Substitute for HOUSE BILL No. 2473

By Committee on Federal and State Affairs

AN ACT concerning weapons; relating to the regulation and possession of firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 22-2512, 32-1047, 75-7c04 and 75-7c20 and repealing the existing sections; also repealing K.S.A. 2013 Supp. 21-6307 and 75-7c12.

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

New Section 1. (a) No city or county shall expend any funds derived from the proceeds of any tax levied by such city or county or any political subdivision thereof, for the purpose of implementing, administering or otherwise operating a firearms buyback program.

(b) For purposes of this section:
(1) "Firearm" shall have the same meaning as that term is defined in K.S.A. 2013 Supp. 21-5111, and amendments thereto.
(2) "Firearms buyback program" means any program wherein individuals are offered the opportunity to gift, sell or otherwise transfer ownership of such individual's firearm to a city or county.

New Sec. 2. (a) No employee of a municipality shall be required to disclose to such person's employer the fact that such employee possesses a valid license to carry a concealed handgun. No employee shall be terminated, demoted, disciplined or otherwise discriminated against due to such employee's refusal to disclose the fact that the employee possesses a valid license to carry a concealed handgun. No municipality shall create or maintain a record of an employee's possession of a valid license to carry a concealed handgun, or that an employee has disclosed the fact that such employee possesses a valid license to carry a concealed handgun. Any such record created and maintained by a municipality on or before June 30, 2014, shall be destroyed by such municipality on or before July 31, 2014.

(b) For purposes of this section, the term "municipality" has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

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

New Sec. 3. (a) No municipality shall be liable for any wrongful act or omission relating to the actions of any person carrying a firearm,
including employees of such municipality, concerning acts or omissions regarding such firearm.

(b) For purposes of this section, the term "municipality" has the same meaning as that term is defined in K.S.A. 75-6102, and amendments thereto.

New Sec. 4. (a) Provided that the building is conspicuously posted in accordance with rules and regulations adopted by the attorney general as a building where carrying an unconcealed firearm is prohibited, it shall be unlawful to carry an unconcealed firearm into such building.

(b) Nothing in this section shall be construed to prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties.

(c) It shall be a violation of this section to carry an unconcealed firearm if the building is posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection (d). 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.

(d) (1) 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 an unconcealed firearm is prohibited pursuant to subsection (a). Such regulations shall prescribe, at a minimum, that:

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

(B) 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;

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

(D) signs which become illegible for any reason be immediately replaced; and

(E) except as provided in paragraph (2), signs shall include the following, which shall be printed in large, conspicuous print: "The open carrying of firearms in this building is prohibited."

(2) Such rules and regulations shall provide that the same signage used to prohibit the carrying of concealed handguns under K.S.A. 75-7c01 et seq., and amendments thereto, may be used to also prohibit the carrying of unconcealed firearms.

New Sec. 5. (a) Notwithstanding any of the provisions of K.S.A. 75-7c01 et seq., and amendments thereto, it shall be lawful for an individual, whether or not such individual possesses a valid license to carry a concealed handgun, to possess, store, carry or transport a loaded handgun in a motor vehicle, provided, such individual is not prohibited from possessing a firearm by federal or state law.

(b) The provisions of this section shall be part of and supplemental to
the personal and family protection act.

New Sec. 6. (a) Except as otherwise provided in this section, a person under the influence of alcohol or an illegally used controlled substance, to such a degree as to render such person incapable of safely operating a firearm, who knowingly possesses or carries a loaded firearm on or about such person or within such person's immediate access and control while in a vehicle, commits a class A nonperson misdemeanor.

(b) This section shall not apply to any of the following:
   (1) A person who possesses or carries a firearm while in such person's own dwelling or place of business or on land owned or possessed by such person; or
   (2) the transitory possession or use of a firearm during an act committed in self-defense or in defense of another person or any other act committed if legally justified or excused, provided such possession or use lasts no longer than is immediately necessary.

