

SENATE BILL No. 45

By Senators Bruce, Abrams, Arpke, Baumgardner, Bowers, Donovan, Fitzgerald, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson and Wilborn

1-21

1 AN ACT concerning firearms; relating to the carrying of concealed
2 firearms; relating to the personal and family protection act; amending
3 K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-
4 1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20
5 and 75-7c21 and repealing the existing sections; also repealing K.S.A.
6 2014 Supp. 75-7c19.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2014 Supp. 21-5914 is hereby amended to read as
10 follows: 21-5914.(a) Traffic in contraband in a correctional institution or
11 care and treatment facility is, without the consent of the administrator of
12 the correctional institution or care and treatment facility:

13 (1) Introducing or attempting to introduce any item into or upon the
14 grounds of any correctional institution or care and treatment facility;

15 (2) taking, sending, attempting to take or attempting to send any item
16 from any correctional institution or care and treatment facility;

17 (3) any unauthorized possession of any item while in any correctional
18 institution or care and treatment facility;

19 (4) distributing any item within any correctional institution or care
20 and treatment facility;

21 (5) supplying to another who is in lawful custody any object or thing
22 adapted or designed for use in making an escape; or

23 (6) introducing into an institution in which a person is confined any
24 object or thing adapted or designed for use in making any escape.

25 (b) Traffic in contraband in a correctional institution or care and
26 treatment facility is a:

27 (1) Severity level 6, nonperson felony, except as provided in
28 subsection (b)(2) or (b)(3);

29 (2) severity level 5, nonperson felony if such items are:

30 (A) Firearms, ammunition, explosives or a controlled substance
31 which is defined in K.S.A. 2014 Supp. 21-5701, and amendments thereto,
32 except as provided in subsection (b)(3);

33 (B) defined as contraband by rules and regulations adopted by the
34 secretary of corrections, in a state correctional institution or facility by an

1 employee of a state correctional institution or facility, except as provided
2 in subsection (b)(3);

3 (C) defined as contraband by rules and regulations adopted by the
4 secretary for aging and disability services, in a care and treatment facility
5 by an employee of a care and treatment facility, except as provided in
6 subsection (b)(3); or

7 (D) defined as contraband by rules and regulations adopted by the
8 commissioner of the juvenile justice authority, in a juvenile correctional
9 facility by an employee of a juvenile correctional facility, except as
10 provided by subsection (b)(3); and

11 (3) severity level 4, nonperson felony if:

12 (A) Such items are firearms, ammunition or explosives, in a
13 correctional institution by an employee of a correctional institution or in a
14 care and treatment facility by an employee of a care and treatment facility;
15 or

16 (B) a violation of subsection (a)(5) or (a)(6) by an employee or
17 volunteer of the department of corrections, or the employee or volunteer of
18 a contractor who is under contract to provide services to the department of
19 corrections.

20 (c) The provisions of subsection (b)(2)(A) shall not apply to the
21 possession of a firearm or ammunition ~~by a person licensed under the~~
22 ~~personal and family protection act, K.S.A. 75-7e01 et seq., and~~
23 ~~amendments thereto~~, in a parking lot open to the public if the firearm or
24 ammunition is carried on the person while in a vehicle or while securing
25 the firearm or ammunition in the vehicle, or stored out of plain view in a
26 locked but unoccupied vehicle.

27 (d) As used in this section:

28 (1) "Correctional institution" means any state correctional institution
29 or facility, conservation camp, state security hospital, juvenile correctional
30 facility, community correction center or facility for detention or
31 confinement, juvenile detention facility or jail;

32 (2) "care and treatment facility" means the state security hospital
33 provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a
34 facility operated by the Kansas department for aging and disability
35 services for the purposes provided for under K.S.A. 59-29a02 et seq., and
36 amendments thereto; and

37 (3) "lawful custody" means the same as in K.S.A. 2014 Supp. 21-
38 5912, and amendments thereto.

39 Sec. 2. K.S.A. 2014 Supp. 21-6301 is hereby amended to read as
40 follows: 21-6301. (a) Criminal use of weapons is knowingly:

41 (1) Selling, manufacturing, purchasing or possessing any bludgeon,
42 sand club, metal knuckles or throwing star;

43 (2) possessing with intent to use the same unlawfully against another,

1 a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged
2 razor, stiletto or any other dangerous or deadly weapon or instrument of
3 like character;

4 (3) setting a spring gun;

5 (4) possessing any device or attachment of any kind designed, used or
6 intended for use in suppressing the report of any firearm;

7 (5) selling, manufacturing, purchasing or possessing a shotgun with a
8 barrel less than 18 inches in length, or any firearm designed to discharge or
9 capable of discharging automatically more than once by a single function
10 of the trigger, whether the person knows or has reason to know the length
11 of the barrel or that the firearm is designed or capable of discharging
12 automatically;

13 (6) possessing, manufacturing, causing to be manufactured, selling,
14 offering for sale, lending, purchasing or giving away any cartridge which
15 can be fired by a handgun and which has a plastic-coated bullet that has a
16 core of less than 60% lead by weight, whether the person knows or has
17 reason to know that the plastic-coated bullet has a core of less than 60%
18 lead by weight;

19 (7) selling, giving or otherwise transferring any firearm with a barrel
20 less than 12 inches long to any person under 18 years of age whether the
21 person knows or has reason to know the length of the barrel;

22 (8) selling, giving or otherwise transferring any firearms to any
23 person who is both addicted to and an unlawful user of a controlled
24 substance;

25 (9) selling, giving or otherwise transferring any firearm to any person
26 who is or has been a mentally ill person subject to involuntary
27 commitment for care and treatment, as defined in K.S.A. 59-2946, and
28 amendments thereto, or a person with an alcohol or substance abuse
29 problem subject to involuntary commitment for care and treatment as
30 defined in K.S.A. 59-29b46, and amendments thereto;

31 (10) possessing any firearm by a person who is both addicted to and
32 an unlawful user of a controlled substance;

33 (11) possessing any firearm by any person, other than a law
34 enforcement officer, in or on any school property or grounds upon which is
35 located a building or structure used by a unified school district or an
36 accredited nonpublic school for student instruction or attendance or
37 extracurricular activities of pupils enrolled in kindergarten or any of the
38 grades one through 12 or at any regularly scheduled school sponsored
39 activity or event whether the person knows or has reason to know that such
40 person was in or on any such property or grounds;

41 (12) refusing to surrender or immediately remove from school
42 property or grounds or at any regularly scheduled school sponsored
43 activity or event any firearm in the possession of any person, other than a

1 law enforcement officer, when so requested or directed by any duly
2 authorized school employee or any law enforcement officer;

3 (13) possessing any firearm by a person who is or has been a
4 mentally ill person subject to involuntary commitment for care and
5 treatment, as defined in K.S.A. 59-2946, and amendments thereto, or
6 persons with an alcohol or substance abuse problem subject to involuntary
7 commitment for care and treatment as defined in K.S.A. 59-29b46, and
8 amendments thereto; or

9 (14) possessing a firearm with a barrel less than 12 inches long by
10 any person less than 18 years of age.

11 (b) Criminal use of weapons as defined in:

12 (1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a
13 class A nonperson misdemeanor;

14 (2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson
15 felony;

16 (3) subsection (a)(10) or (a)(11) is a class B nonperson select
17 misdemeanor;

18 (4) subsection (a)(13) is a severity level 8, nonperson felony; and

19 (5) subsection (a)(14) is a:

20 (A) Class A nonperson misdemeanor except as provided in subsection
21 (b)(5)(B);

22 (B) severity level 8, nonperson felony upon a second or subsequent
23 conviction.

