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House Standing Committee on Federal and State Affairs

Testimony Supporting Sub. SB 65

March 15, 2016

Chairwoman Pauls,

The simple logic of the publicly-owned building security act, passed three years ago, is that if a public entity is not willing to provide security for the occupants of a building, then the right of the occupants to provide for their own security should not be denied.

Following the passage of this act, the vast majority of state, county, and city buildings have simply taken down the signs prohibiting concealed carry in those buildings. All evaluated the need to provide adequate security, and the cost, and decided what action to take. Where it was determined necessary to have security, it was provided and those buildings are posted. However, just putting up a sign is not security, yet, some buildings did just that and exempted themselves from the law, which they are allowed to do until July 2017.

Kansas citizens now carry concealed firearms in most publicly-owned buildings, whether members of the public who have business in the buildings or public employees who work in the buildings. No one knows who is carrying a firearm and no one is concerned, except criminals. There have been no deadly incidents, or any incidents at all, as far as I have heard. As a matter of fact, it has been a nonissue.

Now we have the situation of public employees being able to carry a concealed firearm on the job inside the buildings, but not when they are working outside the building. The employees have the need, and the right, to protect themselves outside as well as in. Senate Bill 65, Section 1, gives public employees the right to possess the tools of self-protection on the job whether inside or outside.

Section 2 of SB 65 allows the provisions of the law to be applied in a portion of a state or municipal building, defined as a "public area." Courthouses in many rural counties, for example, have chosen to secure the court areas and would like to only provide adequate security there and to post prohibiting any firearm only in those areas.

An Attorney General opinion was published stating that the new statute allowed only entire buildings to be considered and posted, not portions of buildings. This was indeed a literal reading of the law, but the spirit of the law would include any area that could be secured. This bill is intended to accomplish this by defining a "public area" and applying the same law to this area.

Finally, I would request the committee consider, with the aid of the revisor, two purely technical amendments to the bill, as the dates listed are in the past.

(over please)

On page 3, line 8, delete the words, "On and after July 1, 2014,"

On page 5, lines 1 – 6, delete the words, "until January 1, 2014, by notifying the Kansas attorney general and the law enforcement agency of the local jurisdiction by letter of such exemption. Thereafter, such governing body or chief administrative officer may exempt a state or municipal building (for a period of only four years), or any public area thereof,"

Thank you for your positive consideration of Senate Bill 65.