(c) An officer shall have probable cause to believe that the person used or attempted to use a firearm under the influence of alcohol or drugs, or both, if the firearm was operated by the person in such a manner as to have caused the death of, or serious injury to, another person. In such event, one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol, drugs, or both, may be made pursuant to a search warrant issued under the authority of K.S.A. 22-2502, and amendments thereto, or without a search warrant under the authority of K.S.A. 22-2501, and amendments thereto. As used in this section, the term "serious injury" shall be defined in accordance with K.S.A. 8-1001, and amendments thereto.

(d) The test or tests shall be administered in the manner provided for administration of tests for alcohol or drugs pursuant to K.S.A. 8-1001, and amendments thereto. Notwithstanding any provisions of K.S.A. 8-1001, and amendments thereto, to the contrary, any testing to determine impairment shall be through the voluntary consent of the person to be tested, or as prescribed in subsection (c), and no person shall be deemed to have consented to such testing solely by the use or attempted use of a firearm.

(e) In any criminal prosecution for carrying a firearm while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:
   (1) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs as it applies in subsection (a).
   (2) If the alcohol concentration is .08 or more, it shall be prima facie
evidence that the defendant was under the influence of alcohol as it applies in subsection (a).

(3) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapacitated, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs as it applies in subsection (a).

(f) The provisions of subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.

(g) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant or voluntary testing, but no person shall be deemed to have implied consent to mandatory testing by carrying a firearm, or by obtaining a license to carry a concealed handgun pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto.

(h) Upon the request of any person submitting to testing under subsection (c), a report of the results of the testing shall be made available to such person.

(i) The provisions of K.S.A. 8-1023 and 8-1024, and amendments thereto, shall be applicable and followed during any administration or enforcement of this section.

(j) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, is subject to subsection (c) and refuses to submit to and complete any test of breath, blood or urine requested by a law enforcement officer, such person's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

(k) If a person who holds a valid license to carry a concealed handgun issued pursuant to K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto, submits to and completes the test or tests pursuant to this section, and the test results show an alcohol concentration of .08 or greater or show the presence of a drug or drugs which render the person incapable of safely handling a firearm, such person's license to carry a concealed handgun shall be revoked for a minimum of one year for a first offense and three years for a second or subsequent offense.

Sec. 7. K.S.A. 2013 Supp. 12-16,124 is hereby amended to read as follows: 12-16,124.(a) No city or county shall adopt or enforce any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition, or
any component or combination thereof. Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7c10, and amendments thereto, any such ordinance, resolution or regulation adopted prior to the effective date of this 2007 act shall be null and void.

(b) No city or county shall adopt or enforce any ordinance, resolution or regulation relating to the sale of a firearm by an individual, who holds a federal firearms license, that is more restrictive than any ordinance, resolution or regulation relating to the sale of any other commercial good.

(c) Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.

(d) Nothing in this section shall:

(1) Prohibit a city or county from adopting and enforcing any ordinance, resolution or regulation relating to the personnel policies of such city or county and the carrying of firearms by employees of such city or county, except that any such ordinance, resolution or regulation shall comply with the provisions of K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto;

(2) Prohibit a city or county from adopting any ordinance, resolution or regulation pursuant to K.S.A. 2013 Supp. 75-7c20, and amendments thereto; or

(3) Prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer’s duties;

(2) Prohibit a city or county from regulating the manner of openly carrying a loaded firearm on one’s person; or in the immediate control of a person, not licensed or recognized under the personal and family protection act while on property open to the public;

(3) Prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or

(4) Prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms, provided such ordinance, resolution or regulation shall not apply to persons licensed or recognized under the personal and family protection act.

(e) Except as provided in subsection (b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7c10, and amendments thereto, no person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person: (1) Is storing or transporting the
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firearm without violating any provision of the Kansas criminal code; or (2) is otherwise transporting the firearm in a lawful manner.

(d) No person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.

Sec. 8. K.S.A. 2013 Supp. 12-16,134 is hereby amended to read as follows: 12-16,134. (a) A municipality shall not enact or enforce any ordinance, resolution, rule regulation or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration or use of a knife or knife making components.

(b) A municipality shall not enact or enforce any ordinance, resolution or rule regulation relating to the manufacture of a knife that is more restrictive than any such ordinance, resolution or rule regulation relating to the manufacture of any other commercial goods.