24 (c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

25 (1) Law enforcement officers, or any person summoned by any such
26 officers to assist in making arrests or preserving the peace while actually
27 engaged in assisting such officer;

28 (2) wardens, superintendents, directors, security personnel and
29 keepers of prisons, penitentiaries, jails and other institutions for the
30 detention of persons accused or convicted of crime, while acting within the
31 scope of their authority;

32 (3) members of the armed services or reserve forces of the United
33 States or the Kansas national guard while in the performance of their
34 official duty; or

35 (4) the manufacture of, transportation to, or sale of weapons to a
36 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
37 such weapons.

38 (d) Subsections (a)(4) and (a)(5) shall not apply to any person who
39 sells, purchases, possesses or carries a firearm, device or attachment which
40 has been rendered unserviceable by steel weld in the chamber and
41 marriage weld of the barrel to the receiver and which has been registered
42 in the national firearms registration and transfer record in compliance with
43 26 U.S.C. § 5841 et seq. in the name of such person and, if such person

1 transfers such firearm, device or attachment to another person, has been so
2 registered in the transferee's name by the transferor.

3 (e) Subsection (a)(6) shall not apply to a governmental laboratory or
4 solid plastic bullets.

5 (f) Subsection (a)(4) shall not apply to a law enforcement officer who
6 is:

7 (1) Assigned by the head of such officer's law enforcement agency to
8 a tactical unit which receives specialized, regular training;

9 (2) designated by the head of such officer's law enforcement agency
10 to possess devices described in subsection (a)(4); and

11 (3) in possession of commercially manufactured devices which are:

12 (A) Owned by the law enforcement agency;

13 (B) in such officer's possession only during specific operations; and

14 (C) approved by the bureau of alcohol, tobacco, firearms and
15 explosives of the United States department of justice.

16 (g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person
17 employed by a laboratory which is certified by the United States
18 department of justice, national institute of justice, while actually engaged
19 in the duties of their employment and on the premises of such certified
20 laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the
21 manufacture of, transportation to or sale of weapons to such certified
22 laboratory.

23 (h) Subsections (a)(4) and (a)(5) shall not apply to or affect any
24 person or entity in compliance with the national firearms act, 26 U.S.C. §
25 5801 et seq.

26 (i) Subsection (a)(11) shall not apply to:

27 (1) Possession of any firearm in connection with a firearms safety
28 course of instruction or firearms education course approved and authorized
29 by the school;

30 (2) possession of any firearm specifically authorized in writing by the
31 superintendent of any unified school district or the chief administrator of
32 any accredited nonpublic school;

33 (3) possession of a firearm secured in a motor vehicle by a parent,
34 guardian, custodian or someone authorized to act in such person's behalf
35 who is delivering or collecting a student; *or*

36 (4) possession of a firearm secured in a motor vehicle by a registered
37 voter who is on the school grounds, which contain a polling place for the
38 purpose of voting during polling hours on an election day; or

39 (5) possession of a *concealed* handgun by an individual who is
40 ~~licensed by the attorney general to carry a concealed handgun under~~
41 ~~K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto not~~
42 ~~prohibited from possessing a firearm under either federal or state law.~~

43 (j) Subsections (a)(9) and (a)(13) shall not apply to a person who has

1 received a certificate of restoration pursuant to K.S.A. 2014 Supp. 75-
2 7c26, and amendments thereto.

3 (k) Subsection (a)(14) shall not apply if such person, less than 18
4 years of age, was:

5 (1) In attendance at a hunter's safety course or a firearms safety
6 course;

7 (2) engaging in practice in the use of such firearm or target shooting
8 at an established range authorized by the governing body of the
9 jurisdiction in which such range is located, or at another private range with
10 permission of such person's parent or legal guardian;

11 (3) engaging in an organized competition involving the use of such
12 firearm, or participating in or practicing for a performance by an
13 organization exempt from federal income tax pursuant to section 501(c)(3)
14 of the internal revenue code of 1986 which uses firearms as a part of such
15 performance;

16 (4) hunting or trapping pursuant to a valid license issued to such
17 person pursuant to article 9 of chapter 32 of the Kansas Statutes
18 Annotated, and amendments thereto;

19 (5) traveling with any such firearm in such person's possession being
20 unloaded to or from any activity described in subsections (k)(1) through
21 (k)(4), only if such firearm is secured, unloaded and outside the immediate
22 access of such person;

23 (6) on real property under the control of such person's parent, legal
24 guardian or grandparent and who has the permission of such parent, legal
25 guardian or grandparent to possess such firearm; or

26 (7) at such person's residence and who, with the permission of such
27 person's parent or legal guardian, possesses such firearm for the purpose of
28 exercising the rights contained in K.S.A. 2014 Supp. 21-5222, 21-5223 or
29 21-5225, and amendments thereto.

30 (l) As used in this section, "throwing star" means any instrument,
31 without handles, consisting of a metal plate having three or more radiating
32 points with one or more sharp edges and designed in the shape of a
33 polygon, trefoil, cross, star, diamond or other geometric shape,
34 manufactured for use as a weapon for throwing.

35 Sec. 3. K.S.A. 2014 Supp. 21-6302 is hereby amended to read as
36 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
37 carrying:

38 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

39 (2) concealed on one's person, a billy, blackjack, slungshot or any
40 other dangerous or deadly weapon or instrument of like character;

41 (3) on one's person or in any land, water or air vehicle, with intent to
42 use the same unlawfully, a tear gas or smoke bomb or projector or any
43 object containing a noxious liquid, gas or substance; *or*

1 (4) any pistol, revolver or other firearm concealed on one's person
2 except when on the person's land or in the person's abode or fixed place of
3 business; or

4 ~~(5) any pistol, revolver or other firearm concealed on one's person if~~
5 ~~such person is under 21 years of age, except when on such person's land~~
6 ~~or in such person's abode or fixed place of business; or~~

7 (5) a shotgun with a barrel less than 18 inches in length or any other
8 firearm designed to discharge or capable of discharging automatically
9 more than once by a single function of the trigger whether the person
10 knows or has reason to know the length of the barrel or that the firearm is
11 designed or capable of discharging automatically.

12 (b) Criminal carrying of a weapon as defined in:

13 (1) Subsections (a)(1), (a)(2); or (a)(3) ~~or (a)(4)~~ is a class A
14 nonperson misdemeanor; and

15 (2) subsection ~~(a)(5)~~ (a)(4) is a severity level 9, nonperson felony.

16 (c) Subsection (a) shall not apply to:

17 (1) Law enforcement officers, or any person summoned by any such
18 officers to assist in making arrests or preserving the peace while actually
19 engaged in assisting such officer;

20 (2) wardens, superintendents, directors, security personnel and
21 keepers of prisons, penitentiaries, jails and other institutions for the
22 detention of persons accused or convicted of crime, while acting within the
23 scope of their authority;

24 (3) members of the armed services or reserve forces of the United
25 States or the Kansas national guard while in the performance of their
26 official duty; or

27 (4) the manufacture of, transportation to, or sale of weapons to a
28 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
29 such weapons.

