

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~~ **{building}** which provides adequate security
30 measures and is 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.

1 (f) Any state or municipal building which contains both public
2 access entrances and restricted access entrances shall provide
3 adequate security at the public access entrances in order to prohibit
4 the carrying of a concealed handgun in such public areas.

5 ~~(g) A state or municipal-owned medical care facility as defined in~~
6 ~~K.S.A. 65-425, and amendments thereto, may prohibit patients~~
7 ~~seeking treatment from carrying a concealed handgun~~ {The governing
8 body or the chief administrative officer, if no governing body exists, of
9 a state or municipal-owned medical care facility as defined in K.S.A.
10 65-425, and amendments thereto, may exempt itself from this section
11 for a period of four years by stating the reasons for such exemption.
12 Notice of this exemption shall be sent to the Kansas attorney general.

13 (h) A state agency or municipality which does not provide
14 adequate security and which allows the carrying of a concealed
15 handgun as authorized by the personal and family protection act shall
16 not be liable for any wrongful act or omission relating to actions of
17 persons licensed to carry a concealed handgun relating to acts or
18 omissions regarding such handguns}.

19 ~~(h) (i) A state or municipal-owned adult care home as defined in~~
20 ~~K.S.A. 39-923, and amendments thereto, may prohibit residents from~~
21 ~~carrying a concealed handgun~~ {The governing body or the chief
22 administrative officer, if no governing body exists, of a state or
23 municipal-owned adult care home as defined in K.S.A. 39-923, and
24 amendments thereto, may exempt itself from this section for a period
25 of four years by stating the reasons for such exemption. Notice of this
26 exemption shall be sent to the Kansas attorney general. Any such
27 adult care home which exempts itself under this subsection shall not
28 be afforded the liability protection provided in subsection (i).

29 ~~(h) (j) A state agency or municipality which does not provide~~
30 ~~adequate security and which allows the carrying of a concealed~~
31 ~~handgun as authorized by the person and family protection act shall~~
32 ~~not be liable for any wrongful act or omission relating to actions of~~
33 ~~persons licensed to carry a concealed handgun relating to acts or~~
34 ~~omissions regarding such handguns}.~~

35 ~~(h) (k) A state agency or municipality which provides adequate~~
36 ~~security in a public building and which properly posts a sign~~
37 ~~prohibiting the carrying of a concealed handgun on the premises of~~
38 ~~such building as authorized by the personal and family protection act,~~
39 ~~such state agency or municipality shall not be liable for any wrongful~~
40 ~~act or omission relating to actions of persons licensed to carry a~~
41 ~~concealed handgun concerning acts or omissions regarding such~~
42 ~~handguns}.~~

43 ~~(j)-(l) A state agency or municipality which does not provide~~

1 adequate security in a public building and which allows the carrying
2 of a concealed handgun as authorized by the personal and family
3 protection act shall not be liable for any wrongful act or omission
4 relating to actions of persons licensed to carry a concealed handgun
5 concerning acts or omissions regarding such handguns.}

6 ~~(j)~~ (m) The governing body or the chief administrative officer, if
7 no governing body exists, of a post secondary educational institution,
8 as defined in K.S.A. 74-3201b, and amendments thereto, may exempt
9 the institution from this section for a period of four years by stating
10 the reasons for such exemption. Notice of this exemption shall be sent
11 to the Kansas attorney general.

12 ~~(j)~~ (n) A state agency or municipality which does not provide
13 adequate security and which allows the carrying of a concealed
14 handgun as authorized by the person and family protection act shall
15 not be liable for any wrongful act or omission relating to actions of
16 persons licensed to carry a concealed handgun relating to acts or
17 omissions regarding such handguns.}

18 ~~(i)-(k)~~ ~~{(o)}~~ For purposes of this section:

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

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

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

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

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

40 (6) "Weapon" means weapons described in ~~section 186 of chapter~~
41 ~~136 of the 2010 Session Laws of Kansas~~ **K.S.A. 2011 Supp. 21-6301**, and
42 amendments thereto.

43 ~~(d)~~ ~~(h)~~ ~~(f)~~ ~~{(p)}~~ This section shall be a part of and supplemental to the

1 personal and family protection act.

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

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

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

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

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

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

18 (6) any state office;

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

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

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

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

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

30 (12) any child exchange and visitation center provided for in K.S.A.
31 75-720, and amendments thereto;

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

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

39 (15) any day care home or group day care home, as defined in Kansas
40 administrative regulation 28-4-113, or any preschool or childcare center, as
41 defined in Kansas administrative regulation 28-4-420; or

42 (16) any place of worship.