(c) Any ordinance, resolution or regulation prohibited by either subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null and void.

(d) No action shall be commenced or prosecuted against any individual for a violation of any ordinance, resolution or regulation that is prohibited by either subsection (a) or (b) and which was adopted prior to July 1, 2014, if such violation occurred on or after July 1, 2013.

(e) As used in this section:

(1) "Knife" means a cutting instrument and includes a sharpened or pointed blade.

(2) "Municipality" has the same meaning as defined in K.S.A. 75-6102, and amendments thereto, but shall not include unified school districts, jails, as defined in K.S.A. 38-2302, and amendments thereto, and juvenile correctional facilities, as defined in K.S.A. 38-2302, and amendments thereto.

Sec. 9. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d) and, (e) and (f), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d) and, (e) and (f), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.
agreement were fulfilled.

(b) Any person convicted of a violation of any ordinance that is prohibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and amendments thereto, and which was adopted prior to July 1, 2014, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records.

(b) (c) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

1. One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and
2. Such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(c) (d) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

1. Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto;
2. Driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;
3. Perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;
4. A violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;
5. Any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;
6. Failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;
(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or
(8) a violation of K.S.A. 21-3405b, prior to its repeal.

d) (e) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

e) (f) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;
(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
(C) defendant's sex, race and date of birth;
(D) crime for which the defendant was arrested, convicted or diverted;
(E) date of the defendant's arrest, conviction or diversion; and
(F) identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) (g) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;
(2) the circumstances and behavior of the petitioner warrant the expungement; and
(3) the expungement is consistent with the public welfare.

(i) (f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information
required to be contained in the petition. The clerk of the court shall send a
certified copy of the order of expungement to the Kansas bureau of
investigation which shall notify the federal bureau of investigation, the
secretary of corrections and any other criminal justice agency which may
have a record of the arrest, conviction or diversion. After the order of
expungement is entered, the petitioner shall be treated as not having been
arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that
was expunged may be considered as a prior conviction in determining the
sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion
occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private
detective agency, as defined by K.S.A. 75-7b01, and amendments thereto;
as security personnel with a private patrol operator, as defined by K.S.A.
75-7b01, and amendments thereto; or with an institution, as defined in
K.S.A. 76-12a01, and amendments thereto, of the department for children
and families;

(B) in any application for admission, or for an order of reinstatement,
to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive
director of the Kansas racing and gaming commission, for employment
with the commission or for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission, or to aid
in determining qualifications for licensure or renewal of licensure by the
commission;

(E) to aid in determining the petitioner's qualifications for the
following under the Kansas expanded lottery act: (i) Lottery gaming
facility manager or prospective manager, racetrack gaming facility
manager or prospective manager, licensee or certificate holder; or (ii) an
officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A.
8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an
employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an
employee of a tribal gaming commission or to hold a license issued
pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent,
investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the arrest, conviction or diversion is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(j) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

