

## HOUSE BILL No. 2270

By Committee on Federal and State Affairs

2-8

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1 AN ACT concerning the personal and family protection act; relating to  
2 carrying concealed handguns in public buildings; amending K.S.A.  
3 2012 Supp. 21-6309, 75-7c10 and 75-7c17 and repealing the existing  
4 sections.  
5

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

7 New Section 1. (a) The carrying of a concealed handgun as  
8 authorized by K.S.A. 2012 Supp. 75-7c01 et seq., and amendments  
9 thereto, shall not be prohibited in state or municipal buildings unless such  
10 building has adequate security measures to ensure that no weapons are  
11 permitted to be carried into such building.

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

16 (c) (1) No state agency or municipality shall prohibit an employee  
17 who is licensed to carry a concealed handgun under the provisions of  
18 K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, from  
19 carrying such concealed handgun at the employee's work place unless the  
20 building has adequate security measures and is properly posted prohibiting  
21 concealed carry.

22 (2) No state agency or municipality shall require any employee who  
23 is licensed to carry a concealed handgun under the provisions of K.S.A.  
24 2012 Supp. 75-7c01 et seq., and amendments thereto, to report such fact to  
25 such state agency or municipality at any time, including any time prior to  
26 the employee becoming employed by such state agency or municipality.  
27 No state agency or municipality shall create, maintain or otherwise record  
28 any records or other documents pertaining to whether an employee is  
29 licensed to carry a concealed handgun.

30 (3) No state agency or municipality shall refuse to hire or employ a  
31 person who is licensed to carry a concealed handgun under the provisions  
32 of K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, or to bar  
33 or discharge such person from employment or to otherwise discriminate  
34 against such person in compensation or in terms, conditions or privileges  
35 of employment.

36 (d) It shall not be a crime for a person to carry a concealed handgun

1 into such building so long as that person is licensed to carry a concealed  
2 handgun under the provisions of K.S.A. 2012 Supp. 75-7c01 et seq., and  
3 amendments thereto, and has authority to enter through a restricted access  
4 entrance into such building which provides adequate security measures  
5 and is properly posted prohibiting concealed carry.

6 (e) A state agency or municipality which provides adequate security  
7 in a public building and which properly posts a sign prohibiting the  
8 carrying of a concealed handgun on the premises of such building as  
9 authorized by K.S.A. 2012 Supp. 75-7c01 et seq., and amendments  
10 thereto, shall not be liable for any wrongful act or omission arising out of  
11 or relating to the carrying or use of a handgun by persons licensed to carry  
12 a concealed handgun.

13 (f) A state agency or municipality which does not provide adequate  
14 security in a public building and which allows the carrying of a concealed  
15 handgun as authorized by K.S.A. 2012 Supp. 75-7c01 et seq., and  
16 amendments thereto, shall not be liable for any wrongful act or omission  
17 arising out of or relating to the carrying or use of a handgun by persons  
18 licensed to carry a concealed handgun.

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

24 (h) For purposes of this section:

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

31 (2) "Juvenile correctional facility" shall have the same meaning as  
32 that term is defined in K.S.A. 2012 Supp. 38-2302, and amendments  
33 thereto.

34 (3) "Juvenile detention facility" shall have the same meaning as that  
35 term is defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto.

36 (4) The terms "municipality" and "municipal" are interchangeable  
37 and shall have the same meaning as the term "municipality" is defined in  
38 K.S.A. 75-6102, and amendments thereto.

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

42 (6) "State" shall have the same meaning as that term is defined in  
43 K.S.A. 75-6102, and amendments thereto.

1 (7) "State or municipal building" means a building owned or leased  
2 by such public entity. It does not include a building owned by the state or a  
3 municipality which is leased by a private entity whether for profit or not-  
4 for-profit or a building held in title by the state or a municipality solely for  
5 reasons of revenue bond financing.

