AN ACT concerning firearms; relating to restrictions on the possession thereof in subsidized housing rental agreements; amending K.S.A. 2018 Supp. 75-7c10 and repealing the existing section.

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

New Section 1. (a) A rental agreement for a subsidized apartment may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use or possession of a firearm, a firearm component or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use or transport of a firearm, a firearm component or ammunition within common areas, as long as those restrictions do not circumvent the purpose of this section. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component or ammunition.

(b) If a landlord brings an action to enforce a provision or rule prohibited under subsection (a), a tenant, or household member or guest of such tenant, may recover actual damages sustained by such tenant, household member or guest and reasonable attorney fees.

(c) Except in cases of willful, reckless or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component or ammunition that the landlord is required to allow on the property under this section.

(d) As used in this section:

(1) "Firearm" has the same meaning as that term is defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto.

(2) "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

(3) (A) "Subsidized apartment" means a rental unit for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States department of agriculture under the multi-family housing rental assistance program under title V of the federal housing act of 1949, or receives housing assistance payments under a housing assistance payment contract administered by the United
States department of housing and urban development under the housing
choice voucher program, the new construction program, the substantial
rehabilitation program or the moderate rehabilitation program under
section 8 of the United States housing act of 1937.

(B) "Subsidized apartment" does not include owner-occupied housing
accommodations of four units or fewer.

(e) This section shall be a part of and supplemental to the personal
and family protection act.

Sec. 2. K.S.A. 2018 Supp. 75-7c10 is hereby amended to read as
follows: 75-7c10. Subject to the provisions of K.S.A. 2018 Supp. 75-7c20,
and section 1, and amendments thereto:

(a) The carrying of a concealed handgun shall not be prohibited in
any building unless such building is conspicuously posted in accordance
with rules and regulations adopted by the attorney general.

(b) Nothing in this act shall be construed to prevent any private
employer from restricting or prohibiting by personnel policies persons
from carrying a concealed handgun while on the premises of the
employer's business or while engaged in the duties of the person's
employment by the employer, except that no employer may prohibit
possession of a handgun in a private means of conveyance, even if parked
on the employer's premises.

(c) (1) Any private entity which provides adequate security
measures in a private building and which conspicuously posts signage
in accordance with this section prohibiting the carrying of a concealed
handgun in such building shall not be liable for any wrongful act or
omission relating to actions of persons carrying a concealed handgun
concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security
measures in a private building and which allows the carrying of a
concealed handgun shall not be liable for any wrongful act or omission
relating to actions of persons carrying a concealed handgun concerning
acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any
private entity where liability would have existed under the personal and
family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no
governing body exists, of any of the following institutions may permit any
employee, who is legally qualified, to carry a concealed handgun in any
building of such institution, if the employee meets such institution's own
policy requirements regardless of whether such building is conspicuously
posted in accordance with the provisions of this section:

(1) A unified school district;

(2) a postsecondary educational institution, as defined in K.S.A. 74-
HB 2378

3201b, and amendments thereto;

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

(4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or

(6) an indigent health care clinic, as defined by K.S.A. 65-7402, and amendments thereto.

(e) No public employer shall restrict or otherwise prohibit by personnel policies any employee, who is legally qualified, from carrying any concealed handgun while engaged in the duties of such employee's employment outside of such employer's place of business, including while in a means of conveyance. Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun that is not being carried in the course and scope of such employee's employment, concerning acts or omissions regarding such handguns.

(f) (1) It shall be a violation of this section to carry a concealed handgun in violation of any restriction or prohibition allowed by subsection (a) or (b) if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (j). Any person who violates this section shall not be subject to a criminal penalty but may be subject to denial to such premises or removal from such premises.

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer, as that term is defined in K.S.A. 2018 Supp. 75-7c22, and amendments thereto, who satisfies the requirements of either K.S.A. 2018 Supp. 75-7c22(a) or (b), and amendments thereto, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.
(g) The provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.

(h) For the purposes of this section:

(1) "Adequate security measures" shall have the same meaning as the term is defined in K.S.A. 2018 Supp. 75-7c20, and amendments thereto;

(2) "building" shall not include any structure, or any area of any structure, designated for the parking of motor vehicles; and

(3) "public employer" means the state and any municipality as those terms are defined in K.S.A. 75-6102, and amendments thereto, except the term "public employer" shall not include school districts.

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

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

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

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

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

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

Sec. 3. K.S.A. 2018 Supp. 75-7c10 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.