(l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of the department for children and families, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department for children and families of any person whose record has been expunged;
(5) a person entitled to such information pursuant to the terms of the
expungement order;
(6) a prosecuting attorney, and such request is accompanied by a
statement that the request is being made in conjunction with a prosecution
of an offense that requires a prior conviction as one of the elements of such
offense;
(7) the supreme court, the clerk or disciplinary administrator thereof,
the state board for admission of attorneys or the state board for discipline
of attorneys, and the request is accompanied by a statement that the
request is being made in conjunction with an application for admission, or
for an order of reinstatement, to the practice of law in this state by the
person whose record has been expunged;
(8) the Kansas lottery, and the request is accompanied by a statement
that the request is being made to aid in determining qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;
(9) the governor or the Kansas racing and gaming commission, or a
designee of the commission, and the request is accompanied by a
statement that the request is being made to aid in determining qualifications for
executive director of the commission, for employment
with the commission, for work in sensitive areas in parimutuel racing as
deemed appropriate by the executive director of the commission or for
licensure, renewal of licensure or continued licensure by the commission;
(10) the Kansas racing and gaming commission, or a designee of the
commission, and the request is accompanied by a statement that the
request is being made to aid in determining qualifications of the following
under the Kansas expanded lottery act: (A) Lottery gaming facility
managers and prospective managers, racetrack gaming facility managers
and prospective managers, licensees and certificate holders; and (B) their
officers, directors, employees, owners, agents and contractors;
(11) the state gaming agency, and the request is accompanied by a
statement that the request is being made to aid in determining
qualifications: (A) To be an employee of the state gaming agency; or (B)
to be an employee of a tribal gaming commission or to hold a license
issued pursuant to a tribal-state gaming compact;
(12) the Kansas securities commissioner, or a designee of the
commissioner, and the request is accompanied by a statement that the
request is being made in conjunction with an application for registration as
a broker-dealer, agent, investment adviser or investment adviser
representative by such agency and the application was submitted by the
person whose record has been expunged;
(13) the attorney general, and the request is accompanied by a
statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;
(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 10. K.S.A. 2013 Supp. 12-4516a is hereby amended to read as follows: 12-4516a.(a) Any person who has been arrested on a violation of a city ordinance of this state may petition the court for the expungement of such arrest record.

(b) When a petition for expungement is filed, the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. When a petition for expungement is filed, the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order. The petition shall state:

(1) The petitioner's full name;
(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
(3) the petitioner's sex, race and date of birth;
(4) the crime for which the petitioner was arrested;
(5) the date of the petitioner's arrest; and
(6) the identity of the arresting law enforcement agency.

A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section, except that no fee shall be charged to a person who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2013 Supp. 21-6107, and amendments thereto. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding:
(1) The arrest occurred because of mistaken identity;
(2) a court has found that there was no probable cause for the arrest;
(3) the petitioner was found not guilty in court proceedings;
(4) the arrest was for a violation of any ordinance that is prohibited
by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and
amendments thereto, and which was adopted prior to July 1, 2014; or
(4) (5) the expungement would be in the best interests of justice and:
(A) Charges have been dismissed; or (B) no charges have been or are
likely to be filed.
(d) When the court has ordered expungement of an arrest record and
subsequent court proceedings, if any, the order shall state the information
required to be stated in the petition and shall state the grounds for
expungement under subsection (c). The clerk of the court shall send a
certified copy of the order to the Kansas bureau of investigation which
shall notify the federal bureau of investigation, the secretary of corrections
and any other criminal justice agency which may have a record of the
arrest. If an order of expungement is entered, the petitioner shall be treated
as not having been arrested.
(e) If the ground for expungement is as provided in subsection (c)(4)
(c)(5), the court shall determine whether, in the interest of public welfare,
the records should be available for any of the following purposes:
(1) In any application for employment as a detective with a private
detective agency, as defined by K.S.A. 75-7b01, and amendments thereto;
as security personnel with a private patrol operator, as defined by K.S.A.
75-7b01, and amendments thereto; or with an institution, as defined in
K.S.A. 76-12a01, and amendments thereto, of the department of social and
rehabilitation services;
(2) In any application for admission, or for an order of reinstatement,
to the practice of law in this state;
(3) to aid in determining the petitioner's qualifications for
employment with the Kansas lottery or for work in sensitive areas within
the Kansas lottery as deemed appropriate by the executive director of the
Kansas lottery;
(4) to aid in determining the petitioner's qualifications for executive
director of the Kansas racing commission, for employment with the
commission or for work in sensitive areas in parimutuel racing as deemed
appropriate by the executive director of the commission, or to aid in
determining qualifications for licensure or renewal of licensure by the
commission;
(5) in any application for a commercial driver's license under K.S.A.
8-2,125 through 8-2,142, and amendments thereto;
(6) to aid in determining the petitioner's qualifications to be an
employee of the state gaming agency;
(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

Sec. 11. K.S.A. 2013 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, a billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(5) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;

