

House Substitute for Substitute for SENATE BILL No. 65

By Committee on Federal and State Affairs

3-18

1 AN ACT concerning firearms; relating to the possession thereof; relating
2 to the personal and family protection act; relating to weapons in
3 schools; amending K.S.A. 72-89a01 and K.S.A. 2015 Supp. 75-7c04,
4 75-7c05, 75-7c10 and 75-7c20 and repealing the existing sections.

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

7 New Section 1. (a) No school district shall adopt a policy that
8 prohibits an organization from conducting activities on school property
9 solely because such activities include the possession and use of air guns by
10 the participants. Any policy adopted pursuant to K.S.A. 72-89a02, and
11 amendments thereto, shall not prohibit the possession of an air gun by a
12 pupil on school property if such pupil is a participant in the activities of an
13 organization.

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

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

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

29 Sec. 2. K.S.A. 72-89a01 is hereby amended to read as follows: 72-
30 89a01. As used in this act:

31 (a) "Board of education" means the board of education of a unified
32 school district or the governing authority of an accredited nonpublic
33 school.

34 (b) "School" means a public school or an accredited nonpublic
35 school.

36 (c) "Public school" means a school operated by a unified school

1 district organized under the laws of this state.

2 (d) "Accredited nonpublic school" means a nonpublic school
3 participating in the quality performance accreditation system.

4 (e) "Chief administrative officer of a school" means, in the case of a
5 public school, the superintendent of schools and, in the case of an
6 accredited nonpublic school, the person designated as chief administrative
7 officer by the governing authority of the school.

8 (f) "Federal law" means the individuals with disabilities education
9 act, section 504 of the rehabilitation act, the gun-free schools act of 1994,
10 and regulations adopted pursuant to such acts.

11 (g) "Secretary of education" means the secretary of the United States
12 department of education.

13 (h) (1) "Weapon" means ~~(1)~~: (A) Any weapon which will or is
14 designed to or may readily be converted to expel a projectile by the action
15 of an explosive; ~~(2)~~ (B) the frame or receiver of any weapon described in
16 the preceding example; ~~(3)~~ (C) any firearm muffler or firearm silencer; ~~(4)~~
17 (D) any explosive, incendiary, or poison gas ~~(A)~~: (i) Bomb; ~~(B)~~; (ii)
18 grenade; ~~(C)~~; (iii) rocket having a propellant charge of more than four
19 ounces; ~~(D)~~; (iv) missile having an explosive or incendiary charge of more
20 than $\frac{1}{4}$ ounce; ~~(E)~~; (v) mine; or ~~(F)~~ (vi) similar device; ~~(5)~~ (E) any
21 weapon which will, or which may be readily converted to, expel a
22 projectile by the action of an explosive or other propellant, and which has
23 any barrel with a bore of more than $\frac{1}{2}$ inch in diameter; ~~(6)~~ (F) any
24 combination of parts either designed or intended for use in converting any
25 device into any destructive device described in the two immediately
26 preceding examples, and from which a destructive device may be readily
27 assembled; ~~(7)~~ (G) any bludgeon, sandclub, metal knuckles or throwing
28 star; ~~(8)~~ (H) any knife, commonly referred to as a switch-blade, which has
29 a blade that opens automatically by hand pressure applied to a button,
30 spring or other device in the handle of the knife, or any knife having a
31 blade that opens or falls or is ejected into position by the force of gravity
32 or by an outward, downward or centrifugal thrust or movement; ~~(9)~~ or (I)
33 any electronic device designed to discharge immobilizing levels of
34 electricity, commonly known as a stun gun.

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

43 (i) "Air gun" means any device which will or is designed to or may be

1 readily converted to, expel a projectile by the release of compressed air or
2 gas, and which is of 0.18 caliber or less and has a muzzle velocity that
3 does not exceed 700 feet per second.

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

9 Sec. 3. K.S.A. 2015 Supp. 75-7c04 is hereby amended to read as
10 follows: 75-7c04. (a) The attorney general shall not issue a license
11 pursuant to this act if the applicant:

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

14 (2) is prohibited from shipping, transporting, possessing or receiving
15 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
16 thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2015 Supp. 21-
17 6301(a)(10) through (a)(13) or K.S.A. 2015 Supp. 21-6304(a)(1) through
18 (a)(3), and amendments thereto; or

19 (3) is less than 21 years of age.

