

HOUSE BILL No. 2115

By Committee on Local Government

Requested by Representative Featherston

1-28

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; authorizing municipalities to prohibit employees of such
3 municipality from carrying concealed handguns in municipal buildings;
4 amending K.S.A. 75-7c20 and repealing the existing section.
5

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

7 Section 1. K.S.A. 75-7c20 is hereby amended to read as follows: 75-
8 7c20. (a) The carrying of a concealed handgun shall not be prohibited in
9 any public area of any state or municipal building unless such public area
10 has adequate security measures to ensure that no weapons are permitted to
11 be carried into such public area and the public area is conspicuously
12 posted with either permanent or temporary signage approved by the
13 governing body, or the chief administrative officer, if no governing body
14 exists, in accordance with K.S.A. 75-7c10, and amendments thereto.

15 (b) The carrying of a concealed handgun shall not be prohibited
16 throughout any state or municipal building in its entirety unless such
17 building has adequate security measures at all public access entrances to
18 ensure that no weapons are permitted to be carried into such building and
19 the building is conspicuously posted in accordance with K.S.A. 75-7c10,
20 and amendments thereto.

21 (c) No state agency or municipality shall prohibit an employee from
22 carrying a concealed handgun at the employee's work place unless:

23 (1) The building has adequate security measures at all public access
24 entrances to ensure that no weapons are permitted to be carried into such
25 building and the building is conspicuously posted in accordance with
26 K.S.A. 75-7c10, and amendments thereto; or

27 (2) *a security plan has been adopted for such building in accordance*
28 *with subsection (i).*

29 (d) (1) *Except as provided in subsection (c),* it shall not be a violation
30 of the personal and family protection act for a person to carry a concealed
31 handgun into a state or municipal building, or any public area thereof, so
32 long as that person has authority to enter through a restricted access
33 entrance into such building, or public area thereof, that provides adequate
34 security measures at all public access entrances and the building, or public
35 area thereof, is conspicuously posted in accordance with K.S.A. 75-7c10,

1 and amendments thereto.

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

6 (A) Is authorized by the chief law enforcement officer, governing
7 body, or the chief administrative officer, if no governing body exists, to
8 enter such state or municipal building through a restricted access entrance;

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

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

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

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

1 regarding such handguns.

2 (f) A state agency or municipality that does not provide adequate
3 security measures in a state or municipal building and that allows the
4 carrying of a concealed handgun shall not be liable for any wrongful act or
5 omission relating to actions of persons carrying a concealed handgun
6 concerning acts or omissions regarding such handguns.

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

13 (h) Nothing in this section shall limit the ability of the chief judge of
14 each judicial district to prohibit the carrying of a concealed handgun by
15 any person into courtrooms or ancillary courtrooms within the district
16 provided the public area has adequate security measures to ensure that no
17 weapons are permitted to be carried into such public area and the public
18 area is conspicuously posted in accordance with K.S.A. 75-7c10, and
19 amendments thereto.

20 (i) (1) The governing body or the chief administrative officer, if no
21 governing body exists, of a ~~state or~~ municipal building, may ~~exempt the~~
22 ~~building, or any public area thereof, from this section until July 1, 2017,~~
23 *prohibit employees of such municipality from carrying concealed*
24 *handguns within such building* by adopting a resolution, or drafting a
25 letter, listing the legal description of such building, listing the reasons for
26 such ~~exemption~~, *prohibition* and including the following statement: "A
27 security plan has been developed for the building ~~being exempted which~~
28 *that* supplies adequate security to the occupants of the building and merits
29 the prohibition of the carrying of a concealed handgun *by employees.*"

30 (2) A copy of the security plan for the building shall be maintained on
31 file and shall be made available, upon request, to the Kansas attorney
32 general and the law enforcement agency of local jurisdiction. Notice of
33 this ~~exemption~~ *prohibition*, together with the resolution adopted or the
34 letter drafted, shall be sent to the Kansas attorney general and to the law
35 enforcement agency of local jurisdiction.

36 (3) The security plan shall not be subject to disclosure under the
37 Kansas open records act. *The provisions of this paragraph shall expire on*
38 *July 1, 2030, unless the legislature reviews and reenacts this provision*
39 *pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2030.*

40 (j) The governing body or the chief administrative officer, if no
41 governing body exists, of any postsecondary educational institution, as
42 defined in K.S.A. 74-3201b, and amendments thereto, may exempt any
43 building of such institution, including any buildings located on the grounds

1 of such institution and any buildings leased by such institution, or any
 2 public area thereof, from this section until July 1, 2017, by stating the
 3 reasons for such exemption and sending notice of such exemption to the
 4 Kansas attorney general.

5 (k) The provisions of this section shall not apply to:

6 (1) Any building located on the grounds of the Kansas state school
 7 for the deaf or the Kansas state school for the blind;

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

10 (3) a state or municipal-owned adult care home, as defined in K.S.A.
 11 39-923, and amendments thereto;

12 (4) a community mental health center organized pursuant to K.S.A.
 13 19-4001 et seq., and amendments thereto;

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

16 (6) any building owned or leased by the authority created under the
 17 university of Kansas hospital authority act, any building located within the
 18 health care district, as defined in the unified government of Wyandotte
 19 county and Kansas City, Kansas City-wide master plan, Rosedale master
 20 plan and traffic study or similar master plan or comprehensive planning or
 21 zoning document approved by the unified government of Wyandotte
 22 county and Kansas City, Kansas in effect on January 12, 2017.

23 (l) Nothing in this section shall be construed to prohibit any law
 24 enforcement officer, as defined in K.S.A. 75-7c22, and amendments
 25 thereto, who satisfies the requirements of either K.S.A. 75-7c22(a) or (b),
 26 and amendments thereto, from carrying a concealed handgun into any state
 27 or municipal building, or any public area thereof, in accordance with the
 28 provisions of K.S.A. 75-7c22, and amendments thereto, subject to any
 29 restrictions or prohibitions imposed in any courtroom by the chief judge of
 30 the judicial district.

31 (m) For purposes of this section:

32 (1) "Adequate security measures" means the use of electronic
 33 equipment and armed personnel at public entrances to detect and restrict
 34 the carrying of any weapons into the state or municipal building, or any
 35 public area thereof, including, but not limited to, metal detectors, metal
 36 detector wands or any other equipment used for similar purposes to ensure
 37 that weapons are not permitted to be carried into such building or public
 38 area by members of the public. Adequate security measures for storing and
 39 securing lawfully carried weapons, including, but not limited to, the use of
 40 gun lockers or other similar storage options may be provided at public
 41 entrances.

42 (2) "Authorized personnel" means employees of a state agency or
 43 municipality and any person granted authorization pursuant to subsection

1 (d)(2), who are authorized to enter a state or municipal building through a
2 restricted access entrance.

3 (3) The terms "municipality" and "municipal" are interchangeable
4 and have the same meaning as the term "municipality" is defined in K.S.A.
5 75-6102, and amendments thereto, but does not include school districts.

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

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

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

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

20 (B) The term "state and municipal building" shall not include the
21 state capitol.

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

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

27 Sec. 2. K.S.A. 75-7c20 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.