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{As Amended by Senate Committee of the Whole}

Session of 2016

Substitute for SENATE BILL No. 65

By Committee on Federal and State Affairs

2-5

Balloon Amendments for
Substitute for Senate Bill No. 65 #4
House Committee on Federal and State Affairs
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Office of Revisor of Statutes
March 16, 2016

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 75-7c10 is hereby amended to read as
7 follows: 75-7c10. Subject to the provisions of K.S.A. 2015 Supp. 75-7c20,
8 and amendments thereto:

9 (a) The carrying of a concealed handgun shall not be prohibited in
10 any building unless such building is conspicuously posted in accordance
11 with rules and regulations adopted by the attorney general.

12 (b) Nothing in this act shall be construed to prevent:

13 (1) any public or private employer from restricting or prohibiting by
14 personnel policies persons from carrying a concealed handgun while on
15 the premises of the employer's business or while engaged in the duties of
16 the person's employment by the employer, except that no employer may
17 prohibit possession of a handgun in a private means of conveyance, even if
18 parked on the employer's premises; or

19 (2) ~~any private business or city, county or political subdivision from~~
20 ~~restricting or prohibiting persons from carrying a concealed handgun~~
21 ~~within a building or buildings of such entity, provided that the building is~~
22 ~~posted in accordance with rules and regulations adopted by the attorney~~
23 ~~general pursuant to subsection (f), as a building where carrying a~~
24 ~~concealed handgun is prohibited.~~

25 (c) (1) Any private entity which provides adequate security measures
26 in a private building and which conspicuously posts signage in accordance
27 with this section prohibiting the carrying of a concealed handgun in such
28 building shall not be liable for any wrongful act or omission relating to
29 actions of persons carrying a concealed handgun concerning acts or
30 omissions regarding such handguns.

31 (2) Any private entity which does not provide adequate security
32 measures in a private building and which allows the carrying of a
33 concealed handgun shall not be liable for any wrongful act or omission
34 relating to actions of persons carrying a concealed handgun concerning
35 acts or omissions regarding such handguns.

36 (3) Nothing in this act shall be deemed to increase the liability of any

1 private entity where liability would have existed under the personal and
2 family protection act prior to the effective date of this act.

3 (d) The governing body or the chief administrative officer, if no
4 governing body exists, of any of the following institutions may permit any
5 employee, *who is legally qualified*, to carry a concealed handgun in any
6 building of such institution, if the employee meets such institution's own
7 policy requirements regardless of whether such building is conspicuously
8 posted in accordance with the provisions of this section:

9 (1) A unified school district;

10 (2) A postsecondary educational institution, as defined in K.S.A. 74-
11 3201b, and amendments thereto;

12 (3) A state or municipal-owned medical care facility, as defined in
13 K.S.A. 65-425, and amendments thereto;

14 (4) A state or municipal-owned adult care home, as defined in K.S.A.
15 39-923, and amendments thereto;

16 (5) A community mental health center organized pursuant to K.S.A.
17 19-4001 et seq., and amendments thereto; or

18 (6) An indigent health care clinic, as defined by K.S.A. 2015 Supp.
19 65-7402, and amendments thereto.

20 (e) *No public employer shall restrict or otherwise prohibit by*
21 *personnel policies any employee, who is legally qualified, from carrying*
22 *any concealed handgun while engaged in the duties of such employee's*
23 *employment outside of such employer's place of business, including while*
24 *in a means of conveyance.*

25 (f) (1) It shall be a violation of this section to carry a concealed
26 handgun in violation of any restriction or prohibition allowed by
27 subsection (a) or (b) if the building is posted in accordance with rules and
28 regulations adopted by the attorney general pursuant to subsection (f) (i).
29 Any person who violates this section shall not be subject to a criminal
30 penalty but may be subject to denial to such premises or removal from
31 such premises.

32 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a
33 violation of this section for the United States attorney for the district of
34 Kansas, the attorney general, any district attorney or county attorney, any
35 assistant United States attorney if authorized by the United States attorney
36 for the district of Kansas, any assistant attorney general if authorized by
37 the attorney general, or any assistant district attorney or assistant county
38 attorney if authorized by the district attorney or county attorney by whom
39 such assistant is employed, to possess a handgun within any of the
40 buildings described in subsection (a) or (b), subject to any restrictions or
41 prohibitions imposed in any courtroom by the chief judge of the judicial
42 district.

