

{As Amended by Senate Committee of the Whole}

Session of 2017

Senate Substitute for HOUSE BILL No. 2278

By Committee on Ways and Means

5-5

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; prohibiting the carrying of concealed firearms in certain
3 buildings; amending K.S.A. 2016 Supp. 75-7c20 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2016 Supp. 75-7c20 is hereby amended to read as
8 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
9 prohibited in any public area of any state or municipal building unless
10 such public area has adequate security measures to ensure that no weapons
11 are permitted to be carried into such public area and the public area is
12 conspicuously posted with either permanent or temporary signage
13 approved by the governing body, or the chief administrative officer, if no
14 governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10,
15 and amendments thereto.

16 (b) The carrying of a concealed handgun shall not be prohibited
17 throughout any state or municipal building in its entirety unless such
18 building has adequate security measures at all public access entrances to
19 ensure that no weapons are permitted to be carried into such building and
20 the building is conspicuously posted in accordance with K.S.A. 2016
21 Supp. 75-7c10, and amendments thereto.

22 (c) No state agency or municipality shall prohibit an employee from
23 carrying a concealed handgun at the employee's work place unless the
24 building has adequate security measures at all public access entrances to
25 ensure that no weapons are permitted to be carried into such building and
26 the building is conspicuously posted in accordance with K.S.A. 2016
27 Supp. 75-7c10, and amendments thereto.

28 (d) (1) It shall not be a violation of the personal and family protection
29 act for a person to carry a concealed handgun into a state or municipal
30 building, or any public area thereof, so long as that person has authority to
31 enter through a restricted access entrance into such building, or public area
32 thereof, ~~which~~ *that* provides adequate security measures at all public
33 access entrances and the building, or public area thereof, is conspicuously
34 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments
35 thereto.

36 (2) Any person, who is not an employee of the state or a municipality

1 and is not otherwise authorized to enter a state or municipal building
2 through a restricted access entrance, shall be authorized to enter through a
3 restricted access entrance, provided such person:

4 (A) Is authorized by the chief law enforcement officer, governing
5 body, or the chief administrative officer, if no governing body exists, to
6 enter such state or municipal building through a restricted access entrance;

7 (B) is issued an identification card by the chief law enforcement
8 officer, governing body, or the chief administrative officer, if no governing
9 body exists, which includes such person's photograph, name and any other
10 identifying information deemed necessary by the issuing entity, and which
11 states on the identification card that such person is authorized to enter such
12 building through a restricted access entrance; and

13 (C) executes an affidavit or other notarized statement that such person
14 acknowledges that certain firearms and weapons may be prohibited in such
15 building and that violating any such regulations may result in the
16 revocation of such person's authority to enter such building through a
17 restricted access entrance.

18 The chief law enforcement officer, governing body, or the chief
19 administrative officer, if no governing body exists, shall develop criteria
20 for approval of individuals subject to this paragraph to enter the state or
21 municipal building through a restricted access entrance. Such criteria may
22 include the requirement that the individual submit to a state and national
23 criminal history records check before issuance and renewal of such
24 authorization and pay a fee to cover the costs of such background checks.
25 An individual who has been issued a concealed carry permit by the state of
26 Kansas shall not be required to submit to another state and national
27 criminal records check before issuance and renewal of such authorization.
28 Notwithstanding any authorization granted under this paragraph, an
29 individual may be subjected to additional security screening measures
30 upon reasonable suspicion or in circumstances where heightened security
31 measures are warranted. Such authorization does not permit the individual
32 to carry a concealed weapon into a public building, which has adequate
33 security measures, as defined by this act, and which is conspicuously
34 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments
35 thereto.

36 (e) A state agency or municipality—~~which~~ *that* provides adequate
37 security measures in a state or municipal building and which
38 conspicuously posts signage in accordance with K.S.A. 2016 Supp. 75-
39 7c10, and amendments thereto, prohibiting the carrying of a concealed
40 handgun in such building shall not be liable for any wrongful act or
41 omission relating to actions of persons carrying a concealed handgun
42 concerning acts or omissions regarding such handguns.

43 (f) A state agency or municipality—~~which~~ *that* does not provide

1 adequate security measures in a state or municipal building and ~~which that~~
2 allows the carrying of a concealed handgun shall not be liable for any
3 wrongful act or omission relating to actions of persons carrying a
4 concealed handgun concerning acts or omissions regarding such handguns.