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

42 (2) The cost of the handgun safety and training course required by
43 this section shall be paid by the applicant. The following shall constitute

1 satisfactory evidence of satisfactory completion of an approved handgun
2 safety and training course:

3 (A) Evidence of completion of ~~the~~ *a course that satisfies the*
4 *requirements of subsection (b)(1)*, in the form provided by rules and
5 regulations adopted by the attorney general;

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

9 (C) *evidence of completion of a course offered in another jurisdiction*
10 *which is determined by the attorney general to have training requirements*
11 *that are equal to or greater than those required by this act; or*

12 (D) a determination by the attorney general pursuant to subsection
13 (c).

14 (c) The attorney general may:

15 (1) Create a list of concealed carry handgun licenses or permits issued
16 by other jurisdictions which the attorney general finds have training
17 requirements that are equal to or greater than those of this state; and

18 (2) review each application received pursuant to K.S.A. 2015 Supp.
19 75-7c05, and amendments thereto, to determine if the applicant's previous
20 training qualifications were equal to or greater than those of this state.

21 (d) For the purposes of this section:

22 (1) "Equal to or greater than" means the applicant's prior training
23 meets or exceeds the training established in this section by having
24 required, at a minimum, the applicant to: (A) Receive instruction on the
25 laws of self-defense; and (B) demonstrate training and competency in the
26 safe handling, storage and actual firing of handguns.

27 (2) "Jurisdiction" means another state or the District of Columbia.

28 (3) "License or permit" means a concealed carry handgun license or
29 permit from another jurisdiction which has not expired and, except for any
30 residency requirement of the issuing jurisdiction, is currently in good
31 standing.

32 Sec. 4. K.S.A. 2015 Supp. 75-7c05 is hereby amended to read as
33 follows: 75-7c05. (a) The application for a license pursuant to this act shall
34 be completed, under oath, on a form prescribed by the attorney general and
35 shall only include:

36 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,
37 address, social security number, Kansas driver's license number or Kansas
38 nondriver's license identification number, place and date of birth, a
39 photocopy of the applicant's driver's license or nondriver's identification
40 card and a photocopy of the applicant's certificate of training course
41 completion; (B) in the case of an applicant who presents proof that such
42 person is on active duty with any branch of the armed forces of the United
43 States, or is the dependent of such a person, and who does not possess a

1 Kansas driver's license or Kansas nondriver's license identification, the
2 number of such license or identification shall not be required;

3 (2) a statement that the applicant is in compliance with criteria
4 contained within K.S.A. 2015 Supp. 75-7c04, and amendments thereto;

5 (3) a statement that the applicant has been furnished a copy of this act
6 and is knowledgeable of its provisions;

7 (4) a conspicuous warning that the application is executed under oath
8 and that a false answer to any question, or the submission of any false
9 document by the applicant, subjects the applicant to criminal prosecution
10 under K.S.A. 2015 Supp. 21-5903, and amendments thereto; and

11 (5) a statement that the applicant desires a concealed handgun license
12 as a means of lawful self-defense.

13 (b) *Except as otherwise provided in subsection (i)*, the applicant shall
14 submit to the sheriff of the county where the applicant resides, during any
15 normal business hours:

16 (1) A completed application described in subsection (a);

17 (2) a nonrefundable license fee of \$132.50, if the applicant has not
18 previously been issued a statewide license or if the applicant's license has
19 permanently expired, which fee shall be in the form of two cashier's
20 checks, personal checks or money orders of \$32.50 payable to the sheriff
21 of the county where the applicant resides and \$100 payable to the attorney
22 general;

23 (3) if applicable, a photocopy of the proof of training required by
24 K.S.A. 2015 Supp. 75-7c04(b)(1), and amendments thereto; and

25 (4) a full frontal view photograph of the applicant taken within the
26 preceding 30 days.

27 (c) (1) *Except as otherwise provided in subsection (i)*, the sheriff,
28 upon receipt of the items listed in subsection (b), shall provide for the full
29 set of fingerprints of the applicant to be taken and forwarded to the
30 attorney general for purposes of a criminal history records check as
31 provided by subsection (d). In addition, the sheriff shall forward to the
32 attorney general the application and the portion of the original license fee
33 which is payable to the attorney general. The cost of taking such
34 fingerprints shall be included in the portion of the fee retained by the
35 sheriff. Notwithstanding anything in this section to the contrary, an
36 applicant shall not be required to submit fingerprints for a renewal
37 application under K.S.A. 2015 Supp. 75-7c08, and amendments thereto.

