

HOUSE BILL No. 2353

By Committee on Federal and State Affairs

2-17

Proposed Amendments for HB 2353  
February 1, 2012  
Prepared By: Mike Heim  
Office of Revisor of Statutes

#1  
Knox

2011

1 AN ACT concerning the personal and family protection act; amending  
2 K.S.A. (2010 Supp. 75-7c10 and section 194 of chapter 136 of the  
3 2010 Session Laws of Kansas and repealing the existing sections.  
4

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

6 New Section 1. (a) The carrying of a concealed handgun as  
7 authorized by the personal and family protection act shall not be  
8 prohibited in state or municipality facilities or premises unless such  
9 facilities or premises have adequate security measures to ensure that no  
10 weapons are permitted to be carried into or on such premises or facilities.

11 (b) No state agency or municipality shall prohibit an employee who  
12 is licensed to carry a concealed handgun under the provisions of the  
13 personal and family protection act from carrying such concealed handgun  
14 at the employee's work place unless the work place has adequate security  
15 measures and is properly posted prohibiting concealed carry.

16 (c) If shall not be a crime for a person to carry a concealed handgun  
17 in or on the facilities or premises so long as that person is licensed to carry  
18 a concealed handgun under the provisions of the personal and family  
19 protection act and has authority to enter through a restricted access  
20 entrance to a state or municipal facility or premises which provides  
21 adequate security measures and is properly posted prohibiting concealed  
22 carry.

23 (d) Nothing in this act shall prohibit a state agency or municipality  
24 from instituting employee policies restricting concealed carry of a  
25 handgun by a person who is licensed to carry concealed handgun under  
26 the provisions of the personal and family protection act in state or  
27 municipal facilities or premises which provides adequate security  
28 measures and is properly posted prohibiting concealed carry.

29 (e) Nothing in this act shall limit the ability of a corrections facility,  
30 a jail facility or a law enforcement agency to prohibit the carrying of a  
31 concealed weapon by any person on such premises.

32 (f) For purposes of this section:

33 (1) "Adequate security measures" means the use of electronic  
34 equipment and personnel at public entrances to detect and restrict the  
35 carrying of any weapons into the facility or on such premises, including,  
36 but not limited to, metal detectors, metal detector wands or any other

building

building has

such building

a state or the municipal building

building

a

building

(e) Any state or municipality building which contains both public access  
entrances and restricted access entrances shall provide adequate security  
at the public access entrances in order to prohibit the carrying of a  
concealed handgun in such public areas.

building

1 equipment used for similar purposes to ensure that weapons are not  
2 permitted to be carried into such ~~premises or facilities~~ by members of the  
3 public.

building

4 (2) "Municipality" means as the term is defined in K.S.A.75-6102,  
5 and amendments thereto, but does not include school districts.

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

9 (4) "State" means as the term is defined in K.S.A. 75-6102, and  
10 amendments thereto.

(5) "State or municipality building" means a  
building owned or leased by such public entity.

11 (5) "Weapon" means weapons described in section 186 of chapter  
12 136 of the 2010 Session Laws of Kansas, and amendments thereto.

(6)

13 (d) This section shall be a part of and supplemental to the personal  
14 and family protection act.

15 Sec. 2. K.S.A. 2010 Supp. 75-7c10 is hereby amended to read as  
16 follows: 75-7c10. (a) Provided that the premises are conspicuously posted  
17 in accordance with rules and regulations adopted by the attorney general  
18 as premises where carrying a concealed handgun is prohibited, and  
19 subject to provisions of section 1, and amendments thereto, dealing with  
20 state agencies and municipalities, no license issued pursuant to or  
21 recognized by this act shall authorize the licensee to carry a concealed  
22 handgun into the building of:

23 (1) Any place where an activity declared a common nuisance by  
24 K.S.A. 22-3901, and amendments thereto, is maintained;

25 (2) any police, sheriff or highway patrol station;

26 (3) any detention facility, prison or jail;

27 (4) any courthouse, except that nothing in this section would  
28 preclude a judge from carrying a concealed handgun or determining who  
29 may carry a concealed handgun in the judge's courtroom;

30 (5) any polling place on the day an election is held;

31 (6) any state office;

32 (7) any facility hosting an athletic event not related to or involving  
33 firearms which is sponsored by a private or public elementary or  
34 secondary school or any private or public institution of postsecondary  
35 education;

36 (8) any facility hosting a professional athletic event not related to or  
37 involving firearms;

38 (9) any drinking establishment as defined by K.S.A. 41-2601, and  
39 amendments thereto;

40 (10) any elementary or secondary school, attendance center,  
41 administrative office, services center or other facility;

42 (11) any community college, college or university;

43 (12) any child exchange and visitation center provided for in K.S.A.