6 (8) "Weapon" means a weapon as described in K.S.A. 2012 Supp. 21-  
7 6301, and amendments thereto.

8 (i) This section shall be a part of and supplemental to the personal  
9 and family protection act.

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

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

15 (2) within the governor's residence;

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

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

22 (5) within any county courthouse, unless, by county resolution, the  
23 board of county commissioners authorize the possession of a firearm  
24 within such courthouse.

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

26 (c) This section shall not apply to:

27 (1) A commissioned law enforcement officer;

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

30 (3) any person summoned by any such officer to assist in making  
31 arrests or preserving the peace while actually engaged in assisting such  
32 officer;

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

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

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

41 (1) Governor, the governor's immediate family, or specifically  
42 authorized guest of the governor to possess a firearm within the governor's  
43 residence or on the grounds of or in any building on the grounds of the

1 governor's residence; or

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

13 *(e) The provisions of subsections (a)(4) and (a)(5) shall be subject to*  
14 *the provisions of section 1, and amendments thereto.*

15 *(f) It is not a violation of this section for a person to possess a*  
16 *handgun as authorized by and in accordance with the personal and family*  
17 *protection act, K.S.A. 2012 Supp. 75-7c01 et seq., and amendments*  
18 *thereto.*

19 ~~(e)~~ (g) Notwithstanding the provisions of this section, any county  
20 may elect by passage of a resolution that the provisions of subsection (d)  
21 (2) shall not apply to such county's courthouse or court-related facilities if  
22 such:

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

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

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

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

36 ~~(f)~~ (h) As used in this section:

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

42 (2) "possession" means having joint or exclusive control over a  
43 firearm or having a firearm in a place where the person has some measure

1 of access and right of control; and

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

4 ~~(g)~~ (i) For the purposes of subsection (a)(1), (a)(4) and (a)(5),  
5 "building" and "courthouse" shall not include any structure, or any area of  
6 any structure, designated for the parking of motor vehicles.

7 Sec. 3. K.S.A. 2012 Supp. 75-7c10 is hereby amended to read as  
8 follows: 75-7c10. (a) *Except as otherwise provided in section 1, and*  
9 *amendments thereto*, provided that the premises are conspicuously posted  
10 in accordance with rules and regulations adopted by the attorney general as  
11 premises where carrying a concealed handgun is prohibited, no license  
12 issued pursuant to or recognized by this act shall authorize the licensee to  
13 carry a concealed handgun into the building of:

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

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

17 (3) any detention facility, prison or jail;

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

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

22 (6) any state office;

23 (7) any facility hosting an athletic event not related to or involving  
24 firearms which is sponsored by a private or public elementary or  
25 secondary school or any private or public institution of postsecondary  
26 education;

27 (8) any facility hosting a professional athletic event not related to or  
28 involving firearms;

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

31 (10) any elementary or secondary school, attendance center,  
32 administrative office, services center or other facility;

33 (11) any community college, college or university;

34 (12) any child exchange and visitation center provided for in K.S.A.  
35 75-720, and amendments thereto;

36 (13) any community mental health center organized pursuant to  
37 K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic  
38 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any  
39 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments  
40 thereto; or a state psychiatric hospital, as follows: Larned state hospital,  
41 Osawatomie state hospital or Rainbow mental health facility;

42 (14) any public library operated by the state;

43 (15) any day care home or group day care home, as defined in Kansas

1 administrative regulation 28-4-113, or any preschool or childcare center, as  
2 defined in Kansas administrative regulation 28-4-420; or

3 (16) any place of worship.