38 (2) The sheriff of the applicant's county of residence or the chief law
39 enforcement officer of any law enforcement agency, at the sheriff's or chief
40 law enforcement officer's discretion, may participate in the process by
41 submitting a voluntary report to the attorney general containing readily
42 discoverable information, corroborated through public records, which,
43 when combined with another enumerated factor, establishes that the

1 applicant poses a significantly greater threat to law enforcement or the
2 public at large than the average citizen. Any such voluntary reporting shall
3 be made within 45 days after the date the sheriff receives the application.
4 Any sheriff or chief law enforcement officer submitting a voluntary report
5 shall not incur any civil or criminal liability as the result of the good faith
6 submission of such report.

7 (3) All funds retained by the sheriff pursuant to the provisions of this
8 section shall be credited to a special fund of the sheriff's office which shall
9 be used solely for the purpose of administering this act.

10 (d) Each applicant shall be subject to a state and national criminal
11 history records check which conforms to applicable federal standards,
12 including an inquiry of the national instant criminal background check
13 system for the purpose of verifying the identity of the applicant and
14 whether the applicant has been convicted of any crime or has been the
15 subject of any restraining order or any mental health related finding that
16 would disqualify the applicant from holding a license under this act. The
17 attorney general is authorized to use the information obtained from the
18 state or national criminal history record check to determine the applicant's
19 eligibility for such license.

20 (e) Within 90 days after the date of receipt of the items listed in
21 subsection (b), the attorney general shall:

22 (1) Issue the license and certify the issuance to the department of
23 revenue; or

24 (2) deny the application based solely on: (A) The report submitted by
25 the sheriff or other chief law enforcement officer under subsection (c)(2)
26 for good cause shown therein; or (B) the ground that the applicant is
27 disqualified under the criteria listed in K.S.A. 2015 Supp. 75-7c04, and
28 amendments thereto. If the attorney general denies the application, the
29 attorney general shall notify the applicant in writing, stating the ground for
30 denial and informing the applicant the opportunity for a hearing pursuant
31 to the Kansas administrative procedure act.

32 (f) Each person issued a license shall pay to the department of
33 revenue a fee for the cost of the license which shall be in amounts equal to
34 the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments
35 thereto, for replacement of a driver's license.

36 (g) (1) A person who is a retired law enforcement officer, as defined
37 in K.S.A. 2015 Supp. 21-5111, and amendments thereto, shall be: (A)
38 Required to pay an original license fee as provided in subsection (b)(2), to
39 be forwarded by the sheriff to the attorney general; (B) exempt from the
40 required completion of a handgun safety and training course if such person
41 was certified by the Kansas commission on peace officer's standards and
42 training, or similar body from another jurisdiction, not more than eight
43 years prior to submission of the application; (C) required to pay the license

1 renewal fee; (D) required to pay to the department of revenue the fees
2 required by subsection (f); and (E) required to comply with the criminal
3 history records check requirement of this section.

4 (2) Proof of retirement as a law enforcement officer shall be required
5 and provided to the attorney general in the form of a letter from the agency
6 head, or their designee, of the officer's retiring agency that attests to the
7 officer having retired in good standing from that agency as a law
8 enforcement officer for reasons other than mental instability and that the
9 officer has a nonforfeitable right to benefits under a retirement plan of the
10 agency.

11 (h) A person who is a corrections officer, a parole officer or a
12 corrections officer employed by the federal bureau of prisons, as defined
13 by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay
14 an original license fee as provided in subsection (b)(2); (2) exempt from
15 the required completion of a handgun safety and training course if such
16 person was issued a certificate of firearms training by the department of
17 corrections or the federal bureau of prisons or similar body not more than
18 one year prior to submission of the application; (3) required to pay the
19 license renewal fee; (4) required to pay to the department of revenue the
20 fees required by subsection (f); and (5) required to comply with the
21 criminal history records check requirement of this section.

22 (i) *A person who presents proof that such person is on active duty*
23 *with any branch of the armed forces of the United States and is stationed*
24 *at a United States military installation located outside this state, may*
25 *submit by mail an application described in subsection (a) and the other*
26 *materials required by subsection (b) to the sheriff of the county where the*
27 *applicant resides. Provided the applicant is fingerprinted at a United*
28 *States military installation, the applicant may submit a full set of*
29 *fingerprints of such applicant along with the application. Upon receipt of*
30 *such items, the sheriff shall forward to the attorney general the*
31 *application and the portion of the original license fee which is payable to*
32 *the attorney general.*

33 Sec. 5. K.S.A. 2015 Supp. 75-7c10 is hereby amended to read as
34 follows: 75-7c10. Subject to the provisions of K.S.A. 2015 Supp. 75-7c20,
35 and amendments thereto:

