

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2055

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2055, as amended, would modify the Personal and Family Protection Act (the concealed carry law) and other provisions in the criminal statutes regarding the possession of firearms on certain governmental property, including in any state or municipal building. The bill also would add new statutory language in the Personal and Family Protection Act in regards to carrying of concealed weapons in state or municipal buildings and to new security requirements in those public buildings.

The bill would exclude school districts from the definition of a municipality as used in the bill, as amended. However, the bill would authorize school districts and other educational entities to allow employees who are licensed for concealed carry of a handgun to carry in any building if the employee meets the entities' policy requirements, as noted below.

The bill would establish new provisions that would limit public entities' ability to prohibit the carrying of a concealed handgun by a license holder in state or municipal buildings, such that only those state and municipal buildings maintaining new security requirements specified in the bill could restrict license holders from concealed carry in those public buildings. Anyone licensed for concealed carry of a handgun could be barred from either a state or municipal building only if the building has adequate security measures to ensure that no weapons are permitted to be carried into the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

building and also has conspicuously posted signage prohibiting concealed carry in the building.

Any state or municipal buildings which have both public and restricted access entrances would have to provide adequate security at all public access entrances in order to restrict entry into those public buildings by anyone licensed for concealed carry of handguns. The bill would establish that it shall not be a crime for a person to carry a concealed handgun in a public building, if that person had authority to enter through a restricted access entrance into a building which has adequate security measures and has conspicuously posted signage against concealed carry.

Adequate security as defined in the bill would include using specified electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapon into a state or municipal building. The specified electronic equipment could include metal detectors, metal detector wands, or any other equipment used for similar purposes.

In addition, the bill, as amended, would address public employees and concealed carry. The bill would authorize any school district board of education; the governing body for any community college, technical college, or institute of technology; or the chancellor or president of a Regents' institution to permit any employee, who is licensed to carry a concealed handgun, to carry a concealed handgun in any school building if the employee meets the institution policy requirements, regardless of whether a building is conspicuously posted.

The bill would prevent a state or municipal agency from prohibiting an employee licensed for concealed carry of a handgun from carrying at the employee's place of work, unless the building has adequate security measures and has conspicuously posted signage prohibiting concealed carry. The bill would permit certain public employers, including school boards, the option of allowing employees to bring

handguns into school buildings, if each such employee possesses a valid concealed carry license.

However, a state or municipal agency could restrict concealed carry by public employees at their place of work if the building has adequate security measures, if the building has a properly posted signage prohibiting concealed carry, and if the agency also has adopted personnel policies prohibiting an employee licensed to carry a concealed handgun from having a handgun in the public building where the employee works.

The bill also would add provisions addressing liability for both public and private entities, including those entities providing adequate security and for those entities not providing adequate security, either in a public or a private building. The bill would establish that a state agency, municipality, or a private entity shall not be liable for any wrongful act or omission relating to actions of any person licensed to carry a concealed handgun, regardless of whether the building was public or private, and regardless of whether the building had adequate security.

The bill would provide four-year exceptions for certain types of public buildings from the application of the new law, if the proper entities adhere to certain procedures for exemption as defined in the bill. Three types of public entities could elect to opt-out from the new law: state or municipal-owned medical care facilities, state or municipal-owned adult care homes, and public post-secondary educational institutions.

In addition, the bill would provide that corrections facilities, jail facilities or law enforcement agencies may prohibit the carrying by anyone of a concealed handgun into any building located on such premises. The bill would remove a current prohibition against firearms on the grounds within the Capitol complex.

The bill also would remove certain reduced fees for retired law enforcement officers to obtain and renew concealed carry licenses. The bill also added an exception for corrections officers, parole officers and corrections officers employed by the federal Bureau of Prisons who wish to use their job-related firearms' certification to obtain a concealed carry license, rather than an approved handgun safety and training course otherwise required for a license to be issued.

The bill also would add certain persons to a current handgun exemption for various prosecuting attorneys and the Attorney General's assistants that also would allow a law enforcement officer from another state or a retired law enforcement officer, who meets certain federal standards specified in the bill, to possess a handgun within any state or municipal building.

Background

Proponents included Senator Forrest Knox and Representative Jim Howell, a representative of the Kansas State Rifle Association, the Sedgwick County Clerk, a representative of the Kansas Association of Community Colleges (provided that an exemption is allowed for postsecondary institutions), the State Chairperson of the Libertarian Party of Kansas, and two private citizens.

Opponents included representatives of the City of Lenexa; the Unified Government of Wyandotte County and Kansas City, Kansas; the League of Kansas Municipalities; the City of Wichita; the Association of Mental Health Centers of Kansas, Inc.; the Office of Judicial Administration; the Kansas Community Corrections Association; the City of Overland Park; the Kansas Association of Court Service Officers; the Kansas Association of Counties; LeadingAge Kansas (formerly the Kansas Association of Homes and Services for the Aging); the Johnson County Board of County Commissioners; and the City of Overland Park.

The Attorney General's Office submitted neutral testimony, pointing out several areas of concern in HB 2055, suggesting clarifications depending upon legislative intent.

Neutral testimony was submitted by representatives of the Kansas Board of Regents and the Kansas Hospital Association, both asking that the bill include an option for a four-year exemption whereby the Regents' institutions and the hospitals may opt-out from provisions in the new law.

The House Committee adopted a number of technical amendments suggested by staff from the Revisor of Statutes Office and the Attorney General's Office. A revision to an existing statute that was not included in the bill as introduced was added as section 5 in order to conform with the technical changes made in other statutes.

In addition the House Committee added new language from 2013 HB 2098 that would include corrections officers, parole officers, or corrections officers employed by the federal Bureau of Prisons and their firearms training as an exception to the licensing requirement of the Personal and Family Protection Act, allowing their job-related training to substitute for a handgun safety and training course otherwise required to obtain a concealed carry license. Another amendment added language from 2013 SB 157 concerning retired law enforcement officers and eliminated a "discount" for concealed carry licensing costs.

The House Committee also deleted a reference to "on the grounds in any of the following places," a deletion that was included in 2013 HB 2190, to clarify that the prohibition against concealed carry of handguns would apply inside public buildings, and not on grounds or adjacent parking facilities. Another amendment added out-of-state and retired law enforcement officers to a list of persons allowed to carry handguns in certain state and municipal buildings.

The House Committee eliminated a criminal penalty for violations of concealed carry prohibitions and substituted a

provision allowing for the “denial to such premises or removal from such premises” if anyone were in violation of carrying a concealed handgun into conspicuously posted and adequately secured buildings, as enumerated in KSA 75-7c10(a) or 75-7c10(c).

The fiscal note on the bill, as introduced, provided by the Division of the Budget indicated the Attorney General reported the fiscal effect of HB 2055 would be negligible. There was no information provided by municipalities and nothing was included in the fiscal note about the potential municipal expenses. The fiscal notes for the other bills from which provisions were amended into the bill indicated those provisions would not increase any expenditures.