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*Legislative Attorneys  
transforming ideas into legislation*

OFFICE OF REVISOR OF STATUTES  
LEGISLATURE OF THE STATE OF KANSAS

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**MEMORANDUM**

To: Senator Emler  
From: Jason B. Long, Senior Assistant Revisor  
Re: Concealed handguns in the Statehouse  
Date: November 5, 2013

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You have inquired as to whether a legislator who is licensed to carry a concealed handgun under the Personal and Family Protection Act (K.S.A. 75-7c01 et seq.) can lawfully carry a concealed handgun into the Statehouse under current law. After reviewing the changes to the Personal and Family Protection Act (the Act) that were enacted by passage of 2013 Senate Substitute for HB 2052 (HB 2052), it appears that those legislators who are licensed to carry a concealed handgun would not violate the Act due to their authority to enter the Statehouse via the restricted access entrances of the building.

As an initial matter, under Section 3 of HB 2052 beginning July 1, 2014, any individual holding a license to carry a concealed handgun will be permitted to do so in the Statehouse unless this statute is rendered ineffective by the affirmative act of the Legislative Coordinating Council (LCC). Section 3 provides that it will become effective on July 1, 2014, *unless* prior to that date the LCC determines that the Statehouse has adequate security to ensure that no weapons are permitted to be carried into the Statehouse. If the LCC makes such a determination, then Section 3 will not become effective.

Prior to July 1, 2014, the Statehouse is considered a “state or municipal building” as that term is defined in Section 2 of HB 2052. As a state building, the Statehouse is subject to the

provisions of Section 2 of HB 2052. Generally, such buildings cannot prohibit the carrying of concealed handguns into the building by licensees unless: (1) the building's public entrances have adequate security to ensure that no weapons are permitted to be carried into the building; and (2) have the appropriate signage informing the public that possession of handguns is prohibited in the building. The Statehouse currently meets the law's "adequate security" and signage requirements, and licensees generally are not permitted to carry concealed handguns in the Statehouse.

Section 2 of HB 2052 contains two other provisions that are relevant to your inquiry. First, subsection (c) provides that a state agency cannot prohibit licensed employees from carrying a concealed handgun into a state building unless the building has adequate security and appropriate signage. If the building satisfies the two requirements, the prohibition would most likely be implemented through employment policies adopted by the state agency. Since the Statehouse meets the two requirements, a state agency located in the Statehouse could prohibit its employees from carrying concealed handguns in the building. It is important to note that this provision pertains to employees and employment policies.

The second key provision is subsection (d), which provides that any person who is licensed under the Act and who has authority to enter through a restricted access entrance of a state or municipal building does not violate the Act if such person carries a concealed handgun into the building regardless of whether the building has adequate security and appropriate signage. This provision is not limited to employees, but is applicable to any person authorized to enter through a restricted access entrance. The phrase "restricted access entrance" is defined in Section 2 as "an entrance that is restricted to the public and requires a key, keycard, code, or similar device to allow entry to authorized personnel."

The Statehouse has multiple restricted access entrances. These entrances are accessible by legislators, legislative employees, and other personnel whose employment requires them to be in the Statehouse. Reading subsection (d) in conjunction with subsection (c), such individuals could only be prohibited from carrying a concealed handgun in the Statehouse by an employment policy adopted by the state agency employing such individual. If the individual is not an employee of a state agency, or no such policy exists, then arguably the individual can lawfully carry a concealed handgun in the Statehouse pursuant to subsection (d) of Section 2 of HB 2052.

To answer your specific inquiry, a legislator is not an employee of a state agency. Furthermore, the LCC has not adopted any policy governing the possession of handguns in the Statehouse by legislators or legislative employees. Based on these facts, a legislator who is licensed to carry a concealed handgun under the provisions of the Act may do so in the Statehouse by virtue of such legislator's authority to enter through the restricted access entrances of that building.