(6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which
can be fired by a handgun and which has a plastic-coated bullet that has a
core of less than 60% lead by weight, whether the person knows or has
reason to know that the plastic-coated bullet has a core of less than 60%
lead by weight;
(7) selling, giving or otherwise transferring any firearm with a barrel
less than 12 inches long to any person under 18 years of age whether the
person knows or has reason to know the length of the barrel;
(8) selling, giving or otherwise transferring any firearms to any
person who is both addicted to and an unlawful user of a controlled
substance;
(9) selling, giving or otherwise transferring any firearm to any person
who is or has been a mentally ill person subject to involuntary
commitment for care and treatment, as defined in K.S.A. 59-2946, and
amendments thereto, or a person with an alcohol or substance abuse
problem subject to involuntary commitment for care and treatment as
defined in K.S.A. 59-29b46, and amendments thereto;
(10) possession of possessing any firearm by a person who is both
addicted to and an unlawful user of a controlled substance;
(11) possession of possessing any firearm by any person, other than a
law enforcement officer, in or on any school property or grounds upon
which is located a building or structure used by a unified school district or
an accredited nonpublic school for student instruction or attendance or
extracurricular activities of pupils enrolled in kindergarten or any of the
grades 1 through 12 or at any regularly scheduled school sponsored
activity or event whether the person knows or has reason to know that such
person was in or on any such property or grounds;
(12) refusal refusing to surrender or immediately remove from school
property or grounds or at any regularly scheduled school sponsored
activity or event any firearm in the possession of any person, other than a
law enforcement officer, when so requested or directed by any duly
authorized school employee or any law enforcement officer;
(13) possession of possessing any firearm by a person who is or has
been a mentally ill person subject to involuntary commitment for care and
treatment, as defined in K.S.A. 59-2946, and amendments thereto, or
persons with an alcohol or substance abuse problem subject to involuntary
commitment for care and treatment as defined in K.S.A. 59-29b46, and
amendments thereto; or
(14) possessing a firearm with a barrel less than 12 inches long by
any person less than 18 years of age whether the person knows or has
reason to know the length of the barrel.
(b) Criminal use of weapons as defined in:
(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a
class A nonperson misdemeanor;
(2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson felony;
(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;
(4) subsection (a)(13) is a severity level 8, nonperson felony; and
(5) subsection (a)(14) is a:
   (A) Class A nonperson misdemeanor except as provided in subsection (b)(5)(B);
   (B) severity level 8, nonperson felony upon a second or subsequent conviction.
(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:
   (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
   (2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
   (3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
   (4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.
(d) Subsections (a)(4) and (a)(5) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.
(e) Subsection (a)(6) shall not apply to a governmental laboratory or solid plastic bullets.
(f) Subsection (a)(4) shall not apply to a law enforcement officer who is:
   (1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;
   (2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and
   (3) in possession of commercially manufactured devices which are:
      (A) Owned by the law enforcement agency;
      (B) in such officer's possession only during specific operations; and
(C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

(h) Subsections (a)(4) and (a)(5) shall not apply to or affect any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(i) Subsection (a)(11) shall not apply to:

1. Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;
2. Any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;
3. Possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student;
4. Possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or
5. Possession of a handgun by an individual who is licensed by the attorney general to carry a concealed handgun under K.S.A. 2013 Supp. 75-7c01 et seq., and amendments thereto.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. 2013 Supp. 75-7c26, and amendments thereto.

(k) Subsection (a)(14) shall not apply if such person, less than 18 years of age, was:

1. In attendance at a hunter's safety course or a firearms safety course;
2. Engaging in practice in the use of such firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located, or at another private range with permission of such person's parent or legal guardian;
3. Engaging in an organized competition involving the use of such firearm, or participating in or practicing for a performance by an organization exempt from federal income tax pursuant to section 501(c)(3) of the internal revenue code of 1986 which uses firearms as a part of such
performance;

(4) hunting or trapping pursuant to a valid license issued to such person pursuant to article 9 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

(5) traveling with any such firearm in such person's possession being unloaded to or from any activity described in subsections (k)(1) through (k)(4), only if such firearm is secured, unloaded and outside the immediate access of such person;

(6) on real property under the control of such person's parent, legal guardian or grandparent and who has the permission of such parent, legal guardian or grandparent to possess such firearm; or

(7) at such person's residence and who, with the permission of such person's parent or legal guardian, possesses such firearm for the purpose of exercising the rights contained in K.S.A. 2013 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto; or

(8) in possession of such firearm with the permission of such person's parent or legal guardian.

