

HOUSE BILL No. 2378

By Committee on Federal and State Affairs

2-19

1 AN ACT concerning firearms; relating to restrictions on the possession
2 thereof in subsidized housing rental agreements; amending K.S.A.
3 2018 Supp. 75-7c10 and repealing the existing section.
4

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

6 New Section 1. (a) A rental agreement for a subsidized apartment
7 may not contain a provision or impose a rule that requires a person to
8 agree, as a condition of tenancy, to a prohibition or restriction on the
9 lawful ownership, use or possession of a firearm, a firearm component or
10 ammunition within the tenant's specific rental unit. A landlord may impose
11 reasonable restrictions related to the possession, use or transport of a
12 firearm, a firearm component or ammunition within common areas, as
13 long as those restrictions do not circumvent the purpose of this section. A
14 tenant shall exercise reasonable care in the storage of a firearm, a firearm
15 component or ammunition.

16 (b) If a landlord brings an action to enforce a provision or rule
17 prohibited under subsection (a), a tenant, or household member or guest of
18 such tenant, may recover actual damages sustained by such tenant,
19 household member or guest and reasonable attorney fees.

20 (c) Except in cases of willful, reckless or gross negligence, a landlord
21 is not liable in a civil action for personal injury, death, property damage or
22 other damages resulting from or arising out of an occurrence involving a
23 firearm, a firearm component or ammunition that the landlord is required
24 to allow on the property under this section.

25 (d) As used in this section:

26 (1) "Firearm" has the same meaning as that term is defined in K.S.A.
27 2018 Supp. 21-5111, and amendments thereto.

28 (2) "Rental agreement" means an agreement, written or oral, and
29 valid rules and regulations embodying the terms and conditions concerning
30 the use and occupancy of a dwelling unit and premises.

31 (3) (A) "Subsidized apartment" means a rental unit for which the
32 landlord receives rental assistance payments under a rental assistance
33 agreement administered by the United States department of agriculture
34 under the multi-family housing rental assistance program under title V of
35 the federal housing act of 1949, or receives housing assistance payments
36 under a housing assistance payment contract administered by the United

1 States department of housing and urban development under the housing
2 choice voucher program, the new construction program, the substantial
3 rehabilitation program or the moderate rehabilitation program under
4 section 8 of the United States housing act of 1937.

5 (B) "Subsidized apartment" does not include owner-occupied housing
6 accommodations of four units or fewer.

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

9 Sec. 2. K.S.A. 2018 Supp. 75-7c10 is hereby amended to read as
10 follows: 75-7c10. Subject to the provisions of K.S.A. 2018 Supp. 75-7c20,
11 *and section 1*, and amendments thereto:

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

15 (b) Nothing in this act shall be construed to prevent any private
16 employer from restricting or prohibiting by personnel policies persons
17 from carrying a concealed handgun while on the premises of the
18 employer's business or while engaged in the duties of the person's
19 employment by the employer, except that no employer may prohibit
20 possession of a handgun in a private means of conveyance, even if parked
21 on the employer's premises.

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

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

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

36 (d) The governing body or the chief administrative officer, if no
37 governing body exists, of any of the following institutions may permit any
38 employee, who is legally qualified, to carry a concealed handgun in any
39 building of such institution, if the employee meets such institution's own
40 policy requirements regardless of whether such building is conspicuously
41 posted in accordance with the provisions of this section:

42 (1) A unified school district;

43 (2) a postsecondary educational institution, as defined in K.S.A. 74-

1 3201b, and amendments thereto;

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

4 (4) a state or municipal-owned adult care home, as defined in K.S.A.
5 39-923, and amendments thereto;

6 (5) a community mental health center organized pursuant to K.S.A.
7 19-4001 et seq., and amendments thereto; or

8 (6) an indigent health care clinic, as defined by K.S.A. 65-7402, and
9 amendments thereto.

10 (e) No public employer shall restrict or otherwise prohibit by
11 personnel policies any employee, who is legally qualified, from carrying
12 any concealed handgun while engaged in the duties of such employee's
13 employment outside of such employer's place of business, including while
14 in a means of conveyance. Public employers shall not be liable for any
15 wrongful or negligent act of an employee carrying a concealed handgun
16 that is not being carried in the course and scope of such employee's
17 employment, concerning acts or omissions regarding such handguns.

18 (f) (1) It shall be a violation of this section to carry a concealed
19 handgun in violation of any restriction or prohibition allowed by
20 subsection (a) or (b) if the building is posted in accordance with rules and
21 regulations adopted by the attorney general pursuant to subsection (j). Any
22 person who violates this section shall not be subject to a criminal penalty
23 but may be subject to denial to such premises or removal from such
24 premises.

25 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a
26 violation of this section for the United States attorney for the district of
27 Kansas, the attorney general, any district attorney or county attorney, any
28 assistant United States attorney if authorized by the United States attorney
29 for the district of Kansas, any assistant attorney general if authorized by
30 the attorney general, or any assistant district attorney or assistant county
31 attorney if authorized by the district attorney or county attorney by whom
32 such assistant is employed, to possess a handgun within any of the
33 buildings described in subsection (a) or (b), subject to any restrictions or
34 prohibitions imposed in any courtroom by the chief judge of the judicial
35 district.

36 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a
37 violation of this section for a law enforcement officer, as that term is
38 defined in K.S.A. 2018 Supp. 75-7c22, and amendments thereto, who
39 satisfies the requirements of either K.S.A. 2018 Supp. 75-7c22(a) or (b),
40 and amendments thereto, to possess a handgun within any of the buildings
41 described in subsection (a) or (b), subject to any restrictions or
42 prohibitions imposed in any courtroom by the chief judge of the judicial
43 district.

- 1 (g) The provisions of this section shall not apply to the carrying of a
2 concealed handgun in the state capitol.
- 3 (h) For the purposes of this section:
 - 4 (1) "Adequate security measures" shall have the same meaning as the
5 term is defined in K.S.A. 2018 Supp. 75-7c20, and amendments thereto;
 - 6 (2) "building" shall not include any structure, or any area of any
7 structure, designated for the parking of motor vehicles; and
 - 8 (3) "public employer" means the state and any municipality as those
9 terms are defined in K.S.A. 75-6102, and amendments thereto, except the
10 term "public employer" shall not include school districts.
- 11 (i) Nothing in this act shall be construed to authorize the carrying or
12 possession of a handgun where prohibited by federal law.
- 13 (j) The attorney general shall adopt rules and regulations prescribing
14 the location, content, size and other characteristics of signs to be posted on
15 a building where carrying a concealed handgun is prohibited pursuant to
16 subsections (a) and (b). Such regulations shall prescribe, at a minimum,
17 that:
 - 18 (1) The signs be posted at all exterior entrances to the prohibited
19 buildings;
 - 20 (2) the signs be posted at eye level of adults using the entrance and
21 not more than 12 inches to the right or left of such entrance;
 - 22 (3) the signs not be obstructed or altered in any way; and
 - 23 (4) signs ~~which~~ *that* become illegible for any reason be immediately
24 replaced.
- 25 Sec. 3. K.S.A. 2018 Supp. 75-7c10 is hereby repealed.
- 26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.