1 75-720, and amendments thereto;

2 (13) any community mental health center organized pursuant to  
3 K.S.A. 19-4001 et seq, and amendments thereto; any mental health clinic  
4 organized pursuant to K.S.A. 65-211 et seq, and amendments thereto;  
5 any psychiatric hospital licensed under K.S.A. 75-3307b, and  
6 amendments thereto; or a state psychiatric hospital, as follows: Larned  
7 state hospital, Osawatomie state hospital or Rainbow mental health  
8 facility;

9 (14) any public library operated by the state;

10 (15) any day care home or group day care home, as defined in  
11 Kansas administrative regulation 28-4-113, or any preschool or childcare  
12 center, as defined in Kansas administrative regulation 28-4-420; or

13 (16) any place of worship.

Subject to provisions of section 1, and amendments thereto,  
dealing with state agencies and municipalities,

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

15 (1) Any public or private employer from restricting or prohibiting by  
16 personnel policies persons licensed under this act from carrying a  
17 concealed handgun while on the premises of the employer's business or  
18 while engaged in the duties of the person's employment by the employer,  
19 except that no employer may prohibit possession of a handgun in a  
20 private means of conveyance, even if parked on the employer's premises;  
21 or

22 (2) any private business or city, county or political subdivision from  
23 restricting or prohibiting persons licensed or recognized under this act  
24 from carrying a concealed handgun within a building or buildings of such  
25 entity, provided that the premises are posted in accordance with rules and  
26 regulations adopted by the attorney general pursuant to subsection (f), as  
27 premises where carrying a concealed handgun is prohibited.

Subject to provisions of section 1, and amendments thereto,  
dealing with state agencies and municipalities,

28 (c) (1) It shall be a violation of this section to carry a concealed  
29 handgun in violation of any restriction or prohibition allowed by  
30 subsection (a) or (b) if the premises are posted in accordance with rules  
31 and regulations adopted by the attorney general pursuant to subsection  
32 (f). Any person who violates this section shall be guilty of a misdemeanor  
33 punishable by a fine of: (A) Not more than \$50 for the first offense; or  
34 (B) not more than \$100 for the second offense. Any third or subsequent  
35 offense is a class B misdemeanor.

36 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a  
37 violation of this section for the United States attorney for the district of  
38 Kansas, the attorney general, any district attorney or county attorney, any  
39 assistant United States attorney if authorized by the United States  
40 attorney for the district of Kansas, any assistant attorney general if  
41 authorized by the attorney general, or any assistant district attorney or  
42 assistant county attorney if authorized by the district attorney or county  
43 attorney by whom such assistant is employed, to possess a handgun

1 within any of the buildings described in subsection (a) or (b), subject to  
2 any restrictions or prohibitions imposed in any courtroom by the chief  
3 judge of the judicial district. The provisions of this paragraph shall not  
4 apply to any person who is not in compliance with K.S.A. 2010 Stupp. 75-  
5 7c19, and amendments thereto.

6 (d) For the purposes of this section, "building" shall not include any  
7 structure, or any area of any structure, designated for the parking of  
8 motor vehicles.

9 (e) Nothing in this act shall be construed to authorize the carrying or  
10 possession of a handgun where prohibited by federal law.