(l) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

Sec. 12. K.S.A. 2013 Supp. 21-6304 is hereby amended to read as follows: 21-6304. (a) Criminal possession of a firearm weapon by a convicted felon is possession of any firearm weapon by a person who:

(1) Has been convicted of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any violation of any provision of the uniform controlled substances act prior to July 1, 2009, and was found to have been in possession of a firearm at the time of the commission of the crime;

(2) within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(3)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was not found to have been in
possession of a firearm at the time of the commission of the crime; or
(3) within the preceding 10 years, has been convicted of a:
(A) Felony under K.S.A. 2013 Supp. 21-5402, 21-5403, 21-5404, 21-
5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of
21-5413, subsection (a) of 21-5415, subsection (b) of 21-5420, 21-5503,
subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of
21-5807, and amendments thereto; article 57 of chapter 21 of the Kansas
Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402,
21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-
3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716,
65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their
repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A.
21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp.
21-5301, 21-5302 or 21-5303, and amendments thereto, of any such
felony; or a crime under a law of another jurisdiction which is
substantially the same as such felony, has been released from
imprisonment for such felony, or was adjudicated as a juvenile offender
because of the commission of an act which if done by an adult would
constitute the commission of such felony, was not found to have been in
possession of a firearm at the time of the commission of the crime, and has
not had the conviction of such crime expunged or been pardoned for such
crime. The provisions of subsection (j)(2) of K.S.A. 2013 Supp. 21-6614,
and amendments thereto, shall not apply to an individual who has had a
conviction under this paragraph expunged; or
(B) nonperson felony under the laws of Kansas or a crime under the
laws of another jurisdiction which is substantially the same as such
nonperson felony, has been released from imprisonment for such
nonperson felony or was adjudicated as a juvenile offender because of the
commission of an act which if done by an adult would constitute the
commission of a nonperson felony, and was found to have been in
possession of a firearm at the time of the commission of the crime.
(b) Criminal possession of a firearm weapon by a convicted felon is a
severity level 8, nonperson felony.
(c) As used in this section:
(1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged
razor or any other dangerous or deadly cutting instrument of like
character; and
(2) "weapon" means a firearm or a knife.
Sec. 13. K.S.A. 2013 Supp. 22-2512 is hereby amended to read as
follows: 22-2512. (4) (a) Property seized under a search warrant or validly
seized without a warrant shall be safely kept by the officer seizing the
same unless otherwise directed by the magistrate, and shall be so kept as
long as necessary for the purpose of being produced as evidence on any
trial. The property seized may not be taken from the officer having it in
custody so long as it is or may be required as evidence in any trial. The
officer seizing the property shall give a receipt to the person detained or
arrested particularly describing each article of property being held and
shall file a copy of such receipt with the magistrate before whom the
person detained or arrested is taken. Where seized property is no longer
required as evidence in the prosecution of any indictment or information,
the court which has jurisdiction of such property may transfer the same to
the jurisdiction of any other court, including courts of another state or
federal courts, where it is shown to the satisfaction of the court that such
property is required as evidence in any prosecution in such other court.

(2) (a) (b) (l) Notwithstanding the provisions of subsection (1) (a)
and with the approval of the affected court, any law enforcement officer
who  seizes  hazardous  materials  as  evidence  related  to  a  criminal
investigation may collect representative samples of such hazardous
materials, and lawfully destroy or dispose of, or direct another person to
lawfully destroy or dispose of the remaining quantity of such hazardous
materials.

(2) (c) In any prosecution, representative samples of hazardous
materials accompanied by photographs, videotapes, laboratory analysis
reports or other means used to verify and document the identity and
quantity of the material shall be deemed competent evidence of such
hazardous materials and shall be admissible in any proceeding, hearing or
trial as if such materials had been introduced as evidence.

