

HOUSE BILL No. 2055

By Committee on Federal and State Affairs

1-23

Ballon #3 for HB 2055
Incorporating HB 2190
Prepared by Jason Long
Office of the Revisor of Statutes
February 8, 2013

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.

firearms; relating to the possession thereof; relating to

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 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.

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 areas.

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 carry.

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 carry.

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 as
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.

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

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 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-

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