30 ~~(d) Subsection (a)(4) shall not apply to:~~

31 ~~(1) Watchmen, while actually engaged in the performance of the~~
32 ~~duties of their employment;~~

33 ~~(2) licensed hunters or fishermen, while engaged in hunting or~~
34 ~~fishing;~~

35 ~~(3) private detectives licensed by the state to carry the firearm~~
36 ~~involved, while actually engaged in the duties of their employment;~~

37 ~~(4) detectives or special agents regularly employed by railroad~~
38 ~~companies or other corporations to perform full-time security or~~
39 ~~investigative service, while actually engaged in the duties of their~~
40 ~~employment;~~

41 ~~(5) the state fire marshal, the state fire marshal's deputies or any~~
42 ~~member of a fire department authorized to carry a firearm pursuant to~~
43 ~~K.S.A. 31-157, and amendments thereto, while engaged in an investigation~~

1 in which such fire marshal, deputy or member is authorized to carry a
2 firearm pursuant to K.S.A. 31-157, and amendments thereto;

3 ~~(6) special deputy sheriffs described in K.S.A. 19-827, and~~
4 ~~amendments thereto, who have satisfactorily completed the basic course of~~
5 ~~instruction required for permanent appointment as a part-time law~~
6 ~~enforcement officer under K.S.A. 74-5607a, and amendments thereto;~~

7 ~~(7) the United States attorney for the district of Kansas, the attorney~~
8 ~~general, any district attorney or county attorney, any assistant United~~
9 ~~States attorney if authorized by the United States attorney for the district~~
10 ~~of Kansas, any assistant attorney general if authorized by the attorney~~
11 ~~general, or any assistant district attorney or assistant county attorney if~~
12 ~~authorized by the district attorney or county attorney by whom such~~
13 ~~assistant is employed. The provisions of this paragraph shall not apply to~~
14 ~~any person not in compliance with K.S.A. 2014 Supp. 75-7e19, and~~
15 ~~amendments thereto;~~

16 ~~(8) any law enforcement officer, as that term is defined in K.S.A.~~
17 ~~2014 Supp. 75-7e22, and amendments thereto, who satisfies the~~
18 ~~requirements of either subsection (a) or (b) of K.S.A. 2014 Supp. 75-7e22,~~
19 ~~and amendments thereto; or~~

20 ~~(9) any person carrying a concealed handgun as authorized by K.S.A.~~
21 ~~2014 Supp. 75-7e01 et seq., and amendments thereto.~~

22 ~~(e) (d) Subsection (a)(5) (a)(4) shall not apply to:~~

23 (1) Any person who sells, purchases, possesses or carries a firearm,
24 device or attachment which has been rendered unserviceable by steel weld
25 in the chamber and marriage weld of the barrel to the receiver and which
26 has been registered in the national firearms registration and transfer record
27 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
28 and, if such person transfers such firearm, device or attachment to another
29 person, has been so registered in the transferee's name by the transferor;

30 (2) any person employed by a laboratory which is certified by the
31 United States department of justice, national institute of justice, while
32 actually engaged in the duties of their employment and on the premises of
33 such certified laboratory. Subsection ~~(a)(5) (a)(4)~~ shall not affect the
34 manufacture of, transportation to or sale of weapons to such certified
35 laboratory; or

36 (3) any person or entity in compliance with the national firearms act,
37 26 U.S.C. § 5801 et seq.

38 ~~(f) It shall not be a violation of this section if a person violates the~~
39 ~~provisions of K.S.A. 2014 Supp. 75-7e03, and amendments thereto, but~~
40 ~~has an otherwise valid license to carry a concealed handgun which is~~
41 ~~issued or recognized by this state.~~

42 ~~(g) (e) As used in this section, "throwing star" means the same as~~
43 ~~prescribed by K.S.A. 2014 Supp. 21-6301, and amendments thereto.~~

1 Sec. 4. K.S.A. 2014 Supp. 21-6308 is hereby amended to read as
2 follows: 21-6308. (a) Criminal discharge of a firearm is the:

3 (1) Reckless and unauthorized discharge of any firearm:

4 (A) At a dwelling, building or structure in which there is a human
5 being whether the person discharging the firearm knows or has reason to
6 know that there is a human being present;

7 (B) at a motor vehicle, aircraft, watercraft, train, locomotive, railroad
8 car, caboose, rail-mounted work equipment or rolling stock or other means
9 of conveyance of persons or property in which there is a human being
10 whether the person discharging the firearm knows or has reason to know
11 that there is a human being present;

12 (2) reckless and unauthorized discharge of any firearm at a dwelling
13 in which there is no human being; or

14 (3) discharge of any firearm:

15 (A) Upon any land or nonnavigable body of water of another, without
16 having obtained permission of the owner or person in possession of such
17 land; or

18 (B) upon or from any public road, public road right-of-way or
19 railroad right-of-way except as otherwise authorized by law.

20 (b) Criminal discharge of a firearm as defined in:

21 (1) Subsection (a)(1) is a:

22 (A) Severity level 7, person felony except as provided in subsection
23 (b)(1)(B) or (b)(1)(C);

24 (B) severity level 3, person felony if such criminal discharge results
25 in great bodily harm to a person during the commission thereof; or

26 (C) severity level 5, person felony if such criminal discharge results
27 in bodily harm to a person during the commission thereof;

28 (2) subsection (a)(2) is a severity level 8, person felony; and

29 (3) subsection (a)(3) is a class C misdemeanor.

30 (c) Subsection (a)(1) shall not apply if the act is a violation of
31 ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-5412(d), and amendments thereto.

32 (d) Subsection (a)(3) shall not apply to any of the following:

33 (1) Law enforcement officers, or any person summoned by any such
34 officers to assist in making arrests or preserving the peace while actually
35 engaged in assisting such officer;

36 (2) wardens, superintendents, directors, security personnel and
37 keepers of prisons, penitentiaries, jails and other institutions for the
38 detention of persons accused or convicted of crime, while acting within the
39 scope of their authority;

40 (3) members of the armed services or reserve forces of the United
41 States or the national guard while in the performance of their official duty;

42 (4) watchmen, while actually engaged in the performance of the
43 duties of their employment;

1 (5) private detectives licensed by the state to carry the firearm
2 involved, while actually engaged in the duties of their employment;

3 (6) detectives or special agents regularly employed by railroad
4 companies or other corporations to perform full-time security or
5 investigative service, while actually engaged in the duties of their
6 employment;

7 (7) the state fire marshal, the state fire marshal's deputies or any
8 member of a fire department authorized to carry a firearm pursuant to
9 K.S.A. 31-157, and amendments thereto, while engaged in an investigation
10 in which such fire marshal, deputy or member is authorized to carry a
11 firearm pursuant to K.S.A. 31-157, and amendments thereto; or

12 (8) the United States attorney for the district of Kansas, the attorney
13 general, or any district attorney or county attorney, while actually engaged
14 in the duties of their employment or any activities incidental to such
15 duties; any assistant United States attorney if authorized by the United
16 States attorney for the district of Kansas and while actually engaged in the
17 duties of their employment or any activities incidental to such duties; any
18 assistant attorney general if authorized by the attorney general and while
19 actually engaged in the duties of their employment or any activities
20 incidental to such duties; or any assistant district attorney or assistant
21 county attorney if authorized by the district attorney or county attorney by
22 whom such assistant is employed and while actually engaged in the duties
23 of their employment or any activities incidental to such duties. ~~The~~
24 ~~provisions of this paragraph shall not apply to any person not in~~
25 ~~compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto.~~

26 Sec. 5. K.S.A. 2014 Supp. 21-6309 is hereby amended to read as
27 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement
28 of a culpable mental state, a firearm:

29 (1) Within any building located within the capitol complex;

30 (2) within the governor's residence;

31 (3) on the grounds of or in any building on the grounds of the
32 governor's residence;

33 (4) within any other state-owned or leased building if the secretary of
34 administration has so designated by rules and regulations and
35 conspicuously placed signs clearly stating that firearms are prohibited
36 within such building; or

37 (5) within any county courthouse, unless, by county resolution, the
38 board of county commissioners authorize the possession of a firearm
39 within such courthouse.

40 (b) Violation of this section is a class A misdemeanor.