4 (b) *Except as otherwise provided in section 1, and amendments*  
5 *thereto*, nothing in this act shall be construed to prevent:

6 (1) Any public or private employer from restricting or prohibiting by  
7 personnel policies persons licensed under this act from carrying a  
8 concealed handgun while on the premises of the employer's business or  
9 while engaged in the duties of the person's employment by the employer,  
10 except that no employer may prohibit possession of a handgun in a private  
11 means of conveyance, even if parked on the employer's premises; or

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

18 (c) (1) *Any private entity which provides adequate security in a*  
19 *private building or facility and which properly posts a sign prohibiting the*  
20 *carrying of a concealed handgun on the premises of such building or*  
21 *facility in accordance with this section, shall not be liable for any*  
22 *wrongful act or omission arising out of or relating to the carrying or use*  
23 *of a handgun by persons licensed to carry a concealed handgun.*

24 (2) *Any private entity which does not provide adequate security in a*  
25 *private building or facility and which allows the carrying of a concealed*  
26 *handgun in accordance with the provisions of K.S.A. 75-7c01 et seq., and*  
27 *amendments thereto, shall not be liable for any wrongful act or omission*  
28 *arising out of or relating to the carrying or use of a handgun by persons*  
29 *licensed to carry a concealed handgun.*

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

38 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a  
39 violation of this section for the United States attorney for the district of  
40 Kansas, the attorney general, any district attorney or county attorney, any  
41 assistant United States attorney if authorized by the United States attorney  
42 for the district of Kansas, any assistant attorney general if authorized by  
43 the attorney general, or any assistant district attorney or assistant county

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

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

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

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

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

20 (2) they be posted at eye level of adults using the entrance and not  
21 more than 12 inches to the right or left of such entrance;

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

23 (4) signs which become illegible for any reason be immediately  
24 replaced.

25 Sec. 4. K.S.A. 2012 Supp. 75-7c17 is hereby amended to read as  
26 follows: 75-7c17. (a) The legislature finds as a matter of public policy and  
27 fact that it is necessary to provide statewide uniform standards for issuing  
28 licenses to carry concealed handguns for self-defense and finds it  
29 necessary to occupy the field of regulation of the bearing of concealed  
30 handguns for self-defense to ensure that no honest, law-abiding person  
31 who qualifies under the provisions of this act is subjectively or arbitrarily  
32 denied the person's rights. No city, county or other political subdivision of  
33 this state shall regulate, restrict or prohibit the carrying of concealed  
34 handguns by persons licensed under this act except as provided in *section*  
35 *1, and amendments thereto*, subsection (b) of K.S.A. 2012 Supp. 75-7c10,  
36 and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its  
37 repeal, or subsection (e) of K.S.A. 2012 Supp. 21-6309, and amendments  
38 thereto. Any existing or future law, ordinance, rule, regulation or  
39 resolution enacted by any city, county or other political subdivision of this  
40 state that regulates, restricts or prohibits the carrying of concealed  
41 handguns by persons licensed under this act except as provided in *section*  
42 *1, and amendments thereto*, subsection (b) of K.S.A. 2012 Supp. 75-7c10,  
43 and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its

1 repeal, or subsection (e) of K.S.A. 2012 Supp. 21-6309, and amendments  
2 thereto, shall be null and void.

3 (b) Prosecution of any person licensed under the personal and family  
4 protection act, and amendments thereto, for violating any restrictions on  
5 licensees will be done through the district court.

6 (c) The legislature does not delegate to the attorney general the  
7 authority to regulate or restrict the issuing of licenses provided for in this  
8 act, beyond those provisions of this act pertaining to licensing and training.  
9 Subjective or arbitrary actions or rules and regulations which encumber  
10 the issuing process by placing burdens on the applicant beyond those  
11 sworn statements and specified documents detailed in this act or which  
12 create restrictions beyond those specified in this act are in conflict with the  
13 intent of this act and are prohibited.

14 (d) This act shall be liberally construed. This act is supplemental and  
15 additional to existing constitutional rights to bear arms and nothing in this  
16 act shall impair or diminish such rights.

17 Sec. 5. K.S.A. 2012 Supp. 21-6309, 75-7c10 and 75-7c17 are hereby  
18 repealed.

19 Sec. 6. This act shall take effect and be in force from and after its  
20 publication in the statute book.