

**Substitute for SENATE BILL No. 65**

By Committee on Federal and State Affairs

2-5

Balloon Amendments for  
Substitute for Senate Bill No. 65 #6  
House Committee on Federal and State Affairs  
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1 AN ACT concerning firearms; relating to the personal and family  
2 protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and  
3 repealing the existing sections.

relating to possession of firearms

K.S.A. 72-89a01 and

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 75-7c10 is hereby amended to read as  
7 follows: 75-7c10. Subject to the provisions of K.S.A. 2015 Supp. 75-7c20,  
8 and amendments thereto:

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

12 (b) Nothing in this act shall be construed to prevent:

13 (1) any private employer from restricting or prohibiting by  
14 personnel policies persons from carrying a concealed handgun while on  
15 the premises of the employer's business or while engaged in the duties of  
16 the person's employment by the employer, except that no employer may  
17 prohibit possession of a handgun in a private means of conveyance, even if  
18 parked on the employer's premises; or

19 (2) any private business or city, county or political subdivision from  
20 restricting or prohibiting persons from carrying a concealed handgun  
21 within a building or buildings of such entity, provided that the building is  
22 posted in accordance with rules and regulations adopted by the attorney  
23 general pursuant to subsection (1), as a building where carrying a  
24 concealed handgun is prohibited.

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

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

36 (3) Nothing in this act shall be deemed to increase the liability of any

1 private entity where liability would have existed under the personal and  
2 family protection act prior to the effective date of this act.

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

9 (1) A unified school district;

10 (2) a postsecondary educational institution, as defined in K.S.A. 74-  
11 3201b, and amendments thereto;

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

14 (4) a state or municipal-owned adult care home, as defined in K.S.A.  
15 39-923, and amendments thereto;

16 (5) a community mental health center organized pursuant to K.S.A.  
17 19-4001 et seq., and amendments thereto; or

18 (6) an indigent health care clinic, as defined by K.S.A. 2015 Supp.  
19 65-7402, and amendments thereto.

20 (e) *No public employer shall restrict or otherwise prohibit by*  
21 *personnel policies any employee, who is legally qualified, from carrying*  
22 *any concealed handgun while engaged in the duties of such employee's*  
23 *employment outside of such employer's place of business, including while*  
24 *in a means of conveyance.*

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

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

43 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a

1 violation of this section for a law enforcement officer, as that term is  
2 defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who  
3 satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b),  
4 and amendments thereto, to possess a handgun within any of the buildings  
5 described in subsection (a) or (b), subject to any restrictions or  
6 prohibitions imposed in any courtroom by the chief judge of the judicial  
7 district.

8 ~~(f)~~ ~~(g)~~ On and after July 1, 2014, the provisions of this section shall  
9 not apply to the carrying of a concealed handgun in the state capitol.

10 ~~(g)~~ ~~(h)~~ For the purposes of this section:

11 (1) "Adequate security measures" shall have the same meaning as the  
12 term is defined in K.S.A. 2015 Supp. 75-7c20, and amendments thereto;

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

15 (3) "public employer" means the state and any municipality as those  
16 terms are defined in K.S.A. 75-6102, and amendments thereto.

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

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

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

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

28 (3) the signs not be obstructed or altered in any way; and  
29 (4) signs which become illegible for any reason be immediately  
30 replaced.

31 Sec. 2. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as  
32 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be  
33 prohibited in any public area of any state or municipal building unless  
34 such ~~building~~ public area has adequate security measures to ensure that no  
35 weapons are permitted to be carried into such ~~building~~ public area and the  
36 ~~building~~ public area is conspicuously posted in accordance with K.S.A.  
37 2015 Supp. 75-7c10, and amendments thereto.

38 (b) ~~The carrying of a concealed handgun as authorized by the~~  
39 ~~personal and family protection act shall not be prohibited throughout any~~  
40 ~~state or municipal building which contains both public access entrances~~  
41 ~~and restricted access entrances shall provide adequate security measures at~~  
42 ~~the public access entrances in order to prohibit the carrying of any~~  
43 ~~weapons into such building in its entirety unless such building has~~

1 *adequate security measures at all public access entrances to ensure that*  
2 *no weapons are permitted to be carried into such building and the*  
3 *building is conspicuously posted in accordance with K.S.A. 2015 Supp.*  
4 *75-7c10, and amendments thereto.*

