7) (A) "State or municipal building" means a building owned or
12 leased by such public entity. It does not include a building owned by the
13 state or a municipality which is leased by a private entity whether for
14 profit or not-for-profit or a building held in title by the state or a
15 municipality solely for reasons of revenue bond financing.

16 (B) The term "state and municipal building" shall not include the
17 state capitol.

18 (8) "Weapon" means a weapon described in K.S.A. 2018 Supp. 21-
19 6301, and amendments thereto, except the term "weapon" shall not include
20 any cutting instrument that has a sharpened or pointed blade.

21 ~~(h)~~(l) This section shall be a part of and supplemental to the personal
22 and family protection act.

23 Sec. 2. K.S.A. 2018 Supp. 75-7c20 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.