

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2353

By Committee on Federal and State Affairs

2-17

1 AN ACT concerning the personal and family protection act; amending
2 K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136 of the 2010
3 Session Laws of Kansas and repealing the existing sections.—K.S.A.
4 2011 Supp. 21-6309 and 75-7c10 and repealing the existing 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 the personal and family protection act shall not be prohibited
9 in state or ~~municipality facilities or premises~~ **municipal buildings** unless
10 such ~~facilities or premises have~~ **building has** adequate security measures
11 to ensure that no weapons are permitted to be carried into ~~or on such~~
12 ~~premises or facilities~~ **such building**.

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

18 (c) It shall not be a crime for a person to carry a concealed handgun
19 ~~in or on the facilities or premises~~ **into such building** so long as that person
20 is licensed to carry a concealed handgun under the provisions of the
21 personal and family protection act and has authority to enter through a
22 restricted access entrance ~~to a state or municipal facility or premises~~ **into**
23 **such building** which provides adequate security measures and is properly
24 posted prohibiting concealed carry.

25 (d) Nothing in this act shall prohibit a state agency or municipality
26 from instituting employee policies restricting concealed carry of a handgun
27 by a person who is licensed to carry concealed handgun under the
28 provisions of the personal and family protection act in state or municipal
29 facilities or premises which provides adequate security measures and is
30 properly posted prohibiting concealed carry.

31 (e) **Subject to provisions of subsection (f)**, nothing in this act shall
32 limit the ability of a corrections facility, a jail facility or a law enforcement
33 agency to prohibit the carrying of a concealed weapon by any person on
34 such premises.

35 (f) **Any state or municipal building which contains both public**
36 **access entrances and restricted access entrances shall provide**

1 **adequate security at the public access entrances in order to prohibit**
2 **the carrying of a concealed handgun in such public areas.**

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

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

9 **(i) For purposes of this section:**

10 (1) "Adequate security measures" means the use of electronic
11 equipment and personnel at public entrances to detect and restrict the
12 carrying of any weapons into the ~~facility or on such premises~~ **state or**
13 **municipal building**, including, but not limited to, metal detectors, metal
14 detector wands or any other equipment used for similar purposes to ensure
15 that weapons are not permitted to be carried into such ~~premises or facilities~~
16 **building** by members of the public.

17 (2) ~~"Municipality" means as the term~~ **The terms "municipality"**
18 **and "municipal" are interchangeable and have the same meaning as**
19 **the term "municipality" is defined in K.S.A.75-6102, and amendments**
20 **thereto, but does not include school districts.**

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

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

26 (5) **"State or municipal building" means a building owned or**
27 **leased by such public entity. It does not include a building owned by**
28 **the state or a municipality which is leased by a private entity whether**
29 **for profit or not-for-profit or a building held in title by the state or a**
30 **municipality solely for reasons of revenue bond financing.**

31 (6) "Weapon" means weapons described in ~~section 186 of chapter~~
32 ~~136 of the 2010 Session Laws of Kansas~~ **K.S.A. 2011 Supp. 21-6301, and**
33 **amendments thereto.**

34 ~~(d)~~ **(h)** This section shall be a part of and supplemental to the
35 personal and family protection act.

36 Sec. 2. K.S.A. ~~2010~~ **2011 Supp. 75-7c10** is hereby amended to read
37 as follows: 75-7c10. (a) Provided that the premises are conspicuously
38 posted in accordance with rules and regulations adopted by the attorney
39 general as premises where carrying a concealed handgun is prohibited,
40 *and subject to provisions of section 1, and amendments thereto, dealing*
41 *with state agencies and municipalities*, no license issued pursuant to or
42 recognized by this act shall authorize the licensee to carry a concealed
43 handgun into the building of:

- 1 (1) Any place where an activity declared a common nuisance by
2 K.S.A. 22-3901, and amendments thereto, is maintained;
- 3 (2) any police, sheriff or highway patrol station;
- 4 (3) any detention facility, prison or jail;
- 5 (4) any courthouse, except that nothing in this section would preclude
6 a judge from carrying a concealed handgun or determining who may carry
7 a concealed handgun in the judge's courtroom;
- 8 (5) any polling place on the day an election is held;
- 9 (6) any state office;
- 10 (7) any facility hosting an athletic event not related to or involving
11 firearms which is sponsored by a private or public elementary or
12 secondary school or any private or public institution of postsecondary
13 education;
- 14 (8) any facility hosting a professional athletic event not related to or
15 involving firearms;
- 16 (9) any drinking establishment as defined by K.S.A. 41-2601, and
17 amendments thereto;
- 18 (10) any elementary or secondary school, attendance center,
19 administrative office, services center or other facility;
- 20 (11) any community college, college or university ;
- 21 (12) any child exchange and visitation center provided for in K.S.A.
22 75-720, and amendments thereto;
- 23 (13) any community mental health center organized pursuant to
24 K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic
25 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any
26 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments
27 thereto; or a state psychiatric hospital, as follows: Larned state hospital,
28 Osawatomie state hospital or Rainbow mental health facility;
- 29 (14) any public library operated by the state;
- 30 (15) any day care home or group day care home, as defined in Kansas
31 administrative regulation 28-4-113, or any preschool or childcare center, as
32 defined in Kansas administrative regulation 28-4-420; or
- 33 (16) any place of worship.
- 34 (b) Nothing in this act shall be construed to prevent:
- 35 (1) Any public or private employer from restricting or prohibiting by
36 personnel policies persons licensed under this act from carrying a
37 concealed handgun while on the premises of the employer's business or
38 while engaged in the duties of the person's employment by the employer,
39 except that no employer may prohibit possession of a handgun in a private
40 means of conveyance, even if parked on the employer's premises; or
- 41 (2) any private business or city, county or political subdivision from
42 restricting or prohibiting persons licensed or recognized under this act
43 from carrying a concealed handgun within a building or buildings of such

1 entity, provided that the premises are posted in accordance with rules and
2 regulations adopted by the attorney general pursuant to subsection (f), as
3 premises where carrying a concealed handgun is prohibited.