5 (c) No state agency or municipality shall prohibit an employee from  
6 carrying a concealed handgun at the employee's work place unless the  
7 building has adequate security measures *at all public access entrances to*  
8 *ensure that no weapons are permitted to be carried into such building and*  
9 *the building is conspicuously posted in accordance with K.S.A. 2015*  
10 *Supp. 75-7c10, and amendments thereto.*

11 (d) It shall not be a violation of the personal and family protection act  
12 for a person to carry a concealed handgun into a state or municipal  
13 building, *or any public area thereof,* so long as that person has authority to  
14 enter through a restricted access entrance into such building, *or public*  
15 *area thereof,* which provides adequate security measures *at all public*  
16 *access entrances,* and the building, *or public area thereof,* is  
17 conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and  
18 amendments thereto.

19 (e) A state agency or municipality which provides adequate security  
20 measures in a state or municipal building and which conspicuously posts  
21 signage in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments  
22 thereto, prohibiting the carrying of a concealed handgun in such building  
23 shall not be liable for any wrongful act or omission relating to actions of  
24 persons carrying a concealed handgun concerning acts or omissions  
25 regarding such handguns.

26 (f) A state agency or municipality which does not provide adequate  
27 security measures in a state or municipal building and which allows the  
28 carrying of a concealed handgun shall not be liable for any wrongful act or  
29 omission relating to actions of persons carrying a concealed handgun  
30 concerning acts or omissions regarding such handguns.

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

37 (h) Nothing in this section shall limit the ability of the chief judge of  
38 each judicial district to prohibit the carrying of a concealed handgun by  
39 any person into courtrooms or ancillary courtrooms within the district  
40 provided that other means of security are employed such as armed law  
41 enforcement or armed security officers.

42 (i) The governing body or the chief administrative officer, if no  
43 governing body exists, of a state or municipal building, may exempt the

1 building, *or any public area thereof*, from this section until January 1,  
2 2014, by notifying the Kansas attorney general and the law enforcement  
3 agency of the local jurisdiction by letter of such exemption. Thereafter,  
4 such governing body or chief administrative officer may exempt a state or  
5 municipal building ~~for a period of only four years~~, *or any public area*  
6 *thereof, until July 1, 2017*, by adopting a resolution, or drafting a letter,  
7 listing the legal description of such building, listing the reasons for such  
8 exemption, and including the following statement: "A security plan has  
9 been developed for the building being exempted which supplies adequate  
10 security to the occupants of the building and merits the prohibition of the  
11 carrying of a concealed handgun." A copy of the security plan for the  
12 building shall be maintained on file and shall be made available, upon  
13 request, to the Kansas attorney general and the law enforcement agency of  
14 local jurisdiction. Notice of this exemption, together with the resolution  
15 adopted or the letter drafted, shall be sent to the Kansas attorney general  
16 and to the law enforcement agency of local jurisdiction. The security plan  
17 shall not be subject to disclosure under the Kansas open records act.

18 (j) The governing body or the chief administrative officer, if no  
19 governing body exists, of any of the following institutions may exempt  
20 any building of such institution, *or any public area thereof*, from this  
21 section ~~for a period of only four years until July 1, 2017~~, by stating the  
22 reasons for such exemption and sending notice of such exemption to the  
23 Kansas attorney general:

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

26 (2) a state or municipal-owned adult care home, as defined in K.S.A.  
27 39-923, and amendments thereto;

28 (3) a community mental health center organized pursuant to K.S.A.  
29 19-4001 et seq, and amendments thereto;

30 (4) an indigent health care clinic, as defined by K.S.A. 2015 Supp.  
31 65-7402, and amendments thereto; or

32 (5) a postsecondary educational institution, as defined in K.S.A. 74-  
33 3201b, and amendments thereto, including any buildings located on the  
34 grounds of such institution and any buildings leased by such institution.

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

38 (l) Nothing in this section shall be construed to prohibit any law  
39 enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and  
40 amendments thereto, who satisfies the requirements of either K.S.A. 2015  
41 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a  
42 concealed handgun into any state or municipal building, *or any public*  
43 *area thereof*, in accordance with the provisions of K.S.A. 2015 Supp. 75-

1 7c22, and amendments thereto, subject to any restrictions or prohibitions  
2 imposed in any courtroom by the chief judge of the judicial district.