43 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a

1 violation of this section for a law enforcement officer, as that term is
2 defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who
3 satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b),
4 and amendments thereto, to possess a handgun within any of the buildings
5 described in subsection (a) or (b), subject to any restrictions or
6 prohibitions imposed in any courtroom by the chief judge of the judicial
7 district.

8 ~~(f)~~ ~~(g)~~ ~~[On and after July 1, 2014]~~ the provisions of this section shall
9 not apply to the carrying of a concealed handgun in the state capitol.

10 ~~(g)~~ ~~(h)~~ For the purposes of this section:

11 (1) "Adequate security measures" shall have the same meaning as the
12 term is defined in K.S.A. 2015 Supp. 75-7c20, and amendments thereto;

13 (2) "building" shall not include any structure, or any area of any
14 structure, designated for the parking of motor vehicles; and

15 ~~(3) "public employer" means the state and any municipality as those~~
16 ~~terms are defined in K.S.A. 75-6102, and amendments thereto.~~

17 ~~(4)~~ ~~(i)~~ Nothing in this act shall be construed to authorize the carrying
18 or possession of a handgun where prohibited by federal law.

19 ~~(4)~~ ~~(j)~~ The attorney general shall adopt rules and regulations
20 prescribing the location, content, size and other characteristics of signs to
21 be posted on a building where carrying a concealed handgun is prohibited
22 pursuant to subsections (a) and (b). Such regulations shall prescribe, at a
23 minimum, that:

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

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

28 (3) the signs not be obstructed or altered in any way; and

29 (4) signs which become illegible for any reason be immediately
30 replaced.

31 Sec. 2. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as
32 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
33 prohibited in any public area of any state or municipal building unless
34 such building public area has adequate security measures to ensure that no
35 weapons are permitted to be carried into such building public area and the
36 building public area is conspicuously posted in accordance with K.S.A.
37 2015 Supp. 75-7c10, and amendments thereto.

38 (b) ~~The carrying of a concealed handgun as authorized by the~~
39 ~~personal and family protection act shall not be prohibited throughout any~~
40 ~~state or municipal building which contains both public access entrances~~
41 ~~and restricted access entrances shall provide adequate security measures at~~
42 ~~the public access entrances in order to prohibit the carrying of any~~
43 ~~weapons into such building in its entirety unless such building has~~

1 *adequate security measures at all public access entrances to ensure that*
2 *no weapons are permitted to be carried into such building and the*
3 *building is conspicuously posted in accordance with K.S.A. 2015 Supp.*
4 *75-7c10, and amendments thereto.*

5 (c) No state agency or municipality shall prohibit an employee from
6 carrying a concealed handgun at the employee's work place unless the
7 building has adequate security measures *at all public access entrances to*
8 *ensure that no weapons are permitted to be carried into such building and*
9 *the building is conspicuously posted in accordance with K.S.A. 2015*
10 *Supp. 75-7c10, and amendments thereto.*

11 (d) It shall not be a violation of the personal and family protection act
12 for a person to carry a concealed handgun into a state or municipal
13 building *or any public area thereof*, so long as that person has authority to
14 enter through a restricted access entrance into such building, *or public*
15 *area thereof*, which provides adequate security measures *at all public*
16 *access entrances* and the building, *or public area thereof*, is
17 conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and
18 amendments thereto.

19 (e) A state agency or municipality which provides adequate security
20 measures in a state or municipal building and which conspicuously posts
21 signage in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments
22 thereto, prohibiting the carrying of a concealed handgun in such building
23 shall not be liable for any wrongful act or omission relating to actions of
24 persons carrying a concealed handgun concerning acts or omissions
25 regarding such handguns.

26 (f) A state agency or municipality which does not provide adequate
27 security measures in a state or municipal building and which allows the
28 carrying of a concealed handgun shall not be liable for any wrongful act or
29 omission relating to actions of persons carrying a concealed handgun
30 concerning acts or omissions regarding such handguns.

31 (g) Nothing in this act shall limit the ability of a corrections facility, a
32 jail facility or a law enforcement agency to prohibit the carrying of a
33 handgun or other firearm concealed or unconcealed by any person into any
34 secure area of a building located on such premises, except those areas of
35 such building outside of a secure area and readily accessible to the public
36 shall be subject to the provisions of subsection (b) (a).

