

HOUSE BILL No. 2196

By Representative Ballard

1-31

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; providing permanent exemptions for postsecondary
3 educational institutions; amending K.S.A. 75-7c20 and repealing the
4 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 the
23 building has adequate security measures at all public access entrances to
24 ensure that no weapons are permitted to be carried into such building and
25 the building is conspicuously posted in accordance with K.S.A. 75-7c10,
26 and amendments thereto.

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

34 (2) Any person, who is not an employee of the state or a municipality
35 and is not otherwise authorized to enter a state or municipal building
36 through a restricted access entrance, shall be authorized to enter through a

1 restricted access entrance, provided such person:

2 (A) Is authorized by the chief law enforcement officer, governing
3 body; or the chief administrative officer, if no governing body exists, to
4 enter such state or municipal building through a restricted access 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 that~~ includes such person's photograph, name and any
8 other identifying information deemed necessary by the issuing entity, and
9 ~~which that~~ states on the identification card that such person is authorized
10 to enter such building through a restricted access entrance; and

11 (C) executes an affidavit or other notarized statement that such person
12 acknowledges that certain firearms and weapons may be prohibited in such
13 building and that violating any such regulations may result in the
14 revocation of such person's authority to enter such building through a
15 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 of
24 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 individual
30 to carry a concealed weapon into a public building, ~~which that~~ has
31 adequate security measures, as defined by this act, and ~~which that~~ is
32 conspicuously posted in accordance with K.S.A. 75-7c10, and
33 amendments thereto.

34 (e) A state agency or municipality that provides adequate security
35 measures in a state or municipal building and ~~which that~~ conspicuously
36 posts signage in accordance with K.S.A. 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 that does not provide adequate
42 security measures in a state or municipal building and that 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 (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 the public area has adequate security measures to ensure that no
13 weapons are permitted to be carried into such public area and the public
14 area is conspicuously posted in accordance with K.S.A. 75-7c10, and
15 amendments thereto.

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

31 ~~(j) The governing body or the chief administrative officer, if no~~
32 ~~governing body exists, of any postsecondary educational institution, as~~
33 ~~defined in K.S.A. 74-3201b, and amendments thereto, may exempt any~~
34 ~~building of such institution, including any buildings located on the grounds~~
35 ~~of such institution and any buildings leased by such institution, or any~~
36 ~~public area thereof, from this section until July 1, 2017, by stating the~~
37 ~~reasons for such exemption and sending notice of such exemption to the~~
38 ~~Kansas attorney general.~~

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

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

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

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

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

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

7 (6) *any postsecondary educational institution, as defined in K.S.A.*
8 *74-3201b, and amendments thereto; or*

9 (7) any building owned or leased by the authority created under the
10 university of Kansas hospital authority act, any building located within the
11 health care district, as defined in the unified government of Wyandotte
12 county and Kansas City, Kansas City-wide master plan, Rosedale master
13 plan and traffic study or similar master plan or comprehensive planning or
14 zoning document approved by the unified government of Wyandotte
15 county and Kansas City, Kansas in effect on January 12, 2017.

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

24 ~~(m)~~(k) For purposes of this section:

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

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

39 (3) The terms "municipality" and "municipal" are interchangeable
40 and have the same meaning as the term "municipality" is defined in K.S.A.
41 75-6102, and amendments thereto, but does not include school districts.

42 (4) "Public area" means any portion of a state or municipal building
43 that is open to and accessible by the public or ~~which~~ *that* is otherwise

1 designated as a public area by the governing body or the chief
2 administrative officer, if no governing body exists, of such building.

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

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

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

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

15 (8) "Weapon" means a weapon described in K.S.A. 2022 Supp. 21-
16 6301, and amendments thereto, except the term "weapon" shall not include
17 any cutting instrument that has a sharpened or pointed blade.

18 ~~(h)~~(l) This section shall be a part of and supplemental to the personal
19 and family protection act.

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

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the Kansas register.