

Firearms; HB 2502

HB 2502 makes changes to several laws concerning firearms.

Air Guns

The bill amends the Weapons Free School Act to prohibit school districts from adopting policies preventing organizations from conducting activities on school property solely because the activities involve the possession and use of air guns.

School districts may prohibit the possession of air guns at a 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. School districts cannot implement policies that prohibit the possession of an air gun by a pupil on school property if the pupil is a participant in the activities of an organization.

Individuals, or parents of individuals, participating in activities conducted by an organization can be required to sign a liability waiver as prescribed by the chief administrative officer of the school. The waiver is required to contain appropriate language to relieve the school district, the school, and all school personnel from liability for claims arising from the acts or omissions of individuals or school personnel relating to activities conducted by an organization.

The definition of “weapon” is amended to specifically exclude air guns. The bill defines “air gun” to mean any device that will or is designed to or may be readily converted to expel a projectile by the release of compressed air or gas, and that is of .18 caliber or less and has a muzzle velocity that does not exceed 700 feet per second. The bill defines “organization” to mean 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 19 in activities designed to promote and encourage self-confidence, teamwork, and a sense of community.

Active Duty Military Personnel

The bill makes several amendments to concealed carry statutes to allow active duty military personnel to apply for and receive a concealed carry license while stationed outside of Kansas. First, the bill adds evidence of completion of a course offered in another jurisdiction which is determined by the Attorney General to have training requirements that are equal to or greater than those required by the Personal and Family Protection Act to the definition of what constitutes evidence of satisfactory completion of an approved handgun safety course.

The bill also specifies that a person presenting proof that such person is on active duty with any branch of the U.S. armed forces and is stationed at a military installation outside the state can submit a concealed carry application and supporting materials by mail. Fingerprints taken at a U.S. military installation also can be submitted by mail with such application.

The bill requires a sheriff receiving such items to forward the application and the Attorney General’s portion of the application fee to the Attorney General.

Public Employers and Employees

The bill prohibits public employers from restricting or prohibiting through personnel policies any employee legally qualified to conceal carry from carrying a concealed handgun while engaged in employment duties outside the employer's place of business, including while in a means of conveyance. School districts are specifically exempted from the definition of public employer.

Public Buildings

Under previous law, the concealed carrying of firearms could be prohibited throughout the entirety of state and municipal buildings by the governing body or chief administrative officer of the building. The bill makes the requirements for prohibiting concealed carry in public areas the same as those found in continuing law for prohibiting concealed carry in public buildings: the building or public area must have adequate security at all public access entrances to ensure no weapons are permitted to be carried in the area or building and must conspicuously post the prohibition. The bill specifies such public areas could be posted with either permanent or temporary signage approved by the governing body or the chief administrative officer if no governing body exists.

"Public area" is defined as any portion of a state or municipal building that is open to and accessible by the public or is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such a building. The bill defines "public employer" as the State and any municipality as defined in KSA 2015 Supp. 75-6102 (under this statute, a "municipality" means any county, township, city, school district, or other political or taxing subdivision of the state, or any agency, authority, institution, or other instrumentality thereof).

The bill specifies that the chief judge of each judicial district may prohibit the carrying of concealed firearms into courtrooms or ancillary courtrooms within the district provided the public area has adequate security measures to ensure that no weapons are permitted to be carried into the area and the area is conspicuously posted in accordance with the law.

The bill also states that exemptions from the Personal and Family Protection Act for state and municipal buildings found in previous law expire July 1, 2017. No specific expiration date was included in law previously.

Restricted Access Entrances

The bill amends the Personal and Family Protection Act to allow entry through restricted access entrances for persons who are not state or municipal employees or otherwise authorized to enter a state or municipal building through a restricted access entrance.

To qualify for restricted access entry, such persons will be required to:

- Obtain authorization from the chief law enforcement officer, governing body, or the chief administrative officer (if no governing body exists) to enter such state or municipal building through a restricted access entrance;

- Be issued an identification card by the chief law enforcement officer, governing body, or chief administrative officer; and
 - The identification card is required to include a statement that such person is authorized to enter such building through a restricted access entrance, and include the person's photograph, name, and any other identifying information deemed necessary by the issuing entity;
- Execute an affidavit or notarized statement that such person acknowledges certain firearms and weapons may be prohibited in such building and violating any such regulations may result in revocation of authority to enter a building through a restricted access entrance.

The chief law enforcement officer, governing body, or chief administrative officer is required to develop criteria for approval of individuals to qualify for entry through restricted access entrances. The criteria can include a requirement that the individual submit to state and national criminal history checks before issuance and renewal of such approval and a requirement the individual pay a fee to cover the cost of such background checks.

An individual who has been issued a concealed carry permit by the State is not required to submit to further state and national background checks before the issuance and renewal of such authorization to enter buildings through restricted access entrances.

Individuals can be subjected to additional security screening measures upon reasonable suspicion or in circumstances where heightened security measures are warranted.

The bill states authorization to enter state and municipal buildings through restricted access entrances does not allow the individual to carry a concealed weapon in a public building which has adequate security measures and is conspicuously posted in accordance with the law.

“Authorized personnel” is defined to mean employees of a state agency or municipality and any person who is, under the provisions of the bill, authorized to enter a state or municipal building through a restricted access entrance.

Adequate Security Measures

The bill amends the definition of “adequate security measures” to specify that personnel used at public entrances of buildings prohibiting concealed carry within the building must be armed.