5 (g) Nothing in this act shall limit the ability of a corrections facility, a
6 jail facility or a law enforcement agency to prohibit the carrying of a
7 handgun or other firearm concealed or unconcealed by any person into any
8 secure area of a building located on such premises, except those areas of
9 such building outside of a secure area and readily accessible to the public
10 shall be subject to the provisions of subsection (a).

11 (h) Nothing in this section shall limit the ability of the chief judge of
12 each judicial district to prohibit the carrying of a concealed handgun by
13 any person into courtrooms or ancillary courtrooms within the district
14 provided the public area has adequate security measures to ensure that no
15 weapons are permitted to be carried into such public area and the public
16 area is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-
17 7c10, and amendments thereto.

18 (i) The governing body or the chief administrative officer, if no
19 governing body exists, of a state or municipal building, may exempt the
20 building, or any public area thereof, from this section until July 1, 2017, by
21 adopting a resolution, or drafting a letter, listing the legal description of
22 such building, listing the reasons for such exemption, and including the
23 following statement: "A security plan has been developed for the building
24 being exempted which supplies adequate security to the occupants of the
25 building and merits the prohibition of the carrying of a concealed
26 handgun." A copy of the security plan for the building shall be maintained
27 on file and shall be made available, upon request, to the Kansas attorney
28 general and the law enforcement agency of local jurisdiction. Notice of
29 this exemption, together with the resolution adopted or the letter drafted,
30 shall be sent to the Kansas attorney general and to the law enforcement
31 agency of local jurisdiction. The security plan shall not be subject to
32 disclosure under the Kansas open records act.

33 (j) The governing body or the chief administrative officer, if no
34 governing body exists, of any ~~of the following institutions~~ *postsecondary*
35 *educational institution, as defined in K.S.A. 74-3201b, and amendments*
36 *thereto*, may exempt any building of such institution, *including any*
37 *buildings located on the grounds of such institution and any buildings*
38 *leased by such institution*, or any public area thereof, from this section
39 until July 1, 2017, by stating the reasons for such exemption and sending
40 notice of such exemption to the Kansas attorney general:

41 ~~(1) A state or municipal owned medical care facility, as defined in~~
42 ~~K.S.A. 65-425, and amendments thereto;~~

43 ~~(2) a state or municipal owned adult care home, as defined in K.S.A.~~

1 39-923, and amendments thereto;
 2 (3) a community mental health center organized pursuant to K.S.A.
 3 19-4001 et seq., and amendments thereto;
 4 (4) an indigent health care clinic, as defined by K.S.A. 2016 Supp.
 5 65-7402, and amendments thereto; or
 6 (5) a postsecondary educational institution, as defined in K.S.A. 74-
 7 3201b, and amendments thereto, including any buildings located on the
 8 grounds of such institution and any buildings leased by such institution.

9 (k) The provisions of this section shall not apply to:
 10 ~~(1) any building located on the grounds of the Kansas state school for~~
 11 ~~the deaf or the Kansas state school for the blind;.~~

12 ~~[(1) (1) Except as provided in subsection (m) and paragraph (2), the~~
 13 ~~governing body or the chief administrative officer, if no governing body~~
 14 ~~exists, of any of the following institutions may prohibit the carrying of~~
 15 ~~concealed handguns in any building of such institutions, including any~~
 16 ~~buildings located on the grounds of the institution and any buildings~~
 17 ~~leased by the institution, or any public area thereof, provided that the~~
 18 ~~building or public area thereof is conspicuously posted in accordance~~
 19 ~~with K.S.A. 2016 Supp. 75-7c10, and amendments thereto;]~~

20 ~~[(2)(A)]~~ a state or municipal-owned medical care facility, as defined
 21 in K.S.A. 65-425, and amendments thereto;

22 ~~[(2)(B)]~~ a state or municipal-owned adult care home, as defined in
 23 K.S.A. 39-923, and amendments thereto;

24 ~~[(2)(C)]~~ a community mental health center organized pursuant to
 25 K.S.A. 19-4001 et seq., and amendments thereto;

26 ~~[(2)(D)]~~ an indigent health care clinic, as defined by K.S.A. 2016
 27 Supp. 65-7402, and amendments thereto; or

28 ~~[(2)(E)]~~ any building owned or leased by the authority created under
 29 the university of Kansas hospital authority act, any building located within
 30 the health care district, as defined in the unified government of Wyandotte
 31 county and Kansas City, Kansas City-wide master plan, Rosedale master
 32 plan and traffic study or similar master plan or comprehensive planning
 33 or zoning document approved by the unified government of Wyandotte
 34 county and Kansas City, Kansas in effect on January 12, 2017.

