

REVISED
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SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2353

As Amended by House Committee of the Whole

Brief*

HB 2353, as amended, would revise the Personal and Family Protection Act regarding concealed carry of handguns in state or municipal buildings. The term "municipality" does not include school districts in this Act.

Individuals who are licensed to carry concealed handguns would be allowed to carry concealed while in a state or municipal building, unless the building has adequate security measures, as defined in the bill, and is properly posted to prevent weapons in such buildings. The same would apply to state and municipal employees and their work places in such buildings that have adequate security measures at public entrances and that are properly posted.

It would not be a crime for a person to carry a concealed handgun into such buildings if the person is licensed and has the authority to enter through a restricted access entrance in such buildings with adequate security measures at public access entrances that are properly posted. Any state or municipal building which contains both public and restricted access entrances would be required to provide adequate security measures at public entrances.

The bill would not prohibit a state agency or municipality from having employee policies restricting concealed carry in such buildings where adequate security measures are used and signs are properly posted to prohibit weapons.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would not limit a correctional facility, jail, or law enforcement agency from prohibiting the carrying of a concealed weapon by any person on such premises, as long as adequate security at the public access entrances is provided to prohibit the carrying of concealed handguns into public places.

A postsecondary educational institution, defined as any public university, municipal university, community college, technical college and vocational education school, and any entity resulting from the consolidation or affiliation of any two or more such postsecondary educational institutions, may exempt itself from the provisions of this act for four years by stating its reason and filing notice with the Attorney General.

A state- or municipal-owned medical care facility may exempt itself from the provisions of this act for four years by stating its reason and filing notice with the Attorney General.

A state- or municipal-owned adult care home may exempt itself from the provisions of this act for four years by stating its reason and filing notice with the Attorney General.

Numerous provisions were added to the bill stating that state agencies, municipalities and private entities shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun. The no liability provisions would apply to all entities prohibiting concealed carry in buildings, whether providing adequate security under requirements of the bill or not providing adequate security under requirement of the bill. In addition, the same no liability provisions would apply to all entities which permit concealed carry in buildings.

Background

Proponents for changes in the bill, as introduced, included Representative Forrest Knox, Representative TerriLois Gregory, the President of the Kansas State Rifle

Association, a member of the Sedgwick County Commission, a faculty member from Pratt Community College, and four other individuals.

Opponents included representatives of the League of Kansas Municipalities; the Unified Government-Wyandotte County and Kansas City, Kansas; Kansas Students Association, University of Kansas Medical Center; Johnson County Community College; and the Kansas Hospital Association.

Written testimony also was received from two proponents, one neutral party and five opponents.

The fiscal note indicates the Attorney General believes the fiscal effect associated with the passage of HB 2353 would be negligible and could be absorbed within the agency's existing budget.

According to the fiscal note from the Division of the Budget, the League of Kansas Municipalities said passage of HB 2353 could cost local units of government between \$1.5 million and \$3.0 million statewide. This estimate is based on an average walk-through electronic scanner costing between \$2,500 to \$5,000, plus freight and installation, if 627 cities chose to purchase only one unit each. It is not known if all 627 cities would choose this option, choose to install more than one device, or choose a hand-held wand detector. Some cities might already have either or both of these devices, or would choose not to use detectors for controlling concealed carry in public buildings. In addition, there would be ongoing annual expenditures to staff the detectors and to maintain the equipment. There was nothing reported about the counties or postsecondary educational institutions in the original fiscal note.

The House Committee of the Whole added five amendments to the bill.

Some of the amendments would grant certain entities

(such as state agencies, municipalities, or private entities) a waiver of liability for any wrongful acts committed by a person licensed to carry a concealed handgun, whether such weapons were prohibited or not prohibited by the entity, and whether the building was secure or not secure according to the new legal requirements in this bill.

The other amendments would grant certain institutions, namely postsecondary educational institutions, state or municipal owned medical care facilities, and state or municipal owned adult care homes the ability to exempt themselves for four years from this new law regarding concealed carry in this bill.