43 **(b) (1) Any private entity which provides adequate security in a**

1 private building or facility and which properly posts a sign prohibiting
2 the carrying of a concealed handgun on the premises of such building
3 or facility as authorized by the person and family protection act, such
4 private entity shall not be liable for any wrongful act or omission
5 relating to actions of persons licensed to carry a concealed handgun
6 concerning acts or omissions regarding such handguns.

7 (2) Any private entity which does not provide adequate security
8 in a private building or facility and which allows the carrying of a
9 concealed handgun as authorized by the personal and family
10 protection act shall not be liable for any wrongful act or omission
11 relating to actions of persons licensed to carry a concealed handgun
12 concerning acts or omissions regarding such handguns.}

13 ~~(b)~~ (c) Subject to provisions of New Section 1, and amendments
14 thereto,} nothing in this act shall be construed to prevent:

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

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

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

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

1 prohibitions imposed in any courtroom by the chief judge of the judicial
2 district. The provisions of this paragraph shall not apply to any person who
3 is not in compliance with K.S.A. ~~2010~~ **2011** Supp. 75-7c19, and
4 amendments thereto.

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

8 ~~(e)~~**{(f)}** Nothing in this act shall be construed to authorize the carrying
9 or possession of a handgun where prohibited by federal law.

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

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

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

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

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

22 ~~Sec. 3.— Section 194 of chapter 136 of the 2010 Session Laws of~~
23 ~~Kansas, is hereby amended to read as follows: Sec. 194. (a) It shall be~~
24 ~~unlawful to possess, with no requirement of a culpable mental state, a~~
25 ~~firearm on the grounds of or in:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ~~(2) United States attorney for the district of Kansas, the attorney~~
9 ~~general, any district attorney or county attorney, any assistant United~~
10 ~~States attorney if authorized by the United States attorney for the district~~
11 ~~of Kansas, any assistant attorney general if authorized by the attorney~~
12 ~~general, or any assistant district attorney or assistant county attorney if~~
13 ~~authorized by the district attorney or county attorney by whom such~~
14 ~~assistant is employed, to possess a firearm within any county courthouse~~
15 ~~and court-related facility, subject to any restrictions or prohibitions~~
16 ~~imposed in any courtroom by the chief judge of the judicial district. The~~
17 ~~provisions of this paragraph shall not apply to any person not in~~
18 ~~compliance with K.S.A. 2009-2010 Supp. 75-7e19, and amendments~~
19 ~~thereto.~~

20 ~~(e) It is not a violation of this section for a person to possess a~~
21 ~~firearm as authorized under the personal and family protection act unless~~
22 ~~the facilities or premises have adequate security measures as defined in~~
23 ~~subsection (g) to ensure that no weapons are permitted to be carried into~~
24 ~~or on such premises or facilities.~~

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

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

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

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

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

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

43 ~~(1) "Adequate security measures" means the use of electronic~~

1 ~~equipment and personnel at public entrances to detect and restrict the~~
2 ~~carrying of any weapons into the facility, including, but not limited to,~~
3 ~~metal detectors, metal detector wands or any other equipment used for~~
4 ~~similar purposes;~~

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

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

10 ~~Sec. 4. K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136 of~~
11 ~~the 2010 Session Laws of Kansas hereby repealed.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **(2) United States attorney for the district of Kansas, the attorney**
6 **general, any district attorney or county attorney, any assistant United**
7 **States attorney if authorized by the United States attorney for the**
8 **district of Kansas, any assistant attorney general if authorized by the**
9 **attorney general, or any assistant district attorney or assistant county**
10 **attorney if authorized by the district attorney or county attorney by**
11 **whom such assistant is employed, to possess a firearm within any**
12 **county courthouse and court-related facility, subject to any**
13 **restrictions or prohibitions imposed in any courtroom by the chief**
14 **judge of the judicial district. The provisions of this paragraph shall**
15 **not apply to any person not in compliance with K.S.A. 2011 Supp. 75-**
16 **7c19, and amendments thereto.**

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

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

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

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

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

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

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

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

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

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

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

9 **Sec. 4. K.S.A. 2011 Supp. 21-6309 and 75-7c10 are hereby**
10 **repealed.**

11 **Sec. 5. This act shall take effect and be in force from and after its**
12 **publication in the statute book.**