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

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

40 ~~(1) any public or private employer from restricting or prohibiting by~~
41 ~~personnel policies persons from carrying a concealed handgun while on~~
42 ~~the premises of the employer's business or while engaged in the duties of~~
43 ~~the person's employment by the employer, except that no employer may~~

1 prohibit possession of a handgun in a private means of conveyance, even if
2 parked on the employer's premises; or

3 ~~(2) any private business or city, county or political subdivision from~~
4 ~~restricting or prohibiting persons from carrying a concealed handgun~~
5 ~~within a building or buildings of such entity, provided that the building is~~
6 ~~posted in accordance with rules and regulations adopted by the attorney~~
7 ~~general pursuant to subsection (i), as a building where carrying a~~
8 ~~concealed handgun is prohibited.~~

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

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

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

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

29 (1) A unified school district;

30 (2) a postsecondary educational institution, as defined in K.S.A. 74-
31 3201b, and amendments thereto;

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

34 (4) a state or municipal-owned adult care home, as defined in K.S.A.
35 39-923, and amendments thereto;

36 (5) a community mental health center organized pursuant to K.S.A.
37 19-4001 et seq., and amendments thereto; or

38 (6) an indigent health care clinic, as defined by K.S.A. 2015 Supp.
39 65-7402, and amendments thereto.

40 (e) *No public employer shall restrict or otherwise prohibit by*
41 *personnel policies any employee, who is legally qualified, from carrying*
42 *any concealed handgun while engaged in the duties of such employee's*
43 *employment outside of such employer's place of business, including while*

1 *in a means of conveyance.*

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

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

20 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a
21 violation of this section for a law enforcement officer, as that term is
22 defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who
23 satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b),
24 and amendments thereto, to possess a handgun within any of the buildings
25 described in subsection (a) or (b), subject to any restrictions or
26 prohibitions imposed in any courtroom by the chief judge of the judicial
27 district.

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

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

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

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

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

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

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

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

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

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

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

8 Sec. 6. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as
9 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
10 prohibited in *any public area* of any state or municipal building unless
11 such ~~building~~ *public area* has adequate security measures to ensure that no
12 weapons are permitted to be carried into such ~~building~~ *public area* and the
13 ~~building~~ *public area* is conspicuously posted *with either permanent or*
14 *temporary signage approved by the governing body, or the chief*
15 *administrative officer, if no governing body exists, in accordance with*
16 K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

17 (b) *The carrying of a concealed handgun shall not be prohibited*
18 *throughout any state or municipal building* ~~which contains both public~~
19 ~~access entrances and restricted access entrances shall provide adequate~~
20 ~~security measures at the public access entrances in order to prohibit the~~
21 ~~carrying of any weapons into such building in its entirety unless such~~
22 *building has adequate security measures at all public access entrances to*
23 *ensure that no weapons are permitted to be carried into such building and*
24 *the building is conspicuously posted in accordance with K.S.A. 2015 Supp.*
25 *75-7c10, and amendments thereto.*

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

32 (d) (1) It shall not be a violation of the personal and family protection
33 act for a person to carry a concealed handgun into a state or municipal
34 building, *or any public area thereof*, so long as that person has authority to
35 enter through a restricted access entrance into such building, *or public*
36 *area thereof*, which provides adequate security measures *at all public*
37 *access entrances* and the building, *or public area thereof*, is conspicuously
38 posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments
39 thereto.

40 (2) *Any person, who is not an employee of the state or a municipality*
41 *and is not otherwise authorized to enter a state or municipal building*
42 *through a restricted access entrance, shall be authorized to enter through*
43 *a restricted access entrance, provided such person:*

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

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

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

16 *The chief law enforcement officer, governing body, or the chief*
17 *administrative officer, if no governing body exists, shall develop criteria*
18 *for approval of individuals subject to this paragraph to enter the state or*
19 *municipal building through a restricted access entrance. Such criteria may*
20 *include the requirement that the individual submit to a state and national*
21 *criminal history records check before issuance and renewal of such*
22 *authorization and pay a fee to cover the costs of such background checks.*
23 *An individual who has been issued a concealed carry permit by the state*
24 *of Kansas shall not be required to submit to another state and national*
25 *criminal records check before issuance and renewal of such authorization.*
26 *Notwithstanding any authorization granted under this paragraph, an*
27 *individual may be subjected to additional security screening measures*
28 *upon reasonable suspicion or in circumstances where heightened security*
29 *measures are warranted. Such authorization does not permit the*
30 *individual to carry a concealed weapon into a public building, which has*
31 *adequate security measures, as defined by this act, and which is*
32 *conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and*
33 *amendments thereto.*

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

41 (f) *A state agency or municipality which does not provide adequate*
42 *security measures in a state or municipal building and which allows the*
43 *carrying of a concealed handgun shall not be liable for any wrongful act or*

1 omission relating to actions of persons carrying a concealed handgun
2 concerning acts or omissions regarding such handguns.

