

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **SB 394**, as amended by House Committee, on page 3, following line 29, by inserting:

"New Sec. 3. (a) The carrying of a concealed handgun as authorized by the personal and family protection act shall not be prohibited in state or municipal buildings unless such building has adequate security measures to ensure that no weapons are permitted to be carried into such building.

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

(c) It shall not be a crime for a person to carry a concealed handgun into such building so long as that person is licensed to carry a concealed handgun under the provisions of the personal and family protection act and has authority to enter through a restricted access entrance into such building which provides adequate security measures and is properly posted prohibiting concealed carry.

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

(e) Subject to provisions of subsection (f), nothing in this act shall limit the ability of a corrections facility, a jail facility or a law enforcement agency to prohibit the carrying of a concealed

handgun by any person on such premises.

(f) Any state or municipal 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.

(g) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal-owned medical care facility as defined in K.S.A. 65-425, and amendments thereto, may exempt itself from this section for a period of four years by stating the reasons for such exemption. Notice of this exemption shall be sent to the Kansas attorney general.

(h) The governing body or the chief administrative officer, if no governing body exists, of a state or municipal-owned adult care home as defined in K.S.A. 39-923, and amendments thereto, may exempt itself from this section for a period of four years by stating the reasons for such exemption. Notice of this exemption shall be sent to the Kansas attorney general.

(i) A state agency or municipality which provides adequate security in a public building and which properly posts a sign prohibiting the carrying of a concealed handgun on the premises of such building as authorized by the personal and family protection act, such state agency or municipality shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(j) A state agency or municipality which does not provide adequate security in a public building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(k) The governing body or the chief administrative officer, if no governing body exists, of a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, may

exempt the institution from this section for a period of four years by stating the reasons for such exemption. Notice of this exemption shall be sent to the Kansas attorney general.

(l) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public.

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

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

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

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

(6) "Weapon" means weapons described in K.S.A. 2011 Supp. 21-6301, and amendments thereto.

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

Sec. 4. K.S.A. 2011 Supp. 75-7c10 is hereby amended to read as follows: 75-7c10. (a) Provided that the premises are conspicuously posted in accordance with rules and regulations adopted

by the attorney general as premises where carrying a concealed handgun is prohibited, and subject to provisions of section 3, and amendments thereto, dealing with state agencies and municipalities, no license issued pursuant to or recognized by this act shall authorize the licensee to carry a concealed handgun into the building of:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
- (2) any police, sheriff or highway patrol station;
- (3) any detention facility, prison or jail;
- (4) any courthouse, except that nothing in this section would preclude a judge from carrying a concealed handgun or determining who may carry a concealed handgun in the judge's courtroom;
- (5) any polling place on the day an election is held;
- (6) any state office;
- (7) any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education;
- (8) any facility hosting a professional athletic event not related to or involving firearms;
- (9) any drinking establishment as defined by K.S.A. 41-2601, and amendments thereto;
- (10) any elementary or secondary school, attendance center, administrative office, services center or other facility;
- (11) any community college, college or university ;
- (12) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto;
- (13) any community mental health center organized pursuant to K.S.A. 19-4001 *et seq.*, and

amendments thereto; any mental health clinic organized pursuant to K.S.A. 65-211 *et seq.*, and amendments thereto; any psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or a state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;

(14) any public library operated by the state;

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

(16) any place of worship.

(b) (1) Any private entity which provides adequate security in a private building or facility and which properly posts a sign prohibiting the carrying of a concealed handgun on the premises of such building or facility as authorized by the personal and family protection act, such private entity shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security in a private building or facility and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

~~(b)~~(c) Subject to provisions of section 3, and amendments thereto, nothing in this act shall be construed to prevent:

(1) Any public or private employer from restricting or prohibiting by personnel policies persons licensed under this act from carrying a concealed handgun while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except

that no employer may prohibit possession of a handgun in a private means of conveyance, even if parked on the employer's premises; or

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

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

(2) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person who is not in compliance with K.S.A. 2011 Supp. 75-7c19, and amendments thereto.

~~(d)~~(e) For the purposes of this section, "building" shall not include any structure, or any area

of any structure, designated for the parking of motor vehicles.

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

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

- (1) The signs be posted at all exterior entrances to the prohibited buildings;
- (2) they be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- (3) the signs not be obstructed or altered in any way; and
- (4) signs which become illegible for any reason be immediately replaced.

Sec. 5. K.S.A. 2011 Supp. 21-6309 is hereby amended to read as follows: 21-6309. (a) It shall be unlawful to possess, with no requirement of a culpable mental state, a firearm on the grounds in any of the following places:

- (1) Within any building located within the capitol complex;
- (2) within the governor's residence;
- (3) on the grounds of or in any building on the grounds of the governor's residence;
- (4) within any other state-owned or leased building if the secretary of administration has so designated by rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building; or
- (5) within any county courthouse, unless, by county resolution, the board of county commissioners authorize the possession of a firearm within such courthouse.

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

(c) This section shall not apply to:

(1) A commissioned law enforcement officer;

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

(3) any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

(5) a person with a license issued pursuant to or recognized under K.S.A. 2011 Supp. 75-7c01 *et seq.*, and amendments thereto, except in buildings posted in accordance with K.S.A. 2011 Supp. 75-7c10, and amendments thereto, and in the areas specified in subsections (a)(2) and (a)(3).

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

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

(2) United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed, to possess a firearm within any county courthouse and court-related facility, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2011 Supp. 75-7c19, and amendments thereto.

(e) It is not a violation of this section for a person to possess a firearm as authorized under the personal and family protection act.

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

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

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

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

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

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

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

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

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

~~(g)~~(h) For the purposes of subsection (a)(1), (a)(4) and (a)(5), "building" and "courthouse"

shall not include any structure, or any area of any structure, designated for the parking of motor vehicles.";

And by renumbering sections accordingly;

Also on page 3, in line 30, after "Supp." by inserting "21-6309, 75-7c10 and"; also in line 30, by striking "is" and inserting "are";

On page 1, in the title, in line 1, by striking "the secretary of corrections; establishing the justice"; by striking all in line 2; in line 3, by striking "certain offenders" and inserting "corrections, correction officers and concealed handguns"; also in line 3, after "Supp." by inserting "21-6309, 75-7c10 and"; in line 4, by striking "section"; and inserting "sections"

_____ District.