

HOUSE BILL No. 2055

By Committee on Federal and State Affairs

1-23

Technical Amendments for HB 2055  
Prepared by Jason Long  
Office of the Revisor of Statutes

1 AN ACT concerning the personal and family protection act; amending  
2 K.S.A. 2012 Supp. 21-6309 ~~and~~ 75-7c10 and repealing the existing  
3 sections.  
4

,  
and 75-7c17

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 prohibited  
8 in ~~state or municipal buildings~~ unless such building has adequate security  
9 measures to ensure that no weapons are permitted to be carried into such  
10 building.

any state or municipal building

and the building is conspicuously posted in accordance with  
K.S.A. 2012 Supp. 75-7c10, and amendments thereto

11 (b) Any state or municipal building which contains both public access  
12 entrances and restricted access entrances shall provide adequate security at  
13 the public access entrances in order to prohibit the carrying of ~~a concealed~~  
14 ~~handgun in such public area~~

any weapons into such building

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

and the building is conspicuously posted in accordance with  
K.S.A. 2012 Supp. 75-7c10, and amendments thereto

a state or municipal

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

and the building is conspicuously posted in accordance with  
K.S.A. 2012 Supp. 75-7c10, and amendments thereto

measures

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

state or municipal building and conspicuously posts signage in  
accordance with K.S.A. 2012 Supp. 75-7c10, and amendments  
thereto,

33 (f) A state agency or municipality which does not provide adequate  
34 security ~~in a public building and which allows the carrying of a concealed~~  
35 handgun as authorized by the personal and family protection act shall not  
36 be liable for any wrongful act or omission relating to actions of persons

measures in a state or municipal

1 licensed to carry a concealed handgun concerning acts or omissions  
2 regarding such handguns.

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

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

15 (i) The governing body or the chief administrative officer, if no  
16 governing body exists, of a ~~post-secondary~~ postsecondary educational institution, as  
17 defined in K.S.A. 74-3201b, and amendments thereto, may exempt the  
18 institution from this section for a period of four years by stating the  
19 reasons for such exemption. Notice of this exemption shall be sent to the  
20 Kansas attorney general.

21 (j) Subject to provisions of subsection (b), nothing in this act shall  
22 limit the ability of a corrections facility, a jail facility or a law enforcement  
23 agency to prohibit the carrying of a concealed handgun by any person on  
24 such premises.

25 (k) For purposes of this section:

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

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

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

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

41 (5) "State or municipal building" means a building owned or leased  
42 by such public entity. It does not include a building owned by the state or a  
43 municipality which is leased by a private entity whether for profit or not-

postsecondary

into any building located

1 for-profit or a building held in title by the state or a municipality solely for  
2 reasons of revenue bond financing.

3 (6) "Weapon" means a weapon described in K.S.A. 2012 Supp. 21-  
4 6301, and amendments thereto.

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

7 Sec. 2. K.S.A. 2012 Supp. 21-6309 is hereby amended to read as  
8 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement  
9 of a culpable mental state, a firearm on the grounds in any of the following  
10 places:

11 (1) Within any building located within the capitol complex;

12 (2) within the governor's residence;

13 (3) on the grounds of or in any building on the grounds of the  
14 governor's residence;

15 (4) *subject to section 1, and amendments thereto*, within any other  
16 state-owned or leased building if the secretary of administration has so  
17 designated by rules and regulations and conspicuously placed signs clearly  
18 stating that firearms are prohibited within such building; or

19 (5) *subject to section 1, and amendments thereto*, within any county  
20 courthouse, unless, by county resolution, the board of county  
21 commissioners authorize the possession of a firearm within such  
22 courthouse.

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

24 (c) This section shall not apply to:

25 (1) A commissioned law enforcement officer;

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

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

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

33 (5) a person with a license issued pursuant to or recognized under  
34 K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, except in  
35 buildings posted in accordance with K.S.A. 2012 Supp. 75-7c10, and  
36 amendments thereto, and in the areas specified in subsections (a)(2) and  
37 (a)(3).