4 (c) (1) It shall be a violation of this section to carry a concealed
5 handgun in violation of any restriction or prohibition allowed by
6 subsection (a) or (b) if the premises are posted in accordance with rules
7 and regulations adopted by the attorney general pursuant to subsection (f).
8 Any person who violates this section shall be guilty of a misdemeanor
9 punishable by a fine of: (A) Not more than \$50 for the first offense; or (B)
10 not more than \$100 for the second offense. Any third or subsequent
11 offense is a class B misdemeanor.

12 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a
13 violation of this section for the United States attorney for the district of
14 Kansas, the attorney general, any district attorney or county attorney, any
15 assistant United States attorney if authorized by the United States attorney
16 for the district of Kansas, any assistant attorney general if authorized by
17 the attorney general, or any assistant district attorney or assistant county
18 attorney if authorized by the district attorney or county attorney by whom
19 such assistant is employed, to possess a handgun within any of the
20 buildings described in subsection (a) or (b), subject to any restrictions or
21 prohibitions imposed in any courtroom by the chief judge of the judicial
22 district. The provisions of this paragraph shall not apply to any person who
23 is not in compliance with K.S.A. ~~2010~~ 2011 Supp. 75-7c19, and
24 amendments thereto.

25 (d) For the purposes of this section, "building" shall not include any
26 structure, or any area of any structure, designated for the parking of motor
27 vehicles.

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

30 (f) The attorney general shall adopt rules and regulations prescribing
31 the location, content, size and other characteristics of signs to be posted on
32 premises where carrying a concealed handgun is prohibited pursuant to
33 subsections (a) and (b). Such regulations shall prescribe, at a minimum,
34 that:

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

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

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

40 (4) signs which become illegible for any reason be immediately
41 replaced.

42 ~~Sec. 3. Section 194 of chapter 136 of the 2010 Session Laws of~~
43 ~~Kansas, is hereby amended to read as follows: Sec. 194. (a) It shall be~~

1 unlawful to possess, with no requirement of a culpable mental state, a
2 firearm on the grounds of or in:

3 ~~(1) Any building located within the capitol complex;~~

4 ~~(2) the governor's residence;~~

5 ~~(3) any building on the grounds of the governor's residence;~~

6 ~~(4) any other state-owned or leased building if the secretary of
7 administration has so designated by rules and regulations and
8 conspicuously placed signs clearly stating that firearms are prohibited
9 within such building; or~~

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

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

14 ~~(c) This section shall not apply to:~~

15 ~~(1) A commissioned law enforcement officer;~~

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

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

21 ~~(4) a member of the military of this state or the United States engaged
22 in the performance of duties.~~

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

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

28 ~~(2) United States attorney for the district of Kansas, the attorney
29 general, any district attorney or county attorney, any assistant United
30 States attorney if authorized by the United States attorney for the district
31 of Kansas, any assistant attorney general if authorized by the attorney
32 general, or any assistant district attorney or assistant county attorney if
33 authorized by the district attorney or county attorney by whom such
34 assistant is employed, to possess a firearm within any county courthouse
35 and court-related facility, subject to any restrictions or prohibitions
36 imposed in any courtroom by the chief judge of the judicial district. The
37 provisions of this paragraph shall not apply to any person not in
38 compliance with K.S.A. 2009 2010 Supp. 75-7c19, and amendments
39 thereto.~~

40 ~~(e) It is not a violation of this section for a person to possess a
41 firearm as authorized under the personal and family protection act unless
42 the facilities or premises have adequate security measures as defined in
43 subsection (g) to ensure that no weapons are permitted to be carried into~~

1 ~~or on such premises or facilities.~~

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

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

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

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

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

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

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

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

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

30 ~~Sec. 4. K.S.A. 2010 Supp. 75-7e10 and section 194 of chapter 136 of~~
31 ~~the 2010 Session Laws of Kansas hereby repealed.~~

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

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

37 **(2) within the governor's residence;**

38 **(3) on the grounds of or in any building on the grounds of the**
39 **governor's residence;**

40 **(4) within any other state-owned or leased building if the**
41 **secretary of administration has so designated by rules and regulations**
42 **and conspicuously placed signs clearly stating that firearms are**
43 **prohibited within such building; or**

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

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

5 **(c) This section shall not apply to:**

6 **(1) A commissioned law enforcement officer;**

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

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

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

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

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

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

25 **(2) United States attorney for the district of Kansas, the attorney**
26 **general, any district attorney or county attorney, any assistant United**
27 **States attorney if authorized by the United States attorney for the**
28 **district of Kansas, any assistant attorney general if authorized by the**
29 **attorney general, or any assistant district attorney or assistant county**
30 **attorney if authorized by the district attorney or county attorney by**
31 **whom such assistant is employed, to possess a firearm within any**
32 **county courthouse and court-related facility, subject to any**
33 **restrictions or prohibitions imposed in any courtroom by the chief**
34 **judge of the judicial district. The provisions of this paragraph shall**
35 **not apply to any person not in compliance with K.S.A. 2011 Supp. 75-**
36 **7c19, and amendments thereto.**

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

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

1 such:

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

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

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

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

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

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

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

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

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

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

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