

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Federal and State Affairs** recommends **HB 2353** be amended on page 1, in line 8, by striking "municipality facilities or premises" and inserting "municipal buildings"; in line 9, by striking "facilities or premises have" and inserting "building has"; in line 10, by striking "or on such premises or facilities" and inserting "such building"; in line 14, by striking the second "work place" and inserting "building"; in line 17, by striking "in or on the facilities or premises" and inserting "into such building"; in line 20, by striking "to a state or municipal facility or premises" and inserting "into such building"; in line 29, after "(e)" by inserting "Subject to provisions of subsection (f),"; in line 32, after "(f)" by inserting "Any state or municipal building which contains both public access entrances and restricted access entrances shall provide adequate security at the public access entrances in order to prohibit the carrying of a concealed handgun in such public areas.

(g) A state or municipal-owned medical care facility as defined in K.S.A. 65-425, and amendments thereto, may prohibit patients seeking treatment from carrying a concealed handgun.

(h) A state or municipal-owned adult care home as defined in K.S.A. 39-923, and amendments thereto, may prohibit residents from carrying a concealed handgun.

(i) ";

Also on page 1, in line 35, by striking "facility or on such premises" and inserting "state or municipal building";

And by redesignating subsections accordingly;

On page 2, in line 2, by striking "premises or facilities" and inserting "building"; in line 4, by striking "'Municipality' means as the term" and inserting "The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality""; in line 11, after "(5)" by inserting "'State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(6) ";

Also on page 2, also in line 11, by striking "section 186 of chapter"; in line 12, by striking "136 of the 2010 Session Laws of Kansas"; and inserting "K.S.A. 2011 Supp. 21-6301"; in line 15, by striking "2010" and inserting "2011";

On page 4, in line 4, by striking "2010" and inserting "2011"; by striking all in lines 23 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 13, and inserting:

"Sec. 3. K.S.A. 2011 Supp. 21-6309 is hereby amended to read as follows: 21-6309. (a) It shall be unlawful to possess, with no requirement of a culpable mental state, a firearm on the grounds in any of the following places:

- (1) Within any building located within the capitol complex;
- (2) within the governor's residence;
- (3) on the grounds of or in any building on the grounds of the governor's residence;
- (4) within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building; or

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

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

(c) This section shall not apply to:

(1) A commissioned law enforcement officer;

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

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

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

(5) a person with a license issued pursuant to or recognized under K.S.A. 2011 Supp. 75-7c01 *et seq.*, and amendments thereto, except in buildings posted in accordance with K.S.A. 2011 Supp. 75-7c10, and amendments thereto, and in the areas specified in subsections (a)(2) and (a)(3).

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

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

(2) United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief

judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2011 Supp. 75-7c19, and amendments thereto.

(e) It is not a violation of this section for a person to possess a firearm as authorized under the personal and family protection act unless the building has adequate security measures as defined in subsection (g) to ensure that no weapons are permitted to be carried into such building.

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

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

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

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

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

~~(f)~~(g) As used in this section:

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

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

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

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

Sec. 4. K.S.A. 2011 Supp. 21-6309 and 75-7c10 are hereby repealed.";

Renumber remaining section accordingly;

On page 1, in the title, by striking all of lines 2 and 3 and inserting "K.S.A. 2011 Supp. 21-6309 and 75-7c10 and repealing the existing sections."; and the bill be passed as amended.

_____Chairperson