3 (m) For purposes of this section:

4 (1) "Adequate security measures" means the use of electronic  
5 equipment and personnel at public entrances to detect and restrict the  
6 carrying of any weapons into the state or municipal building, or any public  
7 area thereof, including, but not limited to, metal detectors, metal detector  
8 wands or any other equipment used for similar purposes to ensure that  
9 weapons are not permitted to be carried into such building or public area  
10 by members of the public. Adequate security measures for storing and  
11 securing lawfully carried weapons, including, but not limited to, the use of  
12 gun lockers or other similar storage options may be provided at public  
13 entrances.

14 (2) The terms "municipality" and "municipal" are interchangeable  
15 and have the same meaning as the term "municipality" is defined in K.S.A.  
16 75-6102, and amendments thereto, but does not include school districts.

17 (3) "Public area" means any portion of a state or municipal building  
18 that is open to and accessible by the public or which is otherwise  
19 designated as a public area by the governing body or the chief  
20 administrative officer, if no governing body exists, of such building.

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

24 (4) (5) "State" means the same as the term is defined in K.S.A. 75-  
25 6102, and amendments thereto.

26 (5) (6) (A) "State or municipal building" means a building owned or  
27 leased by such public entity. It does not include a building owned by the  
28 state or a municipality which is leased by a private entity whether for  
29 profit or not-for-profit or a building held in title by the state or a  
30 municipality solely for reasons of revenue bond financing.

31 (B) ~~On and after July 1, 2014,~~ The term "state and municipal  
32 building" shall not include the state capitol.

33 (6) (7) "Weapon" means a weapon described in K.S.A. 2015 Supp.  
34 21-6301, and amendments thereto, except the term "weapon" shall not  
35 include any cutting instrument that has a sharpened or pointed blade.

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

38 Sec. 3. K.S.A. 2015 Supp. 75-7c10 and 75-7c20 are hereby repealed.

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

See Attached Insert

K.S.A. 72-89a01 and

And by renumbering remaining sections accordingly

New Sec. 3. (a) No school district shall adopt a policy that prohibits an organization from conducting activities on school property solely because such activities include the possession and use of air guns by the participants. Any policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto, shall not prohibit the possession of an air gun by a pupil on school property if such pupil is a participant in the activities of an organization.

(b) A policy adopted pursuant to K.S.A. 72-89a02, and amendments thereto, may prohibit the possession of air guns by pupils at school, on school property or at a school supervised activity, except when a pupil is participating in activities conducted by an organization, or is in transit to or from such activities.

(c) Any individual desiring to participate in activities conducted by an organization may be required to sign, or have a parent or legal guardian sign, a liability waiver. The liability waiver shall be in such form as prescribed by the chief administrative officer of the school and shall contain the appropriate language so as to relieve the school district, the school and all school personnel from liability for any claims arising out of the acts or omissions of any individual or any school personnel relating to activities conducted by an organization.

(d) The provisions of this section shall be a part of and supplemental to K.S.A. 72-89a01 et seq., and amendments thereto.

Sec. 4. K.S.A. 72-89a01 is hereby amended to read as follows: 72-89a01. As used in this act:

- (a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.
- (b) "School" means a public school or an accredited nonpublic school.
- (c) "Public school" means a school operated by a unified school district organized under the laws of this state.
- (d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.
- (e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.
- (f) "Federal law" means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.
- (g) "Secretary of education" means the secretary of the United States department of education.
- (h) (1) "Weapon" means (1): (A) Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) (B) the frame or receiver of any weapon described in the preceding example; (3) (C) any firearm muffler or firearm silencer; (4) (D) any explosive, incendiary, or poison gas (A): (i) Bomb, (B); (ii) grenade, (C); (iii) rocket having a

propellant charge of more than four ounces, (D); (iv) missile having an explosive or incendiary charge of more than  $\frac{1}{4}$  ounce, (E); (v) mine; or (F) (vi) similar device; (5) (E) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than  $\frac{1}{2}$  inch in diameter; (6) (F) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) (G) any bludgeon, sandclub, metal knuckles or throwing star; (8) (H) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; (9) or (I) any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.

(2) The term "weapon" does not include within its meaning (1): (A) An antique firearm; (2) (B) an air gun; (C) any device which is neither designed nor redesigned for use as a weapon; (3) (D) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) (E) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) or (F) class C common fireworks.

(i) "Air gun" means any device which will or is designed to or may be readily converted to, expel a projectile by the release of compressed air or gas, and which is of 0.18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second.

(i) "Organization" means any profit or nonprofit association, whether school-sponsored or community-based, whose primary purpose is to provide youth development by engaging individuals under the age of 18 in activities designed to promote and encourage self-confidence, teamwork and a sense of community.