41 (c) This section shall not apply to:

42 (1) A commissioned law enforcement officer;

43 (2) a full-time salaried law enforcement officer of another state or the

- 1 federal government who is carrying out official duties while in this state;
- 2 (3) any person summoned by any such officer to assist in making
3 arrests or preserving the peace while actually engaged in assisting such
4 officer; or
- 5 (4) a member of the military of this state or the United States engaged
6 in the performance of duties.
- 7 (d) It is not a violation of this section for ~~the~~:
- 8 (1) *The* governor, the governor's immediate family, or specifically
9 authorized guest of the governor to possess a firearm within the governor's
10 residence or on the grounds of or in any building on the grounds of the
11 governor's residence;
- 12 (2) *the* United States attorney for the district of Kansas, the attorney
13 general, any district attorney or county attorney, any assistant United
14 States attorney if authorized by the United States attorney for the district
15 of Kansas, any assistant attorney general if authorized by the attorney
16 general, or any assistant district attorney or assistant county attorney if
17 authorized by the district attorney or county attorney by whom such
18 assistant is employed, to possess a firearm within any county courthouse
19 and court-related facility, subject to any restrictions or prohibitions
20 imposed in any courtroom by the chief judge of the judicial district. ~~The~~
21 ~~provisions of this paragraph shall not apply to any person not in~~
22 ~~compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto; or~~
- 23 (3) law enforcement officers, as that term is defined in K.S.A. 2014
24 Supp. 75-7c22, and amendments thereto, who satisfy the requirements of
25 either ~~subsection (a) or (b) of K.S.A. 2014 Supp. 75-7c22(a) or (b), and~~
26 ~~amendments thereto, to possess a firearm; or~~
- 27 (4) *an individual to possess a concealed handgun provided such*
28 *individual is not prohibited from possessing a firearm under either federal*
29 *or state law.*
- 30 ~~(e) It is not a violation of this section for a person to possess a~~
31 ~~handgun as authorized under the personal and family protection act.~~
- 32 ~~(f)~~ (e) Notwithstanding the provisions of this section, any county may
33 elect by passage of a resolution that the provisions of subsection (d)(2)
34 shall not apply to such county's courthouse or court-related facilities if
35 such:
- 36 (1) Buildings have adequate security measures to ensure that no
37 weapons are permitted to be carried into such buildings;
- 38 (2) county also has a policy or regulation requiring all law
39 enforcement officers to secure and store such officer's firearm upon
40 entering the courthouse or court-related facility. Such policy or regulation
41 may provide that it does not apply to court security or sheriff's office
42 personnel for such county; and
- 43 (3) buildings have a sign conspicuously posted at each entryway into

1 such building stating that the provisions of subsection (d)(2) do not apply
2 to such building.

3 ~~(g)~~ (f) As used in this section:

4 (1) "Adequate security measures" shall have the same meaning as the
5 term is defined in K.S.A. 2014 Supp. 75-7c20, and amendments thereto;

6 (2) "possession" means having joint or exclusive control over a
7 firearm or having a firearm in a place where the person has some measure
8 of access and right of control; and

9 (3) "capitol complex" means the same as in K.S.A. 75-4514, and
10 amendments thereto.

11 ~~(h)~~ (g) For the purposes of subsections (a)(1), (a)(4) and (a)(5),
12 "building" and "courthouse" shall not include any structure, or any area of
13 any structure, designated for the parking of motor vehicles.

14 Sec. 6. K.S.A. 2014 Supp. 32-1002 is hereby amended to read as
15 follows: 32-1002. (a) Unless and except as permitted by law or rules and
16 regulations adopted by the secretary in accordance with K.S.A. 32-805,
17 and amendments thereto, it is unlawful for any person to:

18 (1) Hunt, fish, furharvest or take any wildlife in this state by any
19 means or manner;

20 (2) possess any wildlife, dead or alive, at any time or in any number,
21 in this state;

22 (3) purchase, sell, exchange, ship or offer for sale, exchange or
23 shipment any wildlife in this state;

24 (4) take any wildlife in this state for sale, exchange or other
25 commercial purposes;

26 (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish
27 spear, fish trap or other device, contrivance or material for the purpose of
28 taking wildlife; or

29 (6) take or use, at any time or in any manner, any game bird, game
30 animal, coyote or furbearing animal, whether pen-raised or wild, in any
31 field trial or for training dogs.

32 (b) The provisions of subsections (a)(2) and (a)(3) do not apply to
33 animals sold in surplus property disposal sales of department exhibit herds
34 or animals legally taken outside this state, except the provisions of
35 subsection (a)(3) shall apply to:

36 (1) The meat of game animals legally taken outside this state; and

37 (2) other restrictions as provided by rule and regulation of the
38 secretary.

39 (c) The provisions of this section shall not be construed to prevent:

40 (1) Any person from taking starlings or English and European
41 sparrows;

42 (2) owners or legal occupants of land from killing any animals when
43 found in or near buildings on their premises or when destroying property,

1 subject to the following: (A) The provisions of all federal laws and
2 regulations governing protected species and the provisions of K.S.A. 32-
3 957 through 32-963, and amendments thereto, and rules and regulations
4 adopted thereunder; (B) it is unlawful to use, or possess with intent to use,
5 any such animal so killed unless authorized by rules and regulations of the
6 secretary; and (C) such owners or legal occupants shall make reasonable
7 efforts to alleviate their problems with any such animals before killing
8 them;

9 ~~(3) any person who is licensed under the personal and family~~
10 ~~protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from~~
11 ~~exercising the right to carry a concealed handgun while lawfully hunting,~~
12 ~~fishing or furharvesting;~~

13 ~~(4) any person who lawfully possesses a handgun from carrying such~~
14 ~~handgun, *whether concealed or openly carried*, while lawfully hunting,~~
15 ~~fishing or furharvesting; or~~

16 ~~(5) (4) any person who lawfully possesses a device or attachment of~~
17 ~~any kind designed, used or intended for use in suppressing the report of~~
18 ~~any firearm from using such device or attachment in conjunction with~~
19 ~~lawful hunting, fishing or furharvesting.~~

20 (d) Any person convicted of violating provisions of this section shall
21 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments
22 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,
23 relating to big game and wild turkey.

24 Sec. 7. K.S.A. 2014 Supp. 75-7c01 is hereby amended to read as
25 follows: 75-7c01. K.S.A. 2014 Supp. 75-7c01 through ~~75-7e19~~ 75-7c23,
26 and amendments thereto, shall be known and may be cited as the personal
27 and family protection act.

28 Sec. 8. K.S.A. 2014 Supp. 75-7c03 is hereby amended to read as
29 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
30 concealed handguns to persons who comply with the application and
31 training requirements of this act and who are not disqualified under K.S.A.
32 2014 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
33 throughout the state for a period of four years from the date of issuance.
34 *The availability of licenses to carry concealed handguns under this act*
35 *shall not be construed to impose a general prohibition on the carrying of*
36 *handguns without such license, whether carried openly or concealed, or*
37 *loaded or unloaded.*

38 (b) The license shall be a separate card, in a form prescribed by the
39 attorney general, that is approximately the size of a Kansas driver's license
40 and shall bear the licensee's signature, name, address, date of birth and
41 driver's license number or nondriver's identification card number except
42 that the attorney general shall assign a unique number for military
43 applicants or their dependents described in ~~subsection (a)(1)(B) of~~ K.S.A.

1 2014 Supp. 75-7c05(a)(1)(B), and amendments thereto. At all times when
2 the licensee is in actual possession of a concealed handgun, the licensee
3 shall carry the valid license to carry concealed handguns. On demand of a
4 law enforcement officer, the licensee shall display the license to carry
5 concealed handguns and proper identification. Verification by a law
6 enforcement officer that a person holds a valid license to carry a concealed
7 handgun may be accomplished by record check using the person's driver's
8 license information or the person's concealed carry license number.