37 (h) Nothing in this section shall limit the ability of the chief judge of
38 each judicial district to prohibit the carrying of a concealed handgun by
39 any person into courtrooms or ancillary courtrooms within the district
40 provided ~~that other means of security are employed such as armed law~~
41 ~~enforcement or armed security officers.~~

42 (i) The governing body or the chief administrative officer, if no
43 governing body exists, of a state or municipal building, may exempt the

the public area has adequate security measures to ensure
that no weapons are permitted to be carried into such public
area and the public area is conspicuously posted in
accordance with K.S.A. 2015 Supp. 75-7c10, and
amendments thereto

1 building, or any public area thereof, from this section ~~until January 1,~~
2 ~~2014, by notifying the Kansas attorney general and the law enforcement~~
3 ~~agency of the local jurisdiction by letter of such exemption. Thereafter,~~
4 ~~such governing body or chief administrative officer may exempt a state or~~
5 ~~municipal building for a period of only four years, or any public area~~
6 ~~thereof until July 1, 2017, by adopting a resolution, or drafting a letter,~~
7 ~~listing the legal description of such building, listing the reasons for such~~
8 ~~exemption, and including the following statement: "A security plan has~~
9 ~~been developed for the building being exempted which supplies adequate~~
10 ~~security to the occupants of the building and merits the prohibition of the~~
11 ~~carrying of a concealed handgun." A copy of the security plan for the~~
12 ~~building shall be maintained on file and shall be made available, upon~~
13 ~~request, to the Kansas attorney general and the law enforcement agency of~~
14 ~~local jurisdiction. Notice of this exemption, together with the resolution~~
15 ~~adopted or the letter drafted, shall be sent to the Kansas attorney general~~
16 ~~and to the law enforcement agency of local jurisdiction. The security plan~~
17 ~~shall not be subject to disclosure under the Kansas open records act.~~

18 (I) The governing body or the chief administrative officer, if no
19 governing body exists, of any of the following institutions may exempt
20 any building of such institution, or any public area thereof, from this
21 section ~~for a period of only four years until July 1, 2017, by stating the~~
22 ~~reasons for such exemption and sending notice of such exemption to the~~
23 ~~Kansas attorney general:~~

24 (1) A state or municipal-owned medical care facility, as defined in
25 K.S.A. 65-425, and amendments thereto;

26 (2) A state or municipal-owned adult care home, as defined in K.S.A.
27 39-923, and amendments thereto;

28 (3) A community mental health center organized pursuant to K.S.A.
29 19-4001 et seq., and amendments thereto;

30 (4) An indigent health care clinic, as defined by K.S.A. 2015 Supp.
31 65-7402, and amendments thereto; or

32 (5) A postsecondary educational institution, as defined in K.S.A. 74-
33 3201b, and amendments thereto, including any buildings located on the
34 grounds of such institution and any buildings leased by such institution.

35 (k) The provisions of this section shall not apply to any building
36 located on the grounds of the Kansas state school for the deaf or the
37 Kansas state school for the blind.

38 (l) Nothing in this section shall be construed to prohibit any law
39 enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and
40 amendments thereto, who satisfies the requirements of either K.S.A. 2015
41 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
42 concealed handgun into any state or municipal building, or any public
43 area thereof, in accordance with the provisions of K.S.A. 2015 Supp. 75-

7c22, and amendments thereto, subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

(m) For purposes of this section:

(1) "Adequate security measures" means the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, *or any public area thereof*, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building *or public area* by members of the public. Adequate security measures for storing and securing lawfully carried weapons, including, but not limited to, the use of gun lockers or other similar storage options may be provided at public entrances.

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

(3) "*Public area*" means *any portion of a state or municipal building that is open to and accessible by the public or which is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such building.*

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

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

(5) (6) (A) "State or municipal building" means a building owned or leased by such public entity. It does not include a building owned by the state or a municipality which is leased by a private entity whether for profit or not-for-profit or a building held in title by the state or a municipality solely for reasons of revenue bond financing.

(B) ~~On and after July 1, 2014,~~ The term "state and municipal building" shall not include the state capitol.

(6) (7) "Weapon" means a weapon described in K.S.A. 2015 Supp. 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade.

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

Sec. 3. K.S.A. 2015 Supp. 75-7c10 and 75-7c20 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.