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

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

43 (2) United States attorney for the district of Kansas, the attorney

1 general, any district attorney or county attorney, any assistant United  
2 States attorney if authorized by the United States attorney for the district  
3 of Kansas, any assistant attorney general if authorized by the attorney  
4 general, or any assistant district attorney or assistant county attorney if  
5 authorized by the district attorney or county attorney by whom such  
6 assistant is employed, to possess a firearm within any county courthouse  
7 and court-related facility, subject to any restrictions or prohibitions  
8 imposed in any courtroom by the chief judge of the judicial district. The  
9 provisions of this paragraph shall not apply to any person not in  
10 compliance with K.S.A. 2012 Supp. 75-7c19, and amendments thereto.

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

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

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

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

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

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

30 ~~(g)~~ *(g)* As used in this section:

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

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

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

41 ~~(h)~~ *(h)* For the purposes of subsection (a)(1), (a)(4) and (a)(5),  
42 "building" and "courthouse" shall not include any structure, or any area of  
43 any structure, designated for the parking of motor vehicles.

1 Sec. 3. K.S.A. 2012 Supp. 75-7c10 is hereby amended to read as  
 2 follows: 75-7c10. (a) *Subject to the provisions of section 1, and*  
 3 *amendments thereto*, provided that the premises are conspicuously posted  
 4 in accordance with rules and regulations adopted by the attorney general as  
 5 premises where carrying a concealed handgun is prohibited, no license  
 6 issued pursuant to or recognized by this act shall authorize the licensee to  
 7 carry a concealed handgun into the building of:

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

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

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

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

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

16 (6) any state office;

17 (7) any facility hosting an athletic event not related to or involving  
 18 firearms which is sponsored by a private or public elementary or  
 19 secondary school or any private or public institution of postsecondary  
 20 education;

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

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

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

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

28 (12) any child exchange and visitation center provided for in K.S.A.  
 29 75-720, and amendments thereto;

30 (13) any community mental health center organized pursuant to  
 31 K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic  
 32 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any  
 33 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments  
 34 thereto; or a state psychiatric hospital, as follows: Larned state hospital,  
 35 Osawatimie state hospital or Rainbow mental health facility;

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

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

40 (16) any place of worship.

41 (b) (1) *Any private entity which provides adequate security in a*  
 42 *private building* ~~or facility~~ *and which* ~~prohibits posts of sign~~ *prohibiting the*  
 43 *carrying of a concealed handgun* ~~on the premises of such building~~ *or*

measures

conspicuously posts signage in accordance with this section  
 in

~~Entity 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.

measures

(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.

(c) 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.

(g)

~~(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 ~~(f)~~ if the premises are posted in accordance with rules and regulations adopted by the attorney general pursuant to subsection ~~(f)~~.

(c)

(g)

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.

(c)

(2) Notwithstanding the provisions of subsection (a) or ~~(f)~~, 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 ~~(f)~~, 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. 2012 Supp. 75-7c19, and amendments

(c)

1 thereo.

2 (e) For the purposes of this section, "building" shall not include  
3 any structure, or any area of any structure, designated for the parking of  
4 motor vehicles.

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

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

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

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

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

19 Sec. 4. K.S.A. 2012 Supp. 21-6309 [###] 75-7c10 are hereby repealed.

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

: (1) "Adequate security measures" shall have the  
same meaning as that term is defined in section 1,  
and amendments thereto.  
(2)

(c)

See insert K.S.A. 2012 Supp. 75-7c17  
and 75-7c17





**K.S.A. 2012 Supp. 75-7c17 is hereby amended to read as follows. 75-7c17.**

(a) The legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed handguns for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed handguns for self-defense to ensure that no honest, law-abiding person who qualifies under the provisions of this act is subjectively or arbitrarily denied the person's rights. No city, county or other political subdivision of this state shall regulate, restrict or prohibit the carrying of concealed handguns by persons licensed under this act except as provided in subsection (b) of K.S.A. 2012 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its repeal, or subsection (e) of K.S.A. 2012 Supp. 21-6309, and amendments thereto. Any existing or future law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state that regulates, restricts or prohibits the carrying of concealed handguns by persons licensed under this act except as provided in subsection (b) of K.S.A. 2012 Supp. 75-7c10, and amendments thereto, and subsection (f) of K.S.A. 21-4218, prior to its repeal, or subsection (e) of K.S.A. 2012 Supp. 21-6309, and amendments thereto, shall be null and void. (c)  
(f)

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

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

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