9 The license of any person who violates the provisions of this subsection
10 shall be suspended for not less than 30 days upon the first violation and
11 shall be revoked for not less than five years upon a second or subsequent
12 violation. However, a violation of this subsection shall not constitute a
13 violation of subsection (a)(4) of K.S.A. 21-4201, prior to its repeal, or
14 subsection (a)(4) of K.S.A. 2014 Supp. 21-6302, and amendments thereto,
15 if the licensee's license is valid.

16 (e) (1) Subject to the provisions of subsection (c)(2), a valid license
17 or permit to carry concealed weapons, issued by another jurisdiction, shall
18 be recognized by this state, but only while the holder is not a resident of
19 Kansas.

20 (2) A valid license or permit that is recognized by this subsection, and
21 a 180-day receipt that has been issued in accordance with this section,
22 shall only entitle the lawful holder thereof to carry concealed handguns, as
23 defined by K.S.A. 2014 Supp. 75-7e02, and amendments thereto, in this
24 state and the holder thereof shall otherwise act in accordance with the laws
25 of this state while such holder is present in this state.

26 (d) The attorney general shall issue a 180-day receipt to a person
27 who:

28 (1) Establishes residency in this state on and after July 1, 2010;

29 (2) except as provided in subsection (c), submits an application for
30 licensure under this act in accordance with subsection (b) of K.S.A. 2014
31 Supp. 75-7e05, and amendments thereto; and

32 (3) submits with such person's application for licensure a photocopy
33 of a valid license or permit to carry concealed handguns issued by another
34 jurisdiction.

35 (e) Prior to the expiration of the 180-day receipt, an applicant for
36 licensure under this section shall submit proof of training to the attorney
37 general which was:

38 (1) Completed in accordance with subsection (b)(1) of K.S.A. 2014
39 Supp. 75-7e04, and amendments thereto; or

40 (2) utilized to obtain the applicant's license or permit from another
41 jurisdiction and the attorney general determines that such prior training is
42 equal to or greater than the training standards required by this act.

43 Submission of an applicant's proof of training under this subsection is

1 considered complete on the date the proof of training is either hand-
2 delivered to the attorney general or, if sent by mail, on the date the mailing
3 is postmarked.

4 ~~(f) (1) Except as provided in subsection (f)(3), an applicant for~~
5 ~~licensure under this section may continue to carry concealed handguns in~~
6 ~~this state upon receiving a 180-day receipt issued by the attorney general.~~

7 ~~(2) At all times when the applicant is carrying a concealed handgun,~~
8 ~~the applicant shall carry: (A) Such applicant's valid license or permit from~~
9 ~~another jurisdiction; and (B) the 180-day receipt issued by the attorney~~
10 ~~general.~~

11 ~~(3) An applicant whose concealed carry license or permit from~~
12 ~~another jurisdiction becomes invalid prior to the expiration of the attorney~~
13 ~~general's 180-day receipt may not carry concealed handguns unless~~
14 ~~otherwise allowed by law.~~

15 ~~(g) The attorney general may:~~

16 ~~(1) Create a list of concealed carry handgun licenses or permits issued~~
17 ~~by other jurisdictions which the attorney general finds have training~~
18 ~~requirements that are equal to or greater than those of this state and will~~
19 ~~automatically qualify for recognition under this section; and~~

20 ~~(2) review each application received under this section to determine if~~
21 ~~the applicant's previous training qualifications were equal to or greater~~
22 ~~than those of this state.~~

23 ~~(h) (1) Prior to the expiration of the applicant's 180-day receipt, the~~
24 ~~attorney general shall either approve or deny an application under this~~
25 ~~section.~~

26 ~~(2) Upon successful review of a background check in accordance~~
27 ~~with K.S.A. 2014 Supp. 75-7e05, and amendments thereto, and upon~~
28 ~~receipt of all required documentation and moneys outlined in this section,~~
29 ~~the attorney general shall approve an application received under this~~
30 ~~section.~~

31 ~~(3) If an applicant under this section is disqualified under the~~
32 ~~provisions of K.S.A. 2014 Supp. 75-7e04, and amendments thereto, or~~
33 ~~fails to submit sufficient proof of training, the attorney general shall deny~~
34 ~~the application in accordance with K.S.A. 2014 Supp. 75-7e07, and~~
35 ~~amendments thereto.~~

36 ~~(i) For the purposes of this section:~~

37 ~~(1) "Equal to or greater than" means the applicant's prior training~~
38 ~~meets or exceeds the training established in this act by having required, at~~
39 ~~a minimum, the applicant to: (A) Receive instruction on the laws of self-~~
40 ~~defense; and (B) demonstrate training and competency in the safe~~
41 ~~handling, storage and actual firing of handguns.~~

42 ~~(2) "Jurisdiction" means another state or the District of Columbia.~~

43 ~~(3) "Valid license or permit" means a concealed carry handgun-~~

1 ~~license or permit from another jurisdiction which has not expired and,~~
2 ~~except for any residency requirement of the issuing jurisdiction, is~~
3 ~~currently in good standing.~~

4 Sec. 9. K.S.A. 2014 Supp. 75-7c04 is hereby amended to read as
5 follows: 75-7c04. (a) The attorney general shall not issue a license
6 pursuant to this act if the applicant:

7 (1) Is not a resident of the county where application for licensure is
8 made or is not a resident of the state;

9 (2) is prohibited from shipping, transporting, possessing or receiving
10 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
11 thereto, or K.S.A. 21-4204, prior to its repeal, or ~~subsections (a)(10)~~
12 ~~through (a)(13) of K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or~~
13 ~~subsections (a)(1) through (a)(3) of K.S.A. 2014 Supp. 21-6304(a)(1)~~
14 ~~through (a)(3), and amendments thereto;~~

15 (3) has been convicted of or was adjudicated a juvenile offender
16 because of the commission of an act which if done by an adult would
17 constitute the commission of any of the offenses described in ~~subsections~~
18 ~~(a)(1) and (a)(3)(A) of K.S.A. 2014 Supp. 21-6304(a)(1) and (a)(3), and~~
19 ~~amendments thereto; or~~

20 (4) is less than 21 years of age.

21 (b) (1) The attorney general shall adopt rules and regulations
22 establishing procedures and standards as authorized by this act for an
23 eight-hour handgun safety and training course required by this section.
24 Such standards shall include: (A) A requirement that trainees receive
25 training in the safe storage of handguns, actual firing of handguns and
26 instruction in the laws of this state governing the carrying of concealed
27 handguns and the use of deadly force; (B) general guidelines for courses
28 which are compatible with the industry standard for basic handgun training
29 for civilians; (C) qualifications of instructors; and (D) a requirement that
30 the course be: (i) A handgun course certified or sponsored by the attorney
31 general; or (ii) a handgun course certified or sponsored by the national
32 rifle association or by a law enforcement agency, college, private or public
33 institution or organization or handgun training school, if the attorney
34 general determines that such course meets or exceeds the standards
35 required by rules and regulations adopted by the attorney general and is
36 taught by instructors certified by the attorney general or by the national
37 rifle association, if the attorney general determines that the requirements
38 for certification of instructors by such association meet or exceed the
39 standards required by rules and regulations adopted by the attorney
40 general. Any person wanting to be certified by the attorney general as an
41 instructor shall submit to the attorney general an application in the form
42 required by the attorney general and a fee not to exceed \$150.