11 (f) The attorney general shall adopt rules and regulations prescribing  
12 the location, content, size and other characteristics of signs to be posted  
13 on premises where carrying a concealed handgun is prohibited pursuant  
14 to subsections (a) and (b). Such regulations shall prescribe, at a  
15 minimum, that:

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

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

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

23 Sec. 3. Section 194 of chapter 136 of the 2010 Session Laws of  
24 Kansas, is hereby amended to read as follows: Sec. 194. (a) It shall be  
25 unlawful to possess, with no requirement of a culpable  
26 mental state, a firearm on the grounds of or in:

27 (1) Any building located within the capitol complex;

28 (2) the governor's residence;

29 (3) any building on the grounds of the governor's residence;

30 (4) any other state-owned or leased building if the secretary of  
31 administration has so designated by rules and regulations and  
32 conspicuously placed signs clearly stating that firearms are prohibited  
33 within such building; or

34 (5) any county courthouse, unless, by county resolution, the board of  
35 county commissioners authorize the possession of a firearm within such  
36 courthouse.

37 (b) Violation of this section is a class A misdemeanor.

38 (c) This section shall not apply to:

39 (1) A commissioned law enforcement officer;

40 (2) a full-time salaried law enforcement officer of another state or  
41 the federal government who is carrying out official duties while in this  
42 state;

43 (3) any person summoned by any such officer to assist in making

1 arrests or preserving the peace while actually engaged in assisting such  
2 officer; or

3 (4) a member of the military of this state or the United States  
4 engaged in the performance of duties.

5 (d) It is not a violation of this section for the:

6 (1) Governor, the governor's immediate family, or specifically  
7 authorized guest of the governor to possess a firearm within the  
8 governor's residence or on the grounds of or in any building on the  
9 grounds of the governor's residence; or

10 (2) United States attorney for the district of Kansas, the attorney  
11 general, any district attorney or county attorney, any assistant United  
12 States attorney if authorized by the United States attorney for the district  
13 of Kansas, any assistant attorney general if authorized by the attorney  
14 general, or any assistant district attorney or assistant county attorney if  
15 authorized by the district attorney or county attorney by whom such  
16 assistant is employed, to possess a firearm within any county courthouse  
17 and court-related facility, subject to any restrictions or prohibitions  
18 imposed in any courtroom by the chief judge of the judicial district. The  
19 provisions of this paragraph shall not apply to any person not in  
20 compliance with K.S.A. 2009 2010 Supp. 75-7c19, and amendments  
21 thereto.

22 (e) *It is not a violation of this section for a person to possess a  
23 firearm as authorized under the personal and family protection act unless  
24 the facilities or premises have adequate security measures as defined in  
25 subsection (g) to ensure that no weapons are permitted to be carried into  
26 ~~or on such premises or facilities.~~*

building has  
such building

27 (e) (f) Notwithstanding the provisions of this section, any county  
28 may elect by passage of a resolution that the provisions of subsection (d)  
29 (2) shall not apply to such county's courthouse or court-related facilities if  
30 such:

31 (1) Facilities have adequate security measures to ensure that no  
32 weapons are permitted to be carried into such facilities;

33 (2) facilities have adequate measures for storing and securing  
34 lawfully carried weapons, including, but not limited to, the use of gun  
35 lockers or other similar storage options;

36 (3) county also has a policy or regulation requiring all law  
37 enforcement officers to secure and store such officer's firearm upon  
38 entering the courthouse or court-related facility. Such policy or regulation  
39 may provide that it does not apply to court security or sheriff's office  
40 personnel for such county; and

41 (4) facilities have a sign conspicuously posted at each entryway into  
42 such facility stating that the provisions of subsection (d)(2) do not apply  
43 to such facility.

1       ~~(f)~~ (g) As used in this section:

2       (1) "Adequate security measures" means the use of electronic  
3 equipment and personnel *at public entrances* to detect and restrict the  
4 carrying of any weapons into the facility, including, but not limited to,  
5 metal detectors, metal detector wands or any other equipment used for  
6 similar purposes;

7       (2) "possession" means having joint or exclusive control over a  
8 firearm or having a firearm in a place where the person has some measure  
9 of access and right of control; and

10      (3) "capitol complex" means the same as in K.S.A. 75-4514, and  
11 amendments thereto.

12      Sec. 4. K.S.A. 2010 Supp. 75-7c10 and section 194 of chapter 136  
13 of the 2010 Session Laws of Kansas are hereby repealed.

14      Sec. 5. This act shall take effect and be in force from and after its  
15 publication in the statute book.