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

9 (h) Nothing in this section shall limit the ability of the chief judge of
10 each judicial district to prohibit the carrying of a concealed handgun by
11 any person into courtrooms or ancillary courtrooms within the district
12 provided ~~that other means of security are employed such as armed law~~
13 ~~enforcement or armed security officers~~ *the public area has adequate*
14 *security measures to ensure that no weapons are permitted to be carried*
15 *into such public area and the public area is conspicuously posted in*
16 *accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.*

17 (i) The governing body or the chief administrative officer, if no
18 governing body exists, of a state or municipal building, may exempt the
19 building, *or any public area thereof*, from this section ~~until January 1,~~
20 ~~2014, by notifying the Kansas attorney general and the law enforcement~~
21 ~~agency of the local jurisdiction by letter of such exemption. Thereafter,~~
22 ~~such governing body or chief administrative officer may exempt a state or~~
23 ~~municipal building for a period of only four years until July 1, 2017, by~~
24 adopting a resolution, or drafting a letter, listing the legal description of
25 such building, listing the reasons for such exemption, and including the
26 following statement: "A security plan has been developed for the building
27 being exempted which supplies adequate security to the occupants of the
28 building and merits the prohibition of the carrying of a concealed
29 handgun." A copy of the security plan for the building shall be maintained
30 on file and shall be made available, upon request, to the Kansas attorney
31 general and the law enforcement agency of local jurisdiction. Notice of
32 this exemption, together with the resolution adopted or the letter drafted,
33 shall be sent to the Kansas attorney general and to the law enforcement
34 agency of local jurisdiction. The security plan shall not be subject to
35 disclosure under the Kansas open records act.

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

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

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

3 (3) a community mental health center organized pursuant to K.S.A.
4 19-4001 et seq., and amendments thereto;

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

7 (5) a postsecondary educational institution, as defined in K.S.A. 74-
8 3201b, and amendments thereto, including any buildings located on the
9 grounds of such institution and any buildings leased by such institution.

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

13 (l) Nothing in this section shall be construed to prohibit any law
14 enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and
15 amendments thereto, who satisfies the requirements of either K.S.A. 2015
16 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
17 concealed handgun into any state or municipal building, *or any public*
18 *area thereof*, in accordance with the provisions of K.S.A. 2015 Supp. 75-
19 7c22, and amendments thereto, subject to any restrictions or prohibitions
20 imposed in any courtroom by the chief judge of the judicial district.

21 (m) For purposes of this section:

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

32 (2) "*Authorized personnel*" means *employees of a state agency or*
33 *municipality and any person granted authorization pursuant to subsection*
34 *(d)(2), who are authorized to enter a state or municipal building through a*
35 *restricted access entrance.*

36 ~~(2)~~ (3) The terms "municipality" and "municipal" are interchangeable
37 and have the same meaning as the term "municipality" is defined in K.S.A.
38 75-6102, and amendments thereto, but does not include school districts.

39 ~~(3)~~ (4) "*Public area*" means *any portion of a state or municipal*
40 *building that is open to and accessible by the public or which is otherwise*
41 *designated as a public area by the governing body or the chief*
42 *administrative officer, if no governing body exists, of such building.*

43 (5) "Restricted access entrance" means an entrance that is restricted to

1 the public and requires a key, keycard, code, or similar device to allow
2 entry to authorized personnel.

3 ~~(4)-(6)~~ "State" means the same as the term is defined in K.S.A. 75-
4 6102, and amendments thereto.

5 ~~(5)-(7)~~ (A) "State or municipal building" means a building owned or
6 leased by such public entity. It does not include a building owned by the
7 state or a municipality which is leased by a private entity whether for
8 profit or not-for-profit or a building held in title by the state or a
9 municipality solely for reasons of revenue bond financing.

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

12 ~~(6)-(8)~~ "Weapon" means a weapon described in K.S.A. 2015 Supp.
13 21-6301, and amendments thereto, except the term "weapon" shall not
14 include any cutting instrument that has a sharpened or pointed blade.

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

17 Sec. 7. K.S.A. 72-89a01 and K.S.A. 2015 Supp. 75-7c04, 75-7c05,
18 75-7c10 and 75-7c20 are hereby repealed.

19 Sec. 8. This act shall take effect and be in force from and after its
20 publication in the statute book.