

SENATE BILL No. 421

By Committee on Ways and Means

2-8

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; relating to carrying a concealed handgun in a public
3 building; amending K.S.A. 2015 Supp. 75-7c20 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as
8 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
9 prohibited in any state or municipal building unless such building has
10 adequate security measures to ensure that no weapons are permitted to be
11 carried into such building and the building is conspicuously posted in
12 accordance with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

13 (b) Any state or municipal building which contains both public access
14 entrances and restricted access entrances shall provide adequate security
15 measures at the public access entrances in order to prohibit the carrying of
16 any weapons into such building.

17 (c) No state agency or municipality shall prohibit an employee from
18 carrying a concealed handgun at the employee's work place unless the
19 building has adequate security measures and the building is conspicuously
20 posted in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments
21 thereto.

22 (d) (1) It shall not be a violation of the personal and family protection
23 act for a person to carry a concealed handgun into a state or municipal
24 building so long as that person has authority to enter through a restricted
25 access entrance into such building which provides adequate security
26 measures and the building is conspicuously posted in accordance with
27 K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

28 (2) *Any person, who is not an employee of the state or a municipality*
29 *and is not otherwise authorized to enter a state or municipal building*
30 *through a restricted access entrance, may be authorized to enter through a*
31 *restricted access entrance, provided such person:*

32 (A) *Is authorized by the chief law enforcement officer, governing*
33 *body, or the chief administrative officer, if no governing body exists, to*
34 *enter such state or municipal building through a restricted access*
35 *entrance;*

36 (B) *is issued an identification card by the chief law enforcement*

Proposed Amendments to SB 421

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Office of Revisor of Statutes

1 officer, governing body, or the chief administrative officer, if no governing
2 body exists, which includes such person's photograph, name and any other
3 identifying information deemed necessary by the issuing entity, and which
4 states on the identification card that such person is authorized to enter
5 such building through a restricted access entrance; and

6 (C) executes an affidavit or other notarized statement that such
7 person acknowledges that certain firearms and weapons may be
8 prohibited in such building and that violating any such regulations may
9 result in the revocation of such person's authority to enter such building
10 through a restricted access entrance.

11 The chief law enforcement officer, governing body, or the chief
12 administrative officer, if no governing body exists, shall develop criteria
13 for approval of individuals subject to this paragraph to enter the state or
14 municipal building through a restricted access entrance. Such criteria may
15 include the requirement that the individual submit to ~~a~~ a state and
16 national criminal history records check before issuance and renewal of
17 such authorization. Notwithstanding any authorization granted under this
18 paragraph, an individual may be subjected to additional security
19 screening measures upon reasonable suspicion or in circumstances where
20 heightened security measures are warranted. Such authorization does not
21 permit the individual to carry a concealed weapon into a public building,
22 which has adequate security measures, as defined by this act.

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

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

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

41 (h) Nothing in this section shall limit the ability of the chief judge of
42 each judicial district to prohibit the carrying of a concealed handgun by
43 any person into courtrooms or ancillary courtrooms within the district

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and pay a fee to cover the costs of such background checks. An individual who has been issued a concealed carry permit by the state of Kansas shall not be required to submit to another state and national criminal records check before issuance and renewal of such authorization.

1 provided that other means of security are employed such as armed law
2 enforcement or armed security officers.

3 (i) The governing body or the chief administrative officer, if no
4 governing body exists, of a state or municipal building, may exempt the
5 building from this section until January 1, 2014, by notifying the Kansas
6 attorney general and the law enforcement agency of the local jurisdiction
7 by letter of such exemption. Thereafter, such governing body or chief
8 administrative officer may exempt a state or municipal building for a
9 period of only four years by adopting a resolution, or drafting a letter,
10 listing the legal description of such building, listing the reasons for such
11 exemption, and including the following statement: "A security plan has
12 been developed for the building being exempted which supplies adequate
13 security to the occupants of the building and merits the prohibition of the
14 carrying of a concealed handgun." A copy of the security plan for the
15 building shall be maintained on file and shall be made available, upon
16 request, to the Kansas attorney general and the law enforcement agency of
17 local jurisdiction. Notice of this exemption, together with the resolution
18 adopted or the letter drafted, shall be sent to the Kansas attorney general
19 and to the law enforcement agency of local jurisdiction. The security plan
20 shall not be subject to disclosure under the Kansas open records act.

21 (j) The governing body or the chief administrative officer, if no
22 governing body exists, of any of the following institutions may exempt
23 any building of such institution from this section for a period of only four
24 years by stating the reasons for such exemption and sending notice of such
25 exemption to the Kansas attorney general:

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

28 (2) a state or municipal-owned adult care home, as defined in K.S.A.
29 39-923, and amendments thereto;

30 (3) a community mental health center organized pursuant to K.S.A.
31 19-4001 et seq., and amendments thereto;

32 (4) an indigent health care clinic, as defined by K.S.A. 2015 Supp.
33 65-7402, and amendments thereto; or

34 (5) a postsecondary educational institution, as defined in K.S.A. 74-
35 3201b, and amendments thereto, including any buildings located on the
36 grounds of such institution and any buildings leased by such institution.

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

40 (l) Nothing in this section shall be construed to prohibit any law
41 enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and
42 amendments thereto, who satisfies the requirements of either K.S.A. 2015
43 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a

1 concealed handgun into any state or municipal building in accordance with
2 the provisions of K.S.A. 2015 Supp. 75-7c22, and amendments thereto,
3 subject to any restrictions or prohibitions imposed in any courtroom by the
4 chief judge of the judicial district.

5 (m) For purposes of this section:

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

15 (2) "*Authorized personnel*" means *employees of a state agency or*
16 *municipality and any person granted authorization pursuant to subsection*
17 *(d)(2), who are authorized to enter a state or municipal building through a*
18 *restricted access entrance.*

19 (3) The terms "municipality" and "municipal" are interchangeable
20 and have the same meaning as the term "municipality" is defined in K.S.A.
21 75-6102, and amendments thereto, but does not include school districts.

22 ~~(3)–(4)~~ "Restricted access entrance" means an entrance that is
23 restricted to the public and requires a key, keycard, code, or similar device
24 to allow entry to authorized personnel.

25 ~~(4)–(5)~~ "State" means the same as the term is defined in K.S.A. 75-
26 6102, and amendments thereto.

27 ~~(5)–(6)~~ (A) "State or municipal building" means a building owned or
28 leased by such public entity. It does not include a building owned by the
29 state or a municipality which is leased by a private entity whether for
30 profit or not-for-profit or a building held in title by the state or a
31 municipality solely for reasons of revenue bond financing.

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

34 ~~(6)–(7)~~ "Weapon" means a weapon described in K.S.A. 2015 Supp.
35 21-6301, and amendments thereto, except the term "weapon" shall not
36 include any cutting instrument that has a sharpened or pointed blade.

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

39 Sec. 2. K.S.A. 2015 Supp. 75-7c20 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.