

## HOUSE BILL No. 2476

By Committee on Education

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1 AN ACT concerning the personal and family protection act; relating to  
2 carrying concealed handguns on school premises; amending K.S.A.  
3 2011 Supp. 75-7c10 and 75-7c17 and repealing the existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 75-7c10 is hereby amended to read as  
7 follows: 75-7c10. (a) Provided that the premises are conspicuously posted  
8 in accordance with rules and regulations adopted by the attorney general as  
9 premises where carrying a concealed handgun is prohibited, no license  
10 issued pursuant to or recognized by this act shall authorize the licensee to  
11 carry a concealed handgun into the building of:

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

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

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

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

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

20 (6) any state office;

21 (7) any facility hosting an athletic event not related to or involving  
22 firearms which is sponsored by a private or public elementary or  
23 secondary school or any private or public institution of postsecondary  
24 education;

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

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

29 ~~(10) any elementary or secondary school, attendance center,~~  
30 ~~administrative office, services center or other facility;~~

31 ~~(11)~~ (10) any community college, college or university;

32 ~~(12)~~ (11) any child exchange and visitation center provided for in  
33 K.S.A. 75-720, and amendments thereto;

34 ~~(13)~~ (12) any community mental health center organized pursuant to  
35 K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic  
36 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any

1 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments  
2 thereto; or a state psychiatric hospital, as follows: Larned state hospital,  
3 Osawatomie state hospital or Rainbow mental health facility;

4 ~~(14)~~ (13) any public library operated by the state;

5 ~~(15)~~ (14) any day care home or group day care home, as defined in  
6 Kansas administrative regulation 28-4-113, or any preschool or childcare  
7 center, as defined in Kansas administrative regulation 28-4-420; or

8 ~~(16)~~ (15) any place of worship.

9 (b) *Provided the premises are conspicuously posted in accordance*  
10 *with the rules and regulations adopted by the attorney general as premises*  
11 *where carrying a concealed handgun is prohibited, no license issued*  
12 *pursuant to or recognized by this act shall authorize the licensee to carry*  
13 *a concealed handgun into or on the grounds of any elementary or*  
14 *secondary school, attendance center, administrative office, services center*  
15 *or other facility.*

16 ~~(b)~~ (c) Nothing in this act shall be construed to prevent:

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

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

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

37 (2) Notwithstanding the provisions of subsection (a) ~~or~~, (b) *or* (c), it  
38 is not a violation of this section for the United States attorney for the  
39 district of Kansas, the attorney general, any district attorney or county  
40 attorney, any assistant United States attorney if authorized by the United  
41 States attorney for the district of Kansas, any assistant attorney general if  
42 authorized by the attorney general, or any assistant district attorney or  
43 assistant county attorney if authorized by the district attorney or county

1 attorney by whom such assistant is employed, to possess a handgun within  
2 any of the buildings described in subsection (a) ~~or~~ , (b) *or* (c), subject to  
3 any restrictions or prohibitions imposed in any courtroom by the chief  
4 judge of the judicial district. The provisions of this paragraph shall not  
5 apply to any person who is not in compliance with K.S.A. 2011 Supp. 75-  
6 7c19, and amendments thereto.

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

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

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

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

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

21 (3) the signs not be obstructed or altered in any way; and

22 (4) signs which become illegible for any reason be immediately  
23 replaced.

24 Sec. 2. K.S.A. 2011 Supp. 75-7c17 is hereby amended to read as  
25 follows: 75-7c17. (a) The legislature finds as a matter of public policy and  
26 fact that it is necessary to provide statewide uniform standards for issuing  
27 licenses to carry concealed handguns for self-defense and finds it  
28 necessary to occupy the field of regulation of the bearing of concealed  
29 handguns for self-defense to ensure that no honest, law-abiding person  
30 who qualifies under the provisions of this act is subjectively or arbitrarily  
31 denied the person's rights. No city, county or other political subdivision of  
32 this state shall regulate, restrict or prohibit the carrying of concealed  
33 handguns by persons licensed under this act except as provided in  
34 subsection ~~(b)~~ (c) of K.S.A. 2011 Supp. 75-7c10, and amendments thereto,  
35 and subsection (f) of K.S.A. 21-4218, prior to its repeal, or subsection (e)  
36 of K.S.A. 2011 Supp. 21-6309, and amendments thereto. Any existing or  
37 future law, ordinance, rule, regulation or resolution enacted by any city,  
38 county or other political subdivision of this state that regulates, restricts or  
39 prohibits the carrying of concealed handguns by persons licensed under  
40 this act except as provided in subsection ~~(b)~~ (c) of K.S.A. 2011 Supp. 75-  
41 7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior  
42 to its repeal, or subsection (e) of K.S.A. 2011 Supp. 21-6309, and  
43 amendments thereto, shall be null and void.

1 (b) Prosecution of any person licensed under the personal and family  
2 protection act, and amendments thereto, for violating any restrictions on  
3 licensees will be done through the district court.

4 (c) The legislature does not delegate to the attorney general the  
5 authority to regulate or restrict the issuing of licenses provided for in this  
6 act, beyond those provisions of this act pertaining to licensing and training.  
7 Subjective or arbitrary actions or rules and regulations which encumber  
8 the issuing process by placing burdens on the applicant beyond those  
9 sworn statements and specified documents detailed in this act or which  
10 create restrictions beyond those specified in this act are in conflict with the  
11 intent of this act and are prohibited.

12 (d) This act shall be liberally construed. This act is supplemental and  
13 additional to existing constitutional rights to bear arms and nothing in this  
14 act shall impair or diminish such rights.

15 Sec. 3. K.S.A. 2011 Supp. 75-7c10 and 75-7c17 are hereby repealed.

16 Sec. 4. This act shall take effect and be in force from and after its  
17 publication in the statute book.  
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