(e) (3) As used in this section, the term "hazardous materials" means
any substance which is capable of posing an unreasonable risk to health,
safety and property. It shall include any substance which by its nature is
explosive, flammable, corrosive, poisonous, radioactive, a biological
hazard or a material which may cause spontaneous combustion. It shall
include, but not be limited to, substances listed in the table of hazardous
materials contained in the code of federal regulations title 49 and national
fire protection association's fire protection guide on hazardous materials.

(4) (4) The provisions of this subsection shall not apply to
ammunition and components thereof.

(3) (c) When property seized is no longer required as evidence, it
shall be disposed of as follows:

(1) Property stolen, embezzled, obtained by false pretenses, or
otherwise obtained unlawfully from the rightful owner thereof shall be
restored to the owner;

(2) money shall be restored to the owner unless it was contained
in a slot machine or otherwise used in unlawful gambling or lotteries, in
which case it shall be forfeited, and shall be paid to the state treasurer
pursuant to K.S.A. 20-2801, and amendments thereto;
property which is unclaimed or the ownership of which is unknown shall be sold at public auction to be held by the sheriff and the proceeds, less the cost of sale and any storage charges incurred in preserving it, shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto;

(4) articles of contraband shall be destroyed, except that any such articles the disposition of which is otherwise provided by law shall be dealt with as so provided and any such articles the disposition of which is not otherwise provided by law and which may be capable of innocent use may in the discretion of the court be sold and the proceeds disposed of as provided in subsection (2)(b)(c)(3);

(5) firearms, ammunition, explosives, bombs and like devices, which have been used in the commission of crime, may be returned to the rightful owner, or in the discretion of the court having jurisdiction of the property, destroyed or forfeited to the Kansas bureau of investigation as provided in K.S.A. 2013 Supp. 21-6307, and amendments thereto;

(6) (A) except as provided in subsections (c)(6)(B) and (d), any weapon or ammunition, in the discretion of the court having jurisdiction of the property, shall be:

(i) forfeited to the law enforcement agency seizing the weapon for use within such agency, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading to another law enforcement agency for that agency's use;

(ii) forfeited to the Kansas bureau of investigation for law enforcement, testing or comparison by the Kansas bureau of investigation forensic laboratory;

(iii) forfeited to a county regional forensic science center, or other county forensic laboratory for testing, comparison or other forensic science purposes; or

(iv) forfeited to the Kansas department of wildlife, parks and tourism for use pursuant to the conditions set forth in K.S.A. 32-1047, and amendments thereto.

(B) Except as provided in subsection (d), any weapon which cannot be forfeited pursuant to subsection (c)(6)(A) due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 2013 Supp. 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405, and amendments thereto, shall be destroyed.

(7) controlled substances forfeited for violations of K.S.A. 2013 Supp. 21-5701 through 21-5717, and amendments thereto, shall be dealt with as provided under K.S.A. 60-4101 through 60-4126, and amendments thereto;

(8) unless otherwise provided by law, all other property shall be
disposed of in such manner as the court in its sound discretion shall direct.

(d) If a weapon is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon was seized, then within 30 days after the declination or conclusion of prosecution of the case against the individual, including any period of appeal, the law enforcement agency that seized the weapon shall verify that the weapon is not stolen, and upon such verification shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon may be retrieved.

(e) If weapons are sold as authorized by subsection (c)(6)(A), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.

(f) For purposes of this section, the term "weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto.

Sec. 14. K.S.A. 2013 Supp. 32-1047 is hereby amended to read as follows: 32-1047. The department is hereby empowered and directed to seize and possess any wildlife which is taken, possessed, sold or transported unlawfully, and any steel trap, snare or other device or equipment used in taking or transporting wildlife unlawfully or during closed season. The department is hereby authorized and directed to:

(a) Sell the seized item, including wildlife parts with a dollar value, and remit the proceeds to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. If the seized item is a firearm that has been forfeited pursuant to K.S.A. 2013 Supp. 21-6307 and amendments thereto, then it may be sold unless: (1) The firearm is significantly altered in any manner; or (2) the sale and public possession of such firearm is otherwise prohibited by law. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wildlife fee fund; or

(b) retain the seized item for educational, scientific or department operational purposes.