43 (2) The cost of the handgun safety and training course required by

1 this section shall be paid by the applicant. The following shall constitute
2 satisfactory evidence of satisfactory completion of an approved handgun
3 safety and training course:

4 (A) Evidence of completion of the course, in the form provided by
5 rules and regulations adopted by the attorney general;

6 (B) an affidavit from the instructor, school, club, organization or
7 group that conducted or taught such course attesting to the completion of
8 the course by the applicant; or

9 (C) a determination by the attorney general pursuant to subsection ~~(d)~~
10 of K.S.A. 2014 Supp. 75-7c03, and amendments thereto (c).

11 (c) *The attorney general may:*

12 (1) *Create a list of concealed carry handgun licenses or permits*
13 *issued by other jurisdictions which the attorney general finds have*
14 *training requirements that are equal to or greater than those of this state;*
15 *and*

16 (2) *review each application received pursuant to K.S.A. 2014 Supp.*
17 *75-7c05, and amendments thereto, to determine if the applicant's previous*
18 *training qualifications were equal to or greater than those of this state.*

19 (d) *For the purposes of this section:*

20 (1) *"Equal to or greater than" means the applicant's prior training*
21 *meets or exceeds the training established in this section by having*
22 *required, at a minimum, the applicant to: (A) Receive instruction on the*
23 *laws of self-defense; and (B) demonstrate training and competency in the*
24 *safe handling, storage and actual firing of handguns.*

25 (2) *"Jurisdiction" means another state or the District of Columbia.*

26 (3) *"License or permit" means a concealed carry handgun license or*
27 *permit from another jurisdiction which has not expired and, except for any*
28 *residency requirement of the issuing jurisdiction, is currently in good*
29 *standing.*

30 Sec. 10. K.S.A. 2014 Supp. 75-7c05 is hereby amended to read as
31 follows: 75-7c05. (a) The application for a license pursuant to this act shall
32 be completed, under oath, on a form prescribed by the attorney general and
33 shall only include:

34 (1) (A) Subject to the provisions of subsection (a)(1)(B), the name,
35 address, social security number, Kansas driver's license number or Kansas
36 nondriver's license identification number, place and date of birth, a
37 photocopy of the applicant's driver's license or nondriver's identification
38 card and a photocopy of the applicant's certificate of training course
39 completion; (B) in the case of an applicant who presents proof that such
40 person is on active duty with any branch of the armed forces of the United
41 States, or is the dependent of such a person, and who does not possess a
42 Kansas driver's license or Kansas nondriver's license identification, the
43 number of such license or identification shall not be required;

1 (2) a statement that the applicant is in compliance with criteria
2 contained within K.S.A. 2014 Supp. 75-7c04, and amendments thereto;

3 (3) a statement that the applicant has been furnished a copy of this act
4 and is knowledgeable of its provisions;

5 (4) a conspicuous warning that the application is executed under oath
6 and that a false answer to any question, or the submission of any false
7 document by the applicant, subjects the applicant to criminal prosecution
8 under K.S.A. 2014 Supp. 21-5903, and amendments thereto; and

9 (5) a statement that the applicant desires a concealed handgun license
10 as a means of lawful self-defense.

11 (b) The applicant shall submit to the sheriff of the county where the
12 applicant resides, during any normal business hours:

13 (1) A completed application described in subsection (a);

14 (2) a nonrefundable license fee of \$132.50, if the applicant has not
15 previously been issued a statewide license or if the applicant's license has
16 permanently expired, which fee shall be in the form of two cashier's
17 checks, personal checks or money orders of \$32.50 payable to the sheriff
18 of the county where the applicant resides and \$100 payable to the attorney
19 general;

20 (3) if applicable, a photocopy of the proof of training required by
21 ~~subsection (d) of~~ K.S.A. 2014 Supp. ~~75-7e03~~ 75-7c04(b)(1), and
22 amendments thereto; and

23 (4) a full frontal view photograph of the applicant taken within the
24 preceding 30 days.

25 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) ~~of~~
26 ~~this section~~, shall provide for the full set of fingerprints of the applicant to
27 be taken and forwarded to the attorney general for purposes of a criminal
28 history records check as provided by subsection (d). In addition, the sheriff
29 shall forward to the attorney general the application and the portion of the
30 original license fee which is payable to the attorney general. The cost of
31 taking such fingerprints shall be included in the portion of the fee retained
32 by the sheriff. Notwithstanding anything in this section to the contrary, an
33 applicant shall not be required to submit fingerprints for a renewal
34 application under K.S.A. 2014 Supp. 75-7c08, and amendments thereto.

35 (2) The sheriff of the applicant's county of residence or the chief law
36 enforcement officer of any law enforcement agency, at the sheriff's or chief
37 law enforcement officer's discretion, may participate in the process by
38 submitting a voluntary report to the attorney general containing readily
39 discoverable information, corroborated through public records, which,
40 when combined with another enumerated factor, establishes that the
41 applicant poses a significantly greater threat to law enforcement or the
42 public at large than the average citizen. Any such voluntary reporting shall
43 be made within 45 days after the date the sheriff receives the application.

1 Any sheriff or chief law enforcement officer submitting a voluntary report
2 shall not incur any civil or criminal liability as the result of the good faith
3 submission of such report.

4 (3) All funds retained by the sheriff pursuant to the provisions of this
5 section shall be credited to a special fund of the sheriff's office which shall
6 be used solely for the purpose of administering this act.

7 (d) Each applicant shall be subject to a state and national criminal
8 history records check which conforms to applicable federal standards,
9 including an inquiry of the national instant criminal background check
10 system for the purpose of verifying the identity of the applicant and
11 whether the applicant has been convicted of any crime or has been the
12 subject of any restraining order or any mental health related finding that
13 would disqualify the applicant from holding a license under this act. The
14 attorney general is authorized to use the information obtained from the
15 state or national criminal history record check to determine the applicant's
16 eligibility for such license.

17 ~~(e) Except as provided in K.S.A. 2014 Supp. 75-7c03, and~~
18 ~~amendments thereto,~~ Within 90 days after the date of receipt of the items
19 listed in subsection (b), the attorney general shall:

20 (1) Issue the license and certify the issuance to the department of
21 revenue; or

22 (2) deny the application based solely on: (A) The report submitted by
23 the sheriff or other chief law enforcement officer under subsection (c)(2)
24 for good cause shown therein; or (B) the ground that the applicant is
25 disqualified under the criteria listed in K.S.A. 2014 Supp. 75-7c04, and
26 amendments thereto. If the attorney general denies the application, the
27 attorney general shall notify the applicant in writing, stating the ground for
28 denial and informing the applicant the opportunity for a hearing pursuant
29 to the Kansas administrative procedure act.

30 (f) Each person issued a license shall pay to the department of
31 revenue a fee for the cost of the license which shall be in amounts equal to
32 the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments
33 thereto, for replacement of a driver's license.

34 (g) (1) A person who is a retired law enforcement officer, as defined
35 in K.S.A. 2014 Supp. 21-5111, and amendments thereto, shall be: (A)
36 Required to pay an original license fee as provided in subsection (b)(2), to
37 be forwarded by the sheriff to the attorney general; (B) exempt from the
38 required completion of a handgun safety and training course if such person
39 was certified by the Kansas commission on peace officer's standards and
40 training, or similar body from another jurisdiction, not more than eight
41 years prior to submission of the application; (C) required to pay the license
42 renewal fee; (D) required to pay to the department of revenue the fees
43 required by subsection (f); and (E) required to comply with the criminal

1 history records check requirement of this section.

2 (2) Proof of retirement as a law enforcement officer shall be required
3 and provided to the attorney general in the form of a letter from the agency
4 head, or their designee, of the officer's retiring agency that attests to the
5 officer having retired in good standing from that agency as a law
6 enforcement officer for reasons other than mental instability and that the
7 officer has a nonforfeitable right to benefits under a retirement plan of the
8 agency.

