

HOUSE BILL No. 2055

By Committee on Federal and State Affairs

1-23

Balloon #4 for HB 2055
Incorporating HB 2270
Prepared by Jason Long
Office of the Revisor of Statutes

1 AN ACT concerning the personal and family protection act; amending
2 K.S.A. 2012 Supp. 21-6309 and 75-7c10 and repealing the existing
3 sections.
4

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

6 New Section 1. (a) The carrying of a concealed handgun as
7 authorized by the personal and family protection act shall not be prohibited
8 in state or municipal buildings unless such building has adequate security
9 measures to ensure that no weapons are permitted to be carried into such
10 building.

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

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

20 (d) It shall not be a crime for a person to carry a concealed handgun
21 into such building so long as that person is licensed to carry a concealed
22 handgun under the provisions of the personal and family protection act and
23 has authority to enter through a restricted access entrance into such
24 building which provides adequate security measures and is properly posted
25 prohibiting concealed carry.

26 (e) A state agency or municipality which provides adequate security
27 in a public building and which properly posts a sign prohibiting the
28 carrying of a concealed handgun on the premises of such building as
29 authorized by the personal and family protection act, such state agency or
30 municipality shall not be liable for any wrongful act or omission relating
31 to actions of persons licensed to carry a concealed handgun concerning
32 acts or omissions regarding such handguns.

33 (f) A state agency or municipality which does not provide adequate
34 security in a public building and which allows the carrying of a concealed
35 handgun as authorized by the personal and family protection act shall not
36 be liable for any wrongful act or omission relating to actions of persons

(1)

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

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

1 licensed to carry a concealed handgun concerning acts or omissions
2 regarding such handguns.

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

9 ~~(h) The governing body or the chief administrative officer, if no
10 governing body exists, of a state or municipal-owned adult care home as
11 defined in K.S.A. 39-923, and amendments thereto, may exempt itself
12 from this section for a period of four years by stating the reasons for such
13 exemption. Notice of this exemption shall be sent to the Kansas attorney-
14 general.~~

15 ~~(i) The governing body or the chief administrative officer, if no
16 governing body exists, of a post-secondary educational institution, as
17 defined in K.S.A. 74-3201b, and amendments thereto, may exempt the
18 institution from this section for a period of four years by stating the
19 reasons for such exemption. Notice of this exemption shall be sent to the
20 Kansas attorney general.~~

(g) a juvenile correctional facility, a juvenile detention facility

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

(h)

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

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

32 ~~(2) The terms "municipality" and "municipal" are interchangeable
33 and have the same meaning as the term "municipality" is defined in
34 K.S.A.75-6102, and amendments thereto, but does not include school
35 districts.~~

(4)

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

(5)

39 ~~(4) "State" means the same as the term is defined in K.S.A. 75-6102,
40 and amendments thereto.~~

(6)

41 ~~(5) "State or municipal building" means a building owned or leased
42 by such public entity. It does not include a building owned by the state or a
43 municipality which is leased by a private entity whether for profit or not-~~

HOUSE BILL No. 2199

By Representatives Rubin, Alford, Boldra, Bradford, Brunk, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Couture-Lovelady, Crum, DeGraaf, Edwards, Esau, Garber, Goico, Gonzalez, Grosserode, Heckle, Henry, Hermanson, Hightland, Hildbrand, Hoffman, Houser, Howell, Huebert, Jones, Kelley, Macheers, Mast, McPherson, Montgomery, O'Brien, Osterman, Pauls, Peck, Petty, Read, Rothlisberg, Ryckman Sr., Sawyer, Schwab, Sutton, Todd, Waymaster and Whipple

Balloon #1 for HB 2199
Prepared by Jason Long
Office of the Revisor of Statutes
February 19, 2013

1 AN ACT enacting the second amendment protection act.

2
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Sections 1 through 11, and amendments thereto, may be
5 cited as the second amendment protection act.

6 Sec. 2. The legislature declares that the authority for sections 1
7 through 11, and amendments thereto, is the following:

8 (a) The tenth amendment to the constitution of the United States
9 guarantees to the states and their people all powers not granted to the
10 federal government elsewhere in the constitution and reserves to the state
11 and people of Kansas certain powers as they were understood at the time
12 that Kansas was admitted to statehood in 1861. The guaranty of those
13 powers is a matter of contract between the state and people of Kansas and
14 the United States as of the time that the compact with the United States
15 was agreed upon and adopted by Kansas in 1859 and the United States in
16 1861.

17 (b) The ninth amendment to the constitution of the United States
18 guarantees to the people rights not granted in the constitution and reserves
19 to the people of Kansas certain rights as they were understood at the time
20 that Kansas was admitted to statehood in 1861. The guaranty of those
21 rights is a matter of contract between the state and people of Kansas and
22 the United States as of the time that the compact with the United States
23 was agreed upon and adopted by Kansas in 1859 and the United States in
24 1861.

25 (c) The second amendment to the constitution of the United States
26 reserves to the people, individually, the right to keep and bear arms as that
27 right was understood at the time that Kansas was admitted to statehood in
28 1861, and the guaranty of that right is a matter of contract between the
29 state and people of Kansas and the United States as of the time that the
30 compact with the United States was agreed upon and adopted by Kansas in

1859 and the United States in 1861.

(d) Section 4 of the bill of rights of the state of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms. This constitutional protection is unchanged from the constitution of the state of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

Sec. 3. As used in sections 1 through 11, and amendments thereto, the following definitions apply:

(a) "Borders of Kansas" means the boundaries of Kansas described in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, § 1.

(b) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, collapsible or adjustable stocks and grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers and lights for target illumination.

(c) "Generic and insignificant parts" includes, but is not limited to, springs, screws, nuts and pins.

(d) "Manufacture" means to assemble using multiple components to create a more useful finished product.

Sec. 4. (a) A personal firearm, a firearm accessory or ammunition that is ~~is~~ and owned ~~remains within the borders of Kansas~~ commercially or privately and owned and that remains within the borders of Kansas is not subject to any federal law, treaty, federal regulation, or federal executive action, including any federal

firearm or ammunition registration program, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory or ammunition that is ~~owned or~~ commercially or privately and owned manufactured in the state of Kansas.

(b) Component parts ~~that have multiple manufacturing or consumer~~ and owned ~~firearm accessories~~ are not firearms, firearms accessories or ammunition, and their importation into Kansas and incorporation into a firearm, a firearm accessory or ammunition manufactured in Kansas does not subject the firearm, firearm accessory or ammunition to federal regulation. It is declared by the legislature that such component parts are not firearms, firearms accessories or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories and ammunition under interstate commerce as if they were actually firearms, firearms accessories or ammunition.

(c) Firearms accessories that are imported into Kansas from another

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

KMS

Amend Section 9 of HB 2199 on page 3, by deleting lines 33-37, and inserting the following therein:

(a) Any act, law, treaty, order, rule or regulation of the government of the United States which violates the first amendment to the constitution of the United States by attempting to regulate communication between physician and patient is null, void and unenforceable in the state of Kansas.

(b) ~~A patient may decline to provide information to a health care provider regarding whether the patient has any firearms in such patient's home or on such patient's property.~~ **Prior to responding to an inquiry by a health care provider regarding whether a patient has any firearms in such patient's home or on such patient's property, the patient or the patient's representative shall be given notice that the patient has the right to decline to provide such information.**

(c) In the event a patient provides information to a health care provider relating to the presence of firearms in such patient's home or on such patient's property, such information is privileged and protected from unauthorized access as set forth in the federal privacy rule (45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E, as amended).

