HOUSE BILL No. 2353

By Committee on Federal and State Affairs

2-17

AN ACT concerning the personal and family protection act; amending K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

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

New Section 1. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in state or municipality facilities or premises unless such facilities or premises have adequate security measures to ensure that no weapons are permitted to be carried into or on such premises or facilities.

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

(c) It shall not be a crime for a person to carry a concealed handgun in or on the facilities or premises so long as that person is licensed to carry a concealed handgun under the provisions of the personal and family protection act and has authority to enter through a restricted access entrance to a state or municipal facility or premises which provides adequate security measures and is properly posted prohibiting concealed carry.

(d) Nothing in this act shall prohibit a state agency or municipality from instituting employee policies restricting concealed carry of a handgun by a person who is licensed to carry concealed handgun under the provisions of the personal and family protection act in state or municipal facilities or premises which provides adequate security measures and is properly posted prohibiting concealed carry.

(e) Nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a concealed weapon by any person on such premises.

(f) For purposes of this section:

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

(2) “Municipality” means as the term is defined in K.S.A. 75-6102, and amendments thereto, but does not include school districts.

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

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

(5) “Weapon” means weapons described in section 186 of chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto.

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

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

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

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

(3) any detention facility, prison or jail;

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

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

(6) any state office;

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

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

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

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

(11) any community college, college or university;

(12) any child exchange and visitation center provided for in K.S.A.
HB 2353

75-720, and amendments thereto;
(13) any community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or a state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;
(14) any public library operated by the state;
(15) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or
(16) any place of worship.

(b) Nothing in this act shall be construed to prevent:
(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act 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; or
(2) any private business or city, county or political subdivision from restricting or prohibiting persons licensed or recognized under this act from carrying a concealed handgun within a building or buildings of such entity, provided that the premises are posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (f), as premises where carrying a concealed handgun is prohibited.

(c) (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 premises are posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (f). Any person who violates this section shall be guilty of a misdemeanor punishable by a fine of: (A) Not more than $50 for the first offense; or (B) not more than $100 for the second offense. Any third or subsequent offense is a class B misdemeanor.
(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. The provisions of this paragraph shall not
apply to any person who is not in compliance with K.S.A. 2010 Supp. 75-7c19, and amendments thereto.
(d) For the purposes of this section, "building" shall not include any
structure, or any area of any structure, designated for the parking of
motor vehicles.
(e) Nothing in this act shall be construed to authorize the carrying or
possession of a handgun where prohibited by federal law.
(f) The attorney general shall adopt rules and regulations prescribing
the location, content, size and other characteristics of signs to be posted
on premises 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) they 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. Section 194 of chapter 136 of the 2010 Session Laws of
Kansas, is hereby amended to read as follows: Sec. 194. (a) It shall be
unlawful to possess, with no requirement of a culpable
mental state, a firearm on the grounds of or in:
(1) Any building located within the capitol complex;
(2) the governor's residence;
(3) any building on the grounds of the governor's residence;
(4) any other state-owned or leased building if the secretary of
administration has so designated by rules and regulations and
conspicuously placed signs clearly stating that firearms are prohibited
within such building; or
(5) any county courthouse, unless, by county resolution, the board of
county commissioners authorize the possession of a firearm within such
courthouse.
(b) Violation of this section is a class A misdemeanor.
(c) This section shall not apply to:
(1) A commissioned law enforcement officer;
(2) a full-time salaried law enforcement officer of another state or
the federal government who is carrying out official duties while in this
state;
(3) any person summoned by any such officer to assist in making
arrests or preserving the peace while actually engaged in assisting such officer; or

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

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

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

(2) 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 firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

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

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

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

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

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

(4) facilities have a sign conspicuously posted at each entryway into such facility stating that the provisions of subsection (d)(2) do not apply to such facility.
(4) (g) As used in this section:

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

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

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

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

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