35 ~~[(2) Except as provided in subsection (m), any institution listed in~~
 36 ~~paragraph (1) shall not prohibit the holder of a license issued pursuant~~
 37 ~~to or recognized by the personal and family protection act from carrying~~
 38 ~~a concealed handgun in any building of such institution or public area~~
 39 ~~thereof, unless the building or public area has adequate security~~
 40 ~~measures to ensure that no weapons are permitted to be carried into the~~
 41 ~~building or public area or such institution provides gun lockers or~~
 42 ~~similar storage options at the institution to ensure handguns in the~~
 43 ~~possession of such persons are securely stored upon entry, and the~~

:

(1)

;

Redesignating subsections, paragraphs, subparagraphs and clauses accordingly

~~1 building or public area thereof is conspicuously posted in accordance
2 with K.S.A. 2016 Supp. 75-7c10, and amendments thereto.~~

~~3 (m) Any person who is a patient at Larned state hospital,
4 Osawatomie state hospital, Kansas neurological institute or Parsons
5 state hospital and training center is prohibited from carrying a
6 concealed handgun in any building of such institution or public area
7 thereof.~~

~~(n)~~ Nothing in this section shall be construed to prohibit any law
8 enforcement officer, as defined in K.S.A. 2016 Supp. 75-7c22, and
9 amendments thereto, who satisfies the requirements of either K.S.A. 2016
10 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
11 concealed handgun into any state or municipal building, or any public area
12 thereof, in accordance with the provisions of K.S.A. 2016 Supp. 75-7c22,
13 and amendments thereto, subject to any restrictions or prohibitions
14 imposed in any courtroom by the chief judge of the judicial district.

~~(o)~~ For purposes of this section:

(1) "Adequate security measures" means the use of electronic
17 equipment and armed personnel at public entrances to detect and restrict
18 the carrying of any weapons into the state or municipal building, or any
19 public area thereof, including, but not limited to, metal detectors, metal
20 detector wands or any other equipment used for similar purposes to ensure
21 that weapons are not permitted to be carried into such building or public
22 area by members of the public. Adequate security measures for storing and
23 securing lawfully carried weapons, including, but not limited to, the use of
24 gun lockers or other similar storage options may be provided at public
25 entrances.
26

(2) "Authorized personnel" means employees of a state agency or
27 municipality and any person granted authorization pursuant to subsection
28 (d)(2), who are authorized to enter a state or municipal building through a
29 restricted access entrance.
30

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

(4) "Public area" means any portion of a state or municipal building
34 that is open to and accessible by the public or which is otherwise
35 designated as a public area by the governing body or the chief
36 administrative officer, if no governing body exists, of such building.
37

(5) "Restricted access entrance" means an entrance that is restricted to
38 the public and requires a key, keycard, code, or similar device to allow
39 entry to authorized personnel.
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(6) "State" means the same as the term is defined in K.S.A. 75-6102,
41 and amendments thereto.
42

(7) (A) "State or municipal building" means a building owned or
43

1 leased by such public entity. It does not include a building owned by the
2 state or a municipality which is leased by a private entity whether for
3 profit or not-for-profit or a building held in title by the state or a
4 municipality solely for reasons of revenue bond financing.

5 (B) The term "state and municipal building" shall not include the
6 state capitol.

7 (8) "Weapon" means a weapon described in K.S.A. 2016 Supp. 21-
8 6301, and amendments thereto, except the term "weapon" shall not include
9 any cutting instrument that has a sharpened or pointed blade.

10 ~~(m)~~(p) This section shall be a part of and supplemental to the
11 personal and family protection act.

12 Sec. 2. K.S.A. 2016 Supp. 75-7c20 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.