9 (h) A person who is a corrections officer, a parole officer or a
10 corrections officer employed by the federal bureau of prisons, as defined
11 by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay
12 an original license fee as provided in subsection (b)(2); (2) exempt from
13 the required completion of a handgun safety and training course if such
14 person was issued a certificate of firearms training by the department of
15 corrections or the federal bureau of prisons or similar body not more than
16 one year prior to submission of the application; (3) required to pay the
17 license renewal fee; (4) required to pay to the department of revenue the
18 fees required by subsection (f); and (5) required to comply with the
19 criminal history records check requirement of this section.

20 Sec. 11. K.S.A. 2014 Supp. 75-7c10 is hereby amended to read as
21 follows: 75-7c10. Subject to the provisions of K.S.A. 2014 Supp. 75-7c20,
22 and amendments thereto:

23 (a) ~~Provided that the building is conspicuously posted in accordance~~
24 ~~with rules and regulations adopted by the attorney general as a building~~
25 ~~where carrying a concealed handgun is prohibited, no license issued~~
26 ~~pursuant to or recognized by this act shall authorize the licensee to carry a~~
27 ~~concealed handgun into any building~~ *The carrying of a concealed*
28 *handgun shall not be prohibited in any building unless such building is*
29 *conspicuously posted in accordance with rules and regulations adopted by*
30 *the attorney general.*

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

32 (1) Any public or private employer from restricting or prohibiting by
33 personnel policies persons ~~licensed under this act~~ from carrying a
34 concealed handgun while on the premises of the employer's business or
35 while engaged in the duties of the person's employment by the employer,
36 except that no employer may prohibit possession of a handgun in a private
37 means of conveyance, even if parked on the employer's premises; or

38 (2) any private business or city, county or political subdivision from
39 restricting or prohibiting persons ~~licensed or recognized under this act~~
40 from carrying a concealed handgun within a building or buildings of such
41 entity, provided that the building is posted in accordance with rules and
42 regulations adopted by the attorney general pursuant to subsection ~~(h)~~ (i),
43 as a building where carrying a concealed handgun is prohibited.

1 (c) (1) Any private entity which provides adequate security measures
2 in a private building and which conspicuously posts signage in accordance
3 with this section prohibiting the carrying of a concealed handgun in such
4 building ~~as authorized by the personal and family protection act~~ shall not
5 be liable for any wrongful act or omission relating to actions of persons
6 ~~licensed to carry~~ *carrying* a concealed handgun concerning acts or
7 omissions regarding such handguns.

8 (2) Any private entity which does not provide adequate security
9 measures in a private building and which allows the carrying of a
10 concealed handgun ~~as authorized by the personal and family protection act~~
11 shall not be liable for any wrongful act or omission relating to actions of
12 persons ~~licensed to carry~~ *carrying* a concealed handgun concerning acts or
13 omissions regarding such handguns.

14 (3) Nothing in this act shall be deemed to increase the liability of any
15 private entity where liability would have existed under the personal and
16 family protection act prior to the effective date of this act.

17 (d) The governing body or the chief administrative officer, if no
18 governing body exists, of any of the following institutions may permit any
19 employee, ~~who is licensed to carry a concealed handgun as authorized by~~
20 ~~the provisions of K.S.A. 2014 Supp. 75-7e01 et seq., and amendments~~
21 ~~thereto~~, to carry a concealed handgun in any building of such institution, if
22 the employee meets such institution's own policy requirements regardless
23 of whether such building is conspicuously posted in accordance with the
24 provisions of this section:

25 (1) A unified school district;

26 (2) a postsecondary educational institution, as defined in K.S.A. 74-
27 3201b, and amendments thereto;

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

30 (4) a state or municipal-owned adult care home, as defined in K.S.A.
31 39-923, and amendments thereto;

32 (5) a community mental health center organized pursuant to K.S.A.
33 19-4001 et seq., and amendments thereto; or

34 (6) an indigent health care clinic, as defined by K.S.A. 2014 Supp.
35 65-7402, and amendments thereto.

36 (e) (1) It shall be a violation of this section to carry a concealed
37 handgun in violation of any restriction or prohibition allowed by
38 subsection (a) or (b) if the building is posted in accordance with rules and
39 regulations adopted by the attorney general pursuant to subsection ~~(h)~~ (i).
40 Any person who violates this section shall not be subject to a criminal
41 penalty but may be subject to denial to such premises or removal from
42 such premises.

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

1 violation of this section for the United States attorney for the district of
2 Kansas, the attorney general, any district attorney or county attorney, any
3 assistant United States attorney if authorized by the United States attorney
4 for the district of Kansas, any assistant attorney general if authorized by
5 the attorney general, or any assistant district attorney or assistant county
6 attorney if authorized by the district attorney or county attorney by whom
7 such assistant is employed, to possess a handgun within any of the
8 buildings described in subsection (a) or (b), subject to any restrictions or
9 prohibitions imposed in any courtroom by the chief judge of the judicial
10 district. ~~The provisions of this paragraph shall not apply to any person who
11 is not in compliance with K.S.A. 2014 Supp. 75-7c19, and amendments
12 thereto.~~

13 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a
14 violation of this section for a law enforcement officer, as that term is
15 defined in K.S.A. 2014 Supp. 75-7c22, and amendments thereto, who
16 satisfies the requirements of either ~~subsection (a) or (b) of~~ K.S.A. 2014
17 Supp. 75-7c22(a) *or* (b), and amendments thereto, to possess a handgun
18 within any of the buildings described in subsection (a) or (b), subject to
19 any restrictions or prohibitions imposed in any courtroom by the chief
20 judge of the judicial district.

21 (f) On and after July 1, 2014, ~~provided that the provisions of K.S.A.
22 2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
23 the provisions of this section shall not apply to the carrying of a concealed
24 handgun in the state capitol.

25 (g) For the purposes of this section:

26 (1) "Adequate security measures" shall have the same meaning as the
27 term is defined in K.S.A. 2014 Supp. 75-7c20, and amendments thereto;

28 (2) "building" shall not include any structure, or any area of any
29 structure, designated for the parking of motor vehicles.

30 (h) Nothing in this act shall be construed to authorize the carrying or
31 possession of a handgun where prohibited by federal law.

32 (i) The attorney general shall adopt rules and regulations prescribing
33 the location, content, size and other characteristics of signs to be posted on
34 a building where carrying a concealed handgun is prohibited pursuant to
35 subsections (a) and (b). Such regulations shall prescribe, at a minimum,
36 that:

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

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

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

42 (4) signs which become illegible for any reason be immediately
43 replaced.