Sec. 15. K.S.A. 2013 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or subsections (a)(10) through (a)(13) of K.S.A. 2013 Supp. 21-6301 or subsections (a)(1) through (a)(3) of K.S.A. 2013 Supp. 21-6304, and amendments thereto; or

(3) has been convicted of any of the offenses described in subsections
(a)(1) through (a)(3) of K.S.A. 2013 Supp. 21-6304, and amendments thereto; or

(4) is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed $150.

(2) The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of the course, in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant; or

(C) a determination by the attorney general pursuant to subsection (d) of K.S.A. 2013 Supp. 75-7c03, and amendments thereto.

Sec. 16. K.S.A. 2013 Supp. 75-7c20 is hereby amended to read as follows: 75-7c20. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in any state or municipal building unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.
(b) Any state or municipal building which contains both public access entrances and restricted access entrances shall provide adequate security measures at the public access entrances in order to prohibit the carrying of any weapons into such building.

(c) 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 building has adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(d) It shall not be a violation of the personal and family protection act for a person to carry a concealed handgun into a state or municipal building 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 into such building which provides adequate security measures and the building is conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

(e) A state agency or municipality which provides adequate security measures in a state or municipal building and which conspicuously posts signage in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments thereto, prohibiting the carrying of a concealed handgun in such building, as authorized by the personal and family protection act, such state agency or municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(f) A state agency or municipality which does not provide adequate security measures in a state or municipal building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(g) 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 handgun or other firearm concealed or unconcealed by any person into any secure area of a building located on such premises, except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the provisions of subsection (b).

(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided that other means of security are employed such as armed law enforcement or armed security officers.
(i) The governing body or the chief administrative officer, if no
governing body exists, of a state or municipal building, may exempt the
building from this section until January 1, 2014, by notifying the Kansas
attorney general and the law enforcement agency of the local jurisdiction
by letter of such exemption. Thereafter, such governing body or chief
administrative officer may exempt a state or municipal building for a
period of only four years by adopting a resolution, or drafting a letter,
listing the legal description of such building, listing the reasons for such
exemption, and including the following statement: "A security plan has
been developed for the building being exempted which supplies adequate
security to the occupants of the building and merits the prohibition of the
carrying of a concealed handgun as authorized by the personal and family
protection act." A copy of the security plan for the building shall be
maintained on file and shall be made available, upon request, to the
Kansas attorney general and the law enforcement agency of local
jurisdiction. Notice of this exemption, together with the resolution adopted
or the letter drafted, shall be sent to the Kansas attorney general and to the
law enforcement agency of local jurisdiction. The security plan shall not
be subject to disclosure under the Kansas open records act.

(j) The governing body or the chief administrative officer, if no
governing body exists, of any of the following institutions may exempt
any building of such institution from this section for a period of four years
only by stating the reasons for such exemption and sending notice of such
exemption to the Kansas attorney general:

(1) A state or municipal-owned medical care facility, as defined in
K.S.A. 65-425, and amendments thereto;
(2) a state or municipal-owned adult care home, as defined in K.S.A.
39-923, and amendments thereto;
(3) a community mental health center organized pursuant to K.S.A.
19-4001 et seq., and amendments thereto;
(4) an indigent health care clinic, as defined by K.S.A. 2013 Supp.
65-7402, and amendments thereto; or
(5) a postsecondary educational institution, as defined in K.S.A. 74-
3201b, and amendments thereto, including any buildings located on the
grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building
located on the grounds of the Kansas state school for the deaf or the
Kansas state school for the blind.

(l) 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 state or municipal building, 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 building by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

(2) The terms "municipality" and "municipal" are interchangeable and have the same meaning as the term "municipality" 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 the same as the term is defined in K.S.A. 75-6102, and amendments thereto.

(5) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) On and after July 1, 2014, provided that the provisions of K.S.A. 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect, the term "state and municipal building" shall not include the state capitol.

(6) "Weapon" means a weapon described in K.S.A. 2013 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

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

Sec. 17. K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 21-6307, 22-2512, 32-1047, 75-7c04, 75-7c12 and 75-7c20 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.