1 Sec. 12. K.S.A. 2014 Supp. 75-7c17 is hereby amended to read as
2 follows: 75-7c17. (a) The legislature finds as a matter of public policy and
3 fact that it is necessary to provide statewide uniform standards for issuing
4 licenses to carry concealed handguns for self-defense and finds it
5 necessary to occupy the field of regulation of the bearing of concealed
6 handguns for self-defense to ensure that no honest, law-abiding person
7 who qualifies under the provisions of this act is subjectively or arbitrarily
8 denied the person's rights. No city, county or other political subdivision of
9 this state shall regulate, restrict or prohibit the carrying of concealed
10 handguns by ~~persons licensed under this act~~ *individuals* except as provided
11 in K.S.A. 2014 Supp. 21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or
12 75-7c20, and amendments thereto, ~~and in subsection (b) of K.S.A. 2014~~
13 ~~Supp. 75-7c10, and amendments thereto, and subsection (f) of~~ or K.S.A.
14 21-4218(f), prior to its repeal, ~~or subsection (c) of K.S.A. 2014 Supp. 21-~~
15 ~~6309, and amendments thereto.~~ Any existing or future law, ordinance, rule,
16 regulation or resolution enacted by any city, county or other political
17 subdivision of this state that regulates, restricts or prohibits the carrying of
18 concealed handguns by ~~persons licensed under this act~~ *individuals* except
19 as provided in K.S.A. 2014 Supp. 21-6301, 21-6302, 21-6304, 21-6309,
20 75-7c10 or 75-7c20, and amendments thereto, ~~and in subsection (b) of~~
21 ~~K.S.A. 2014 Supp. 75-7c10, and amendments thereto, and subsection (f)~~
22 ~~of or K.S.A. 21-4218(f), prior to its repeal, or subsection (c) of K.S.A.~~
23 ~~2014 Supp. 21-6309, and amendments thereto,~~ shall be null and void.

24 (b) Prosecution of any person ~~licensed under the personal and family~~
25 ~~protection act, and amendments thereto, for violating any restrictions on~~
26 ~~licensees will~~ *shall* be done through the district court.

27 (c) The legislature does not delegate to the attorney general the
28 authority to regulate or restrict the issuing of licenses provided for in this
29 act, beyond those provisions of this act pertaining to licensing and training.
30 Subjective or arbitrary actions or rules and regulations which encumber
31 the issuing process by placing burdens on the applicant beyond those
32 sworn statements and specified documents detailed in this act or which
33 create restrictions beyond those specified in this act are in conflict with the
34 intent of this act and are prohibited.

35 (d) This act shall be liberally construed. This act is supplemental and
36 additional to existing constitutional rights to bear arms and nothing in this
37 act shall impair or diminish such rights.

38 Sec. 13. K.S.A. 2014 Supp. 75-7c20 is hereby amended to read as
39 follows: 75-7c20. (a) The carrying of a concealed handgun ~~as authorized~~
40 ~~by the personal and family protection act~~ shall not be prohibited in any
41 state or municipal building unless such building has adequate security
42 measures to ensure that no weapons are permitted to be carried into such
43 building and the building is conspicuously posted in accordance with

1 K.S.A. 2014 Supp. 75-7c10, and amendments thereto.

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

6 (c) No state agency or municipality shall prohibit an employee ~~who is~~
7 ~~licensed to carry a concealed handgun under the provisions of the personal~~
8 ~~and family protection act~~ from carrying ~~such a~~ concealed handgun at the
9 employee's work place unless the building has adequate security measures
10 and the building is conspicuously posted in accordance with K.S.A. 2014
11 Supp. 75-7c10, and amendments thereto.

12 (d) It shall not be a violation of the personal and family protection act
13 for a person to carry a concealed handgun into a state or municipal
14 building so long as that person is ~~licensed to carry a concealed handgun~~
15 ~~under the provisions of the personal and family protection act~~ and has
16 authority to enter through a restricted access entrance into such building
17 which provides adequate security measures and the building is
18 conspicuously posted in accordance with K.S.A. 2014 Supp. 75-7c10, and
19 amendments thereto.

20 (e) A state agency or municipality which provides adequate security
21 measures in a state or municipal building and which conspicuously posts
22 signage in accordance with K.S.A. 2014 Supp. 75-7c10, and amendments
23 thereto, prohibiting the carrying of a concealed handgun in such building,
24 ~~as authorized by the personal and family protection act, such state agency~~
25 ~~or municipality~~ shall not be liable for any wrongful act or omission
26 relating to actions of persons ~~licensed to carry~~ *carrying* a concealed
27 handgun concerning acts or omissions regarding such handguns.

28 (f) A state agency or municipality which does not provide adequate
29 security measures in a state or municipal building and which allows the
30 carrying of a concealed handgun ~~as authorized by the personal and family~~
31 ~~protection act~~ shall not be liable for any wrongful act or omission relating
32 to actions of persons ~~licensed to carry~~ *carrying* a concealed handgun
33 concerning acts or omissions regarding such handguns.

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

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

1 enforcement or armed security officers.

2 (i) The governing body or the chief administrative officer, if no
3 governing body exists, of a state or municipal building, may exempt the
4 building from this section until January 1, 2014, by notifying the Kansas
5 attorney general and the law enforcement agency of the local jurisdiction
6 by letter of such exemption. Thereafter, such governing body or chief
7 administrative officer may exempt a state or municipal building for a
8 period of only four years by adopting a resolution, or drafting a letter,
9 listing the legal description of such building, listing the reasons for such
10 exemption, and including the following statement: "A security plan has
11 been developed for the building being exempted which supplies adequate
12 security to the occupants of the building and merits the prohibition of the
13 carrying of a concealed handgun as authorized by the personal and family
14 protection act." A copy of the security plan for the building shall be
15 maintained on file and shall be made available, upon request, to the
16 Kansas attorney general and the law enforcement agency of local
17 jurisdiction. Notice of this exemption, together with the resolution adopted
18 or the letter drafted, shall be sent to the Kansas attorney general and to the
19 law enforcement agency of local jurisdiction. The security plan shall not
20 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 ~~only~~ by stating the reasons for such exemption and sending notice of
25 such 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. 2014 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. 2014 Supp. 75-7c22, and
42 amendments thereto, who satisfies the requirements of either ~~subsection~~
43 ~~(a) or (b) of K.S.A. 2014 Supp. 75-7c22(a) or (b)~~, and amendments

1 thereto, from carrying a concealed handgun into any state or municipal
2 building in accordance with the provisions of K.S.A. 2014 Supp. 75-7c22,
3 and amendments thereto, subject to any restrictions or prohibitions
4 imposed in any courtroom by the 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) The terms "municipality" and "municipal" are interchangeable
16 and have the same meaning as the term "municipality" is defined in K.S.A.
17 75-6102, and amendments thereto, but does not include school districts.

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

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

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

28 (B) On and after July 1, 2014, ~~provided that the provisions of K.S.A.~~
29 ~~2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
30 the term "state and municipal building" shall not include the state capitol.

31 (6) "Weapon" means a weapon described in K.S.A. 2014 Supp. 21-
32 6301, and amendments thereto, except the term "weapon" shall not include
33 any cutting instrument that has a sharpened or pointed blade.

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

36 Sec. 14. K.S.A. 2014 Supp. 75-7c21 is hereby amended to read as
37 follows: 75-7c21. (a) ~~A license issued under K.S.A. 2014 Supp. 75-7e01 et~~
38 ~~seq., and amendments thereto, shall authorize the licensee to~~ *An individual*
39 *may* carry a concealed handgun in the state capitol ~~in accordance with the~~
40 ~~provisions of K.S.A. 2014 Supp. 75-7e01 et seq., and amendments thereto,~~
41 *provided such individual is not prohibited from possessing a firearm under*
42 *either federal or state law.*

43 (b) ~~The provisions of this section shall take effect and be in force~~

1 ~~from and after July 1, 2014, unless the legislative coordinating council~~
2 ~~determines that on July 1, 2014, the state capitol does have adequate~~
3 ~~security measures, as that term is defined in K.S.A. 2014 Supp. 75-7c20,~~
4 ~~and amendments thereto, to ensure that no weapons are permitted to be~~
5 ~~carried into the state capitol. Such determination shall be made on or after~~
6 ~~June 1, 2014, but no later than July 1, 2014.~~

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

9 Sec. 15. K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-
10 6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17,
11 75-7c19, 75-7c20 and 75-7c21 are hereby repealed.

12 Sec. 16. This act shall take effect and be in force